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Proclamation 10812 of September 16, 2024

The President

Constitution Day and Citizenship Day, and Constitution Week, 2024

By the President of the United States of America

A Proclamation

It has been said that, when he was leaving the Constitutional Convention, Benjamin Franklin was asked whether the Founding Fathers had given America a monarchy or a republic, and he replied: “A republic, if you can keep it.” The Founders put the power to decide our Nation’s future in the hands of “We the People.” On Constitution Day and Citizenship Day, and during Constitution Week, we recommit to preserving our republic, perfecting our Union, and ensuring our democracy survives and thrives.

Our Constitution established that our Nation would be a democracy, meaning the rule of the people—not of monarchs, the monied, or the mighty. It gave us the separation of powers and checks and balances so that we would be a country that respects the institutions that govern a free society. And it remains the bulwark to prevent the abuse of power and ensures that “We the People” move forward together under the law. We are all responsible for maintaining our democracy—not only by adhering to the Constitution but also by our character and the habits of our hearts and minds. All of us must join the march to perfect our Union by protecting and expanding our rights with each successive generation.

I believe America is at an inflection point, one of those rare moments in history when the decisions we make now will determine the fate of our Nation and the world for decades to come. That is why we must continue to protect the rights guaranteed by our Constitution and the values that make our Nation who we are. We must protect the right to vote—it is the threshold of democracy: with it, anything is possible, and without it, nothing is. Vice President Harris and I continue to call on the Congress to pass the Freedom to Vote Act and the John Lewis Voting Rights Advancement Act to expand voting rights and prevent voter suppression. We will continue to work to protect women’s reproductive freedoms and their constitutional right to choose. We continue to call on the Congress to restore the protections of *Roe v. Wade* in Federal law once and for all. And we will continue to preserve and strengthen our democracy and will never walk away from the values that have made us the greatest Nation in the history of the world: freedom and liberty.

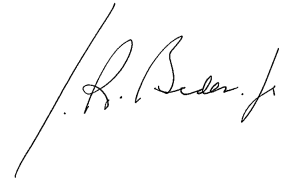
Today, we also celebrate the rights and responsibilities of citizenship. From those who were born in this country to our naturalized citizens, America remains a great country because we are a good people. We are a Nation of promise and possibilities, of dreamers and doers, and of ordinary Americans doing extraordinary things. May we welcome our Nation’s newest citizens, whose stories embody the hope of the American Dream and whose contributions strengthen our country.

On Constitution Day and Citizenship Day, and during Constitution Week, we recognize that the power to build a freer, more prosperous, and more just future lies in the hands of the American people. And we recommit to fulfilling the sacred tasks of our time—to ensure democracy prevails and to preserve our constitutional protections for generations to come.

To honor the timeless principles enshrined in our Constitution, the Congress has, by joint resolution of February 29, 1952 (36 U.S.C. 106), designated September 17 as “Constitution Day and Citizenship Day” and authorized the President to issue a proclamation calling on United States officials to display the flag of the United States on all Government buildings on that day. By joint resolution of August 2, 1956 (36 U.S.C. 108), the Congress further requested that the President proclaim the week beginning September 17 and ending September 23 of each year as “Constitution Week.”

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 September 17, 2024, as Constitution Day and Citizenship Day, and September 17 through September 23 as Constitution Week. On this day and during this week, we celebrate our Constitution and the rights of citizenship that we enjoy together as the proud people of this Nation.

IN WITNESS WHEREOF, I have hereunto set my hand this sixteenth day of September, 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-ninth.

A handwritten signature in black ink, appearing to read "J. R. Biden Jr.", is positioned in the lower right quadrant of the page. The signature is fluid and cursive, with a long, sweeping horizontal line extending to the left from the first letter.

Presidential Documents

Proclamation 10813 of September 16, 2024

National Voter Registration Day, 2024

By the President of the United States of America

A Proclamation

American democracy begins and ends with the ballot box—putting the right to vote and the right to decide our Nation’s future in the hands of “We the People.” Voting defines our threshold of liberty and makes everything possible. On National Voter Registration Day, we recommit to protecting the sacred right to vote, and we encourage every eligible American to register to vote.

Today, there are forces trying to take us back in time. They are trying to suppress voters and subvert elections. They are supporting unlimited dark money and extreme gerrymandering to try to influence the election system in their favor. We saw it on January 6, 2021, when a violent mob of insurrectionists and election deniers breached the Capitol. It is a solemn reminder that the work to secure our democracy and protect our fundamental rights and freedoms is not over in this country. Each generation must join the work to preserve our democratic values and norms.

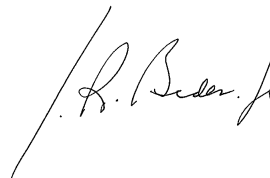
That is why, when I came into office, I was determined to secure the right to vote and the right to have every vote counted. I signed an Executive Order that directed the entire Federal Government to work on promoting non-partisan access to voter registration and election information. So far, Federal agencies have worked to make voter registration more accessible for veterans and college students. The Department of Justice has doubled its voting rights enforcement staff. United States Citizenship and Immigration Services has worked to ensure that all newly naturalized citizens understand the privilege of voting and have the opportunity to register. And the Department of the Interior is working to increase Indigenous peoples’ access to voter registration. Furthermore, Vice President Kamala Harris declared National Voter Registration Day to be one of three National Days of Action on Voting Rights, calling on all Americans, regardless of political affiliation, to come together to encourage voter registration. This year, one of my guests at the State of the Union was one of the brave Americans who marched in Selma, Alabama, nearly 60 years ago on “Bloody Sunday.” Thanks to these activists who fought tirelessly for the right to vote—from Seneca Falls, New York, to Selma, Alabama—the 19th Amendment was ratified and the Voting Rights Act was signed into law. But to fully secure the right to vote in every State, the Congress must take action and pass the Freedom to Vote Act and the John Lewis Voting Rights Advancement Act.

Today, I am thinking of a quote from Benjamin Franklin. When he was asked if the Founding Fathers had given America a monarchy or a republic, he responded, “A republic, if you can keep it.” On National Voter Registration Day, we are reminded that our republic is in our hands and it is incumbent upon us to maintain it. It is in that spirit that we encourage every eligible American to ensure they are registered to vote. You can verify that your registration is accurate and up to date and offer to help your neighbors do the same. For more information, visit Vote.gov.

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 laws of the United States, do hereby proclaim September 17, 2024,

as National Voter Registration Day. I call on all eligible Americans to observe this day by ensuring that they are accurately registered and by committing to cast a ballot in upcoming elections.

IN WITNESS WHEREOF, I have hereunto set my hand this sixteenth day of September, 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-ninth.

A handwritten signature in black ink, appearing to read "Joe Biden", with a long, sweeping horizontal line extending to the left.

Rules and Regulations

Federal Register
Vol. 89, No. 182
Thursday, September 19, 2024

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

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CONSUMER FINANCIAL PROTECTION BUREAU

12 CFR Part 1002
[Docket No. CFPB–2024–0018]
RIN 3170–AA09

Small Business Lending Under the Equal Credit Opportunity Act (Regulation B); Extension of Compliance Dates; Correction
AGENCY: Consumer Financial Protection Bureau.
ACTION: Interim final rule with request for public comment; correcting amendment.

SUMMARY: On July 3, 2024, the Consumer Financial Protection Bureau (CFPB) published the “Small Business Lending Under the Equal Credit Opportunity Act (Regulation B); Extension of Compliance Dates” interim final rule with request for public comment (interim rule) in the **Federal Register**. Amendatory instruction 2 in the interim rule contained a typographical error; this document corrects this typographical error.
DATES: This correction is effective September 19, 2024.
FOR FURTHER INFORMATION CONTACT: George Karithanom, Regulatory Implementation and Guidance Program Analyst, Office of Regulations, at 202–435–7700 or <https://reginquiries.consumerfinance.gov/>. If you require this document in an alternative electronic format, please contact CFPB_Accessibility@cfpb.gov.
SUPPLEMENTARY INFORMATION: On July 3, 2024, the Consumer Financial Protection Bureau (CFPB) published the interim rule in the **Federal Register**.¹ Amendatory instruction 2 in the third column of page 55029 of volume 89 of the **Federal Register** contained a typographical error. Specifically, the phrase “2. Section 1002.14 is amended

by:” should have read: “2. Section 1002.114 is amended by:”. The CFPB is issuing this document to correct this typographical error.

List of Subjects in 12 CFR Part 1002
Banks, banking, Civil rights, Consumer protection, Credit, Credit unions, Marital status discrimination, National banks, Penalties.
Authority and Issuance
For the reasons set forth in the preamble, the CFPB amends Regulation B, 12 CFR part 1002, by making the following correcting amendment:

PART 1002—EQUAL CREDIT OPPORTUNITY ACT (REGULATION B)

- 1. The authority citation for part 1002 continues to read as follows:
Authority: 12 U.S.C. 5512, 5581; 15 U.S.C. 1691b. Subpart B is also issued under 15 U.S.C. 1691c–2.
- 2. Section 1002.114 is amended:
 - a. In paragraph (b)(1), by removing “October 1, 2024” and adding in its place “July 18, 2025”;
 - b. In paragraph (b)(2), by removing “April 1, 2025” and adding in its place “January 16, 2026”;
 - c. In paragraphs (b)(3) and (4), by removing “January 1, 2026” and adding in its place “October 18, 2026”; and
 - d. By adding paragraph (c)(3).

The addition reads as follows:
§ 1002.114 Effective date, compliance date, and special transitional rules.
* * * * *
(c) * * *

(3) *Alternative time period for determining compliance dates.* A financial institution is permitted to use its originations of covered credit transactions in each of calendar years 2023 and 2024 in lieu of calendar years 2022 and 2023 as specified in paragraphs (b) and (c)(2) of this section.

Paul Hannah,
Senior Counsel and Federal Register Liaison,
Consumer Financial Protection Bureau.
[FR Doc. 2024–21265 Filed 9–18–24; 8:45 am]
BILLING CODE 4810–AM–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration
14 CFR Part 71
[Docket No. FAA–2023–1957; Airspace Docket No. 23–AAL–28]
RIN 2120–AA66

Amendment of Jet Route J–133 and Establishment of Area Navigation Route Q–801 in the Vicinity of Anchorage, AK
AGENCY: Federal Aviation Administration (FAA), DOT.
ACTION: Final rule; correction.

SUMMARY: This action corrects a final rule published in the **Federal Register** of August 30, 2024, that amends Jet Route J–133 and establishes Area Navigation Route (RNAV) Q–801 in the vicinity of Anchorage, AK. This action corrects a typographical error in the preamble and in the regulatory text for J–133.
DATES: Effective date: 0901 UTC October 31, 2024.
ADDRESSES: 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, 600 Independence Avenue SW, Washington, DC 20597; telephone: (202) 267–8783.

FOR FURTHER INFORMATION CONTACT: Steven Roff, Airspace Policy Group, Office of Airspace Services, Federal Aviation Administration, 600 Independence Avenue SW, Washington, DC 20597; telephone (202) 267–8783.
SUPPLEMENTARY INFORMATION:

History
The FAA published a final rule in the **Federal Register** (89 FR 70474; August 30, 2024) for Docket No. FAA–2023–1957 that amends Jet Route J–133 and establishes RNAV route Q–801 in the vicinity of Anchorage, AK. Subsequent to publication, the FAA identified a typographical error in the preamble, **SUPPLEMENTARY INFORMATION**, The Rule section, and in the regulatory text for J–133. The final rule listed the route points in a North to South order. The route points should be listed in a South

¹ 89 FR 55024 (July 3, 2024).

or North order. This action corrects that error.

Correction to Final Rule

Accordingly, pursuant to the authority delegated to me, Amendment of Jet Route J-133 and Establishment of Area Navigation Route Q-801 in the Vicinity of Anchorage, SK, published in the **Federal Register** of August 30, 2024 (89 FR 70474), FR Doc. 2024-19356, is corrected as follows:

■ On page 70475, in column 2, under the heading “The Rule,” the second paragraph is revised to read as follows:

J-133: Jet route J-133 extends between Anchorage, AK, VOR/DME and Galena, AK, VOR/DME.

■ On page 70476, at the top of column 3, the description for Jet Route J-133 is revised to read as follows:

J-133 [Amended]

From Galena, AK to Anchorage, AK.

* * * * *

Issued in Washington, DC, on September 13, 2024.

Frank Lias,

Manager, Rules and Regulations Group.

[FR Doc. 2024-21260 Filed 9-18-24; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 401, 413, 415, 431, 435, 437, 440, 450, and 460

[Docket No. FAA-2023-1656; Amdt. Nos. 401-10, 413-13, 415-8, 431-8, 435-6, 437-4, 440-7, 450-3, 460-4]

RIN 2120-AL19

U.S. Commercial Space Launch Competitiveness Act Incorporation

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: This final rule incorporates various changes required by the United States Commercial Space Launch Competitiveness Act of 2015. This final rule provides regulatory clarity to applicants seeking licenses for space flight operations involving government astronauts by adding two new subparts to the human space flight regulations containing requirements for operators with government astronauts with and without safety-critical roles on board vehicles.

DATES: Effective November 18, 2024.

The compliance date for this final rule is November 18, 2024.

ADDRESSES: For information on where to obtain copies of rulemaking documents and other information related to this final rule, see “How to Obtain Additional Information” in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT:

Charles Huet, Space Policy Division, Space Regulations and Standards Branch, ASZ-210, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone (202) 306-9069; email charles.huet@faa.gov.

SUPPLEMENTARY INFORMATION:

List of Abbreviations and Acronyms Frequently Used in This Document

Expendable Launch Vehicle (ELV)
International Civil Aviation Organization (ICAO)
Maximum Probable Loss (MPL)
National Aeronautics and Space Administration (NASA)
Reusable Launch Vehicle (RLV)
United States Commercial Space Launch Competitiveness Act (CSLCA)
United States Government (USG)

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I. Authority for This Rulemaking

The Commercial Space Launch Act of 1984, as amended and codified at 51 U.S.C. 50901-50923 (the Act), authorizes the Secretary of

Transportation to oversee, license, and regulate commercial launch and reentry activities, and the operation of launch and reentry sites within the United States (U.S.) or as carried out by U.S. citizens. Section 50905 directs the Secretary to exercise this responsibility consistent with public health and safety, safety of property, and the national security and foreign policy interests of the United States. In addition, section 50903 requires the Secretary to encourage, facilitate, and promote commercial space launches and reentries by the private sector. As codified in 49 CFR 1.83(b), the Secretary has delegated authority to the FAA Administrator to carry out these functions.

II. Executive Summary

A. Purpose of the Regulatory Action

This rule makes several changes to incorporate government astronauts in the regulations, in accordance with the United States Commercial Space Launch Competitiveness Act (CSLCA).¹ It amends title 14 of the Code of Federal Regulations (14 CFR) parts 401, 413, 415, 431, 435, 437, 440, 450, and 460 by incorporating statutory changes resulting from the CSLCA. Specifically, it adds definitions for “Government astronaut,” “International partner astronaut,” and “International Space Station Intergovernmental Agreement,” and revises definitions of “Human space flight incident,” “Launch,” “Launch accident,” “Reenter; reentry” “Reentry accident,” and “Space flight participant,” to incorporate changes required by adding the definition of “Government astronaut.” The rule also creates two new subparts in 14 CFR part 460 that include requirements for operators and applicants whose licensed or permitted operations involve government astronauts with and without safety-critical roles on board a vehicle. The rule revises the human space flight sections of parts 415, 431, 435, 437, and 450 to add government astronauts to the list of people who can be on board a launch or reentry vehicle, and adds certain additional provisions in part 460 to the list of provisions with which an operator must comply.

Additionally, this rule expands the applicability of part 437 to include launching or reentering certain reusable suborbital vehicles. The rule also revises parts 401, 413, 415, 431, 435, 437, 440,

¹ The CSLCA adds government astronauts as a third category of people on board launch or reentry vehicles, excludes government astronauts from the definition of third party, adds space flight participants to the waiver of claims with operators, and expands the applicability of permits to more types of vehicles and operations.

450, and 460 to make conforming amendments to expand the eligibility for an experimental permit from reusable suborbital rockets to reusable suborbital vehicles.

The rule revises part 440 in accordance with the statute and makes conforming amendments. Specifically, it updates the financial responsibility requirements in part 440 to exclude government astronauts from the definitions of “Third party” and “Maximum probable loss (MPL)”. It also adds space flight participants to the insurance requirements in § 440.9 and the reciprocal waiver of claims requirements in § 440.17. Finally, this rule removes the templates for waiver of claims and assumption of responsibilities in appendices B through E of part 440 from the regulations and places them in a separate advisory circular (AC).

B. Changes From the Proposed Rule

The final rule makes several changes from the proposed rule. It replaces the proposed term “human being,” proposed in the notice, with “crew, space flight participant, or government astronaut” in the human space flight requirements of 14 CFR 415.8, 431.8, 435.8, and 437.21(b)(3). In 14 CFR 440.3, the final rule does not adopt the proposed change to government personnel; and excludes government astronaut from the definitions of MPL and third party. The final rule amends the proposed language regarding the reciprocal waiver of claims templates to specify that the templates contained in advisory circular AC 440.17–1 satisfy the reciprocal waiver of claims requirements in 14 CFR 440.17. The final rule replaces the proposed requirement in 14 CFR 460.59(d)(1) to track and update government astronaut training in writing with the requirement to provide traceability to revisions or changes to government astronaut training. Finally, the final rule changes the proposed requirement for operators to train government astronauts in 14 CFR 460.59 and 460.67 to a requirement that operators ensure government astronauts are trained.

C. Summary of the Costs and Benefits

These changes have a minimal impact on licensed commercial space activity with government astronauts because the changes align regulations with the current statutory requirements and practices for crew, space flight participants, and government astronauts. The FAA has been applying the statutory changes since they went into effect in 2015. Since this rule codifies these current practices, there is

effectively no change from the baseline practice without the rule, and therefore no measurable resulting benefits or costs.

III. Background

A. Summary of the NPRM

On August 18, 2023, the FAA published the notice of proposed rulemaking (NPRM) titled “U.S. Commercial Space Launch Competitiveness Act Incorporation” (88 FR 56546). The FAA also posted draft guidance material for the proposal in the form of a draft “AC 440.17–1 Reciprocal Waiver of Claims Requirements” for comment in the NPRM docket. This NPRM proposed to amend 14 CFR parts 401, 413, 415, 431, 435, 437, 440, 450, and 460 by incorporating statutory changes resulting from the CSLCA. The NPRM proposed to add definitions for “Government astronaut,” “International partner astronaut,” and “International Space Station Intergovernmental Agreement” and revise other definitions required to address the addition of “Government astronaut.” The NPRM also proposed expanding applicability of permitted operations for suborbital rockets to suborbital launch and reentry vehicles; revising the human space flight sections of parts 415, 431, 435, 437, and 450 to include the term “human being” to incorporate government astronauts; updating the financial responsibility requirements to exclude government astronauts from the definitions of “Third party” and “Government personnel” in part 440; adding space flight participants to the insurance requirements in § 440.9, and the reciprocal waiver of claims requirements in § 440.17; and removing the templates for waiver of claims and assumption of responsibilities in appendices B through E of part 440 from the regulations and placing them in a separate advisory circular (AC). Finally, the NPRM proposed creating two new subparts in 14 CFR part 460 to include requirements for operators and applicants who’s licensed or permitted operations involve government astronauts with and without safety-critical roles on board a vehicle.

B. General Overview of Comments

The FAA received 15 comments from individuals, industry associations, and launch and reentry operators. All of the commenters generally supported the proposed changes; however, some suggested changes to the proposal, as discussed more fully in Section IV.

The FAA received comments on the following general areas of the proposal:

1. Removing government astronauts from the definition of third party
2. Duplication of requirements
3. Informed consent of government astronauts
4. Government astronauts without a safety-critical role
5. Moving waiver of claims templates to an advisory circular
6. Government astronauts on permitted operations
7. Tracking government astronaut training requirements
8. Environmental controls
9. Use of the term “human being”
10. Aeronautical knowledge requirement
11. Permit eligibility
12. Government astronauts on foreign vehicles
13. Clarification on the role of international partner astronauts
14. Training of space flight participants for safety critical roles
15. Use of American National Standards Institute (ANSI) standard for human spaceflight ontology
16. Transparency of MPL Methodology
17. Commercial Use of Asteroid or Space Resources

C. Differences Between the NPRM and the Final Rule

The final rule does not adopt the proposed change to the definition of “government personnel” in 14 CFR 440.3; and excludes government astronauts from the definitions of third party and maximum probable loss in the same section. The final rule replaces the proposed term “human being” with “crew, space flight participant, or government astronaut” in 14 CFR 415.8, 431.8, 435.8, and 437.21(b)(3). The FAA also amends the government astronaut training requirements in the final rule to make clear that an operator must ensure government astronauts are appropriately trained but is not required to conduct that training itself. Finally, the final rule allows electronic means of tracking government astronaut training.

IV. Discussion of Comments and the Final Rule

The FAA makes changes to this final rule in response to comments made by the public. Summaries of the comments and the FAA’s responses are grouped by category in the following subsections.

A. Treatment of Government Astronauts Under Part 440

In accordance with the CSLCA,² this rule excludes government astronauts from the definition of third party. It also revises the definition of maximum

² 51 U.S.C. 50902 and 50914.

probable loss (MPL) such that government astronauts are not included in MPL calculations. It makes no change to the definition of government personnel.³

Title 51 U.S.C. chapter 509 requires a licensee to obtain insurance or demonstrate financial responsibility in amounts to compensate for the maximum probable loss from claims by third parties and the United States Government (USG) for certain specified claims. 51 U.S.C. 50914(a)(1). By excluding government astronauts from the definition of third party, government astronauts must also necessarily be excluded from the MPL calculation in § 50914(a)(1)(A). The NPRM proposed to exclude government astronauts from the definition of “third party” and consequently the definition of “government personnel” because government personnel are third parties under 14 CFR 440.3. Under the proposal, the presence of government astronauts during licensed or permitted activities would not affect the amount of insurance coverage operators are required to obtain under 14 CFR 440.9. Additionally, by excluding government astronauts from the definition of “government personnel” in § 440.3, government astronauts would have also necessarily been excluded as additional insureds under § 440.9(b).

Multiple commenters indicated that it is not clear in the NPRM who is responsible for losses to government astronauts during licensed activities. Sierra Space commented that it believes section 112(j) of the CSLCA amended the definition of “third party” in 51 U.S.C. 50902(26) to exclude government astronauts. Sierra Space found that this is a logical exclusion, as government astronauts are intentionally incorporated and integrated into launch missions and should not be treated as third parties for liability purposes.

Virgin Galactic commented that the removal of government astronauts from the definition of government personnel removes the requirement for licensees to obtain an insurance policy to protect government astronauts from their potential liability in their involvement in launch or reentry services. Virgin Galactic also commented that the exclusion of government astronauts from the definition of third party will prevent the FAA from including potential government astronaut claims in MPL calculations. Virgin Galactic requested that the FAA address the implications the exclusion of

government astronauts from the definition of third party will have on MPL determinations and indemnification eligibility under 51 U.S.C. 50915. Virgin Galactic noted that it understands the proposed rule as preventing licensees from being eligible for government indemnification when carrying government astronauts as government astronauts are neither third parties nor government personnel.

In the final rule, the FAA explicitly excludes government astronauts from the definition of “third party” in § 440.3 by adding the phrase “excluding government astronauts” and adding text that excludes government astronauts from government personnel as it is used in the definition of “third party.” Excluding government astronauts from being considered a third party effectively means that government astronauts are not included in MPL calculations and are therefore prevented from bringing claims as third parties. The presence of government astronauts on board a launch or reentry vehicle would therefore not increase MPL values. Because government astronauts are not third parties, they cannot recover for bodily injury or property damage they may suffer during licensed activities using the licensee’s or permittee’s insurance required under § 440.9. However, the USG could be responsible for losses to government astronauts who are USG employees because the USG agrees to be responsible for personal injury to, death of, or property damage or loss sustained by its own employees through the waiver of claims.

Excluding government astronauts from the definition of third parties does not affect the government indemnification provisions in 51 U.S.C. 50915. Section 50915 states that the USG, subject to appropriation or additional legislative authority, shall provide for the payment of certain successful claims by a third party as a result of licensed activity to the extent the total amount of successful claims related to one launch or reentry exceeds the insurance or demonstration of financial responsibility values and is less than the maximum amount set in § 50915(a)(1)(B). Virgin Galactic stated that it understands the proposal would prevent licensees from being eligible for government indemnification when carrying government astronauts as the government astronauts are neither third parties nor government personnel under the proposed rule.

The characterization of government astronauts as not being third parties under the CSLCA and part 440 does not affect whether a licensee receives

government indemnification under § 50915. Rather, the total number of successful claims, along with the necessary appropriations or legislation, are determining factors in whether a licensee receives government indemnification. A licensed activity with only government astronauts on board would not render that activity ineligible for government indemnification of a successful claim of a third party.

In the final rule, the FAA does not amend the definition of government personnel in 14 CFR 440.3. By rulemaking finalized in 1998, the FAA added the term “government personnel” to part 440 and added government personnel to the list of additional insureds. Financial Responsibility Requirements for Licensed Launch Activities, Final Rule, 63 FR 45592 (Aug. 26, 1998). As it explained in the preamble to the final rule, the FAA made these changes in response to a Senate Report stating that Congress intended for government personnel directly associated with the commercial launch operations to be classified as third parties. S. Rep. No. 100–593 (1988). The FAA additionally stated in the Financial Responsibility Requirements for Licensed Launch Activities NPRM, published in 1996, that treating government personnel as third parties and naming them as additional insureds is in accord with the definition of third party contained in the statute. Financial Responsibility Requirements for Licensed Launch Activities, NPRM, 61 FR 38992 (July 25, 1996). This is because employees of the USG are different than the USG as an entity. Because of this distinction, treating USG employees as third parties did not conflict with the statute.

In 2015, Congress explicitly excluded government astronauts from the definition of third parties. There is no legislative history to suggest that Congress also wanted the FAA to exclude government astronauts who are USG personnel from being protected as additional insureds. In fact, under the CSLCA, Congress made changes to the additional insureds requirement in 51 U.S.C. 50914(a)(4) by adding space flight participants as additional insureds but did not make any changes to explicitly exclude government astronauts. Therefore, government astronauts who are USG personnel should also be treated as additional insureds. The FAA need not make any changes to § 440.9(b) to include government astronauts because any government astronauts who are employees of the USG are necessarily

³ The NPRM proposed changing the definition of “government personnel” but the final rule is not adopting that change.

included as additional insureds by being government personnel.

B. Duplication of Requirements

This rule finalizes the proposal to create two new subparts in part 460 to address the training of government astronauts with safety-critical and non-safety-critical roles during licensed activity. The FAA revises the language in the proposal regarding training government astronauts to clarify that while an operator is responsible for ensuring that a government astronaut is appropriately trained, the operator itself is not required to conduct the training.

SpaceX commented that the FAA's proposed changes to part 460 would duplicate training requirements with no material increase to public safety and would place additional regulatory burden on operators. SpaceX argued that NASA's training requirements are sufficient and should automatically be accepted by the FAA. SpaceX also noted that it believes the NPRM could potentially conflict with NASA's or other government agencies' training requirements in the future. SpaceX stated that the FAA already recognizes the appropriateness of certain NASA training requirements by referring to them in the NPRM. SpaceX also noted that all or nearly all of the part 460 regulations could be met by current Crew Dragon training approved by NASA as part of the Commercial Crew Program. While SpaceX agreed with the FAA's statements in the NPRM that the FAA has broader regulatory authority to protect public safety, SpaceX does not believe the FAA has articulated why a streamlined acceptance of NASA training requirements is insufficient to protect public safety. To support its position, SpaceX stated that the part 450 payload review and determination requirements explicitly remove any duplication of government oversight in § 450.43(b) in which the FAA defers payload review to agencies with principal regulatory responsibility. SpaceX noted that the FAA should adopt the same approach as it relates to government astronaut training requirements in part 460. SpaceX recommended that the FAA revise the final rule to codify that its training requirements are "not intended to duplicate, conflict with, or replace NASA's training requirements for government astronauts" by following the § 450.43(b) model. SpaceX suggested a single update in § 460.59 applicable only to government astronauts that states "An operator must certify that each government astronaut is trained in accordance with requirements established or approved by the National

Aeronautics and Space Administration for government astronauts." SpaceX stated that these revisions will provide flexibility for any future updates to training processes with NASA or the incorporation of NASA-approved training regimens with other government agencies, both domestically and internationally.

Under 51 U.S.C. chapter 509, the FAA has the authority and responsibility to protect public safety during launches and reentries. NASA does not share this public safety oversight authority. Because government astronauts may have the ability to affect public safety, the FAA must establish regulations to mitigate any public safety risk. Furthermore, the FAA notes that NASA does not currently provide all government astronaut training for a commercially operated mission. An operator would provide vehicle- and mission-specific training because it is the most familiar with the specific vehicle and operation. The FAA chose to use part 460 crew training requirements to evaluate past licenses involving government astronauts because crew similarly have the capability to affect public safety. An operator can meet part 460 requirements by leveraging the contractual obligations between NASA and the operator. NASA contractual obligations require the operator to comply with requirements NASA uses to certify operations to the International Space Station contained in the Crew Transportation Technical Management Process CCT-PLN-1120 Section 6.3.1, Crew Transportation and Services Requirements Document CCT-REQ-1130 Section 3.8.5.1, and Crew Transportation Operations Standards CCT-STD-1150 Section 5. NASA certifies that government astronauts received the training required by contract, and the FAA uses that certification as verification that the operator meets the FAA regulations. NASA provides certification and the FAA evaluates the contractual requirements during the licensing process. The FAA notes that there will be no change to how licenses involving government astronauts are evaluated and issued as a result of this rule.

The payload review requirements in 14 CFR 450.43(b) specify that the FAA will not make a payload determination for those aspects of payloads that are subject to regulation by the Federal Communications Commission (FCC) or the Department of Commerce. The FAA will review all payloads to determine their effect on safety of launch but will not make a determination on those aspects of payloads that are subject to regulation by the FCC or the Department

of Commerce. *Streamlined Launch and Reentry License Requirements*, Final Rule, 85 FR 79566, 79589 (Dec. 10, 2020). Similarly, in this rule, the FAA finalizes requirements that allow the FAA to satisfy its responsibility to evaluate licenses for operations including government astronauts for the purposes of a government astronaut's potential to affect public safety.

While the FAA maintains its authority to issue regulations relating to the training of government astronauts to protect public safety, it acknowledges that the operator may not always be the entity conducting the training. For example, some training may be provided by NASA or by a contractor. Therefore, in this final rule the FAA changes the text in §§ 460.59 and 460.67 training sections for government astronauts from "an operator must train each government astronaut" to "an operator must ensure that each government astronaut is trained". Instead of requiring operators to train each government astronaut, the FAA rule specifies that an operator must ensure that training has been provided to each government astronaut. This change clarifies that operators do not necessarily need to be the entity providing the training; however, the requirement is still levied on the operator to ensure that government astronauts have been trained in accordance with the regulatory requirements.

C. Informed Consent of Government Astronauts

This final rule does not require government astronauts to sign informed consent forms with operators. Two commenters disagreed with this approach.

Virgin Galactic commented that not all potential government astronauts may be in the NASA Astronaut Corps or have the level of training to understand the inherent risks associated with spaceflight activities. Virgin Galactic also commented that there are several state statutes that protect licensees from liability when informed consent is provided.

Blue Origin commented that the requirements in § 460.45 are intended to illuminate the specific risks and hazards associated with the commercial safety record of each launch vehicle, as well as the general risks of spaceflight. Blue Origin noted that it remains prudent to provide government astronauts with the same information and opportunities for dialogue available to space flight participants. Blue Origin also recommended that government astronauts without safety-critical roles

be informed of the risks associated with spaceflight, similar to the informed consent space flight participants must provide. Blue Origin suggested that the FAA adopt language similar to § 460.45 in its proposed subpart D to apply the same requirement to government astronauts without a safety-critical role.

The FAA is not adding a requirement that government astronauts provide informed consent to the final rule because, as it stated in the NPRM, government astronauts are aware of the risks of space flight. As explained in the NPRM, the NASA Administrator designates government astronauts, and that designation implies appropriate knowledge and training for the performance of official duties. In addition, there is no statutory requirement for government astronauts to sign informed consent forms and doing so may interfere with their rights under the Federal Employees' Compensation Act. Therefore, the U.S. government should inform government astronauts of any risks they may be exposed to while performing official duties. This applies to all government astronauts, including those with a safety-critical role.

In response to Virgin Galactic's concern that state statutes protect licensees from liability when informed consent is provided, in most, if not all, of these states the respective statutes provide specific informed consent language that serves as a waiver of claims between the operator and the participant. The consideration of informed consent as a waiver of claims is further reason why a government astronaut should not sign an informed consent agreement with the operator because government astronauts do not waive claims.

In response to Blue Origin's comment that government astronauts should receive the same mission information and opportunity to discuss that information with the operator, the FAA notes that the fact that there is not a regulatory requirement for government astronauts to sign an informed consent form does not preclude operators from providing information to and speaking with government astronauts. An operator may inform a government astronaut about the unique risks and safety record of the vehicle, but the FAA will not require a government astronaut's signature on an informed consent agreement.

D. Moving Waiver of Claims Templates to an AC

This rule finalizes the proposal to move the templates for waiver of claims in appendix B through E of part 440 to

a separate advisory circular and adds language to clarify that these templates are approved by the FAA and may be used to meet the requirements in § 440.17.

SpaceX disagreed with moving the templates to a separate advisory circular. Specifically, SpaceX noted that the inclusion of cross-waivers in the part 440 appendices has streamlined negotiations related to cross-waivers between licensees or permittees and customers and has therefore also lessened FAA's burden to review cross-waiver submissions to ensure compliance with the regulations. SpaceX stated that although the current language of § 440.17 allows for submission of a "form that otherwise provides all the same obligations and benefits" as the cross-waivers contained in the part 440 appendices, as a practical matter, licensees simply submit the cross-waiver forms contained in the appendices. SpaceX emphasized that moving the sample forms out of an appendix into a separate advisory circular will be confusing to less frequent signers of cross-waivers and will encourage more negotiation between the licensee or permittee and the individuals or entities required to sign cross-waivers. SpaceX noted that any such negotiation that results in changes to the cross-waiver language will then add to the FAA's burden by requiring the FAA to spend additional time reviewing the submission to ensure compliance with § 440.17.

Sierra Space commented that the language proposed in § 440.17 could potentially be read to imply that the Administrator must approve the form used for the waivers in each case. Sierra Space recommended rewording the language in § 440.17 to clarify that review or approval by the Administrator is not required if a licensee adopts the language already set forth in a template published by the FAA.

An individual commented that they support the FAA's proposal to move the cross-waiver templates to an advisory circular because the templates are merely examples of how to meet a regulation and are not themselves regulatory.

This rule moves the waiver of claims templates from the part 440 appendices to an advisory circular because these templates are not regulatory, but simply examples, and moving them to an advisory circular provides greater flexibility to update or revise as needed. These templates are provided to assist operators with meeting the reciprocal waiver of claims requirements but are not the only means by which an operator may meet those requirements.

They are, therefore, more appropriately located in an advisory circular. SpaceX and Sierra Space commented that the language in the NPRM's proposed § 440.17 was not clear that the waiver of claims forms in the advisory circular would be acceptable and approved by the FAA without the need for additional legal review, unless modified. Therefore, the FAA is revising the language in § 440.17 to state: "The reciprocal waiver of claims must be in a form acceptable to the Administrator, such as those contained in advisory circular AC 440.17–1." This change will clarify that the reciprocal waiver of claims templates found in AC 440.17–1, or any future updates, are acceptable to the FAA and may be used to meet the requirements in § 440.17.

E. Government Astronauts on Permitted Operations

The final rule would not prohibit government astronauts from being onboard during permitted operations.⁴ Some commenters questioned whether government astronauts would ever be part of a permitted operation.

Ascendant Spaceflight Services (Ascendant) commented that the FAA should delete references to "government astronaut" in permitted operations because suborbital vehicles in the development or experimental phase would not be carrying government astronauts. Rather, those vehicles would only be carrying crew. Ascendant asserted that experimental permit human space flight requirements in § 437.5 only apply to crew.

The FAA does not agree. While § 437.5 does identify launch or reentry for the purpose of crew training as eligible for an experimental permit, § 437.5(b) states that eligibility for a permit also includes a showing of compliance with requirements for obtaining a license. An operator may choose to conduct an operation with government astronauts on board under an experimental permit to demonstrate compliance with a requirement to obtain a license. Although no government astronauts have flown on a permitted vehicle to date, it is possible they might in the future to train for a licensed mission.

F. Tracking Astronaut Training Requirements

The final rule revises proposed § 460.59(d)(1) to require operators ensure government astronaut training is up to date by incorporating lessons

⁴ Permitted operations are operations conducted in accordance with 14 CFR part 437 Experimental Permits.

learned from training and operational missions by providing traceability to revisions or changes. The proposed rule would have required operators to track each revision of the training plan and update training in writing.

The FAA received two comments on this issue. ALPA supported the FAA's proposals requiring operators to track and update the training of government astronauts. SpaceX, however, recommended providing more flexibility for tracking changes to training. SpaceX explained that it utilizes a sophisticated change control system to track updates to training and suggested revising proposed § 460.59(d)(1) to require an operator to update the government astronaut training continually to ensure the training incorporates lessons learned from training and operational missions by providing traceability to revisions or changes.

The FAA agrees with SpaceX's suggested change. Proposed § 460.59(d)(1) would require all revisions to training to be tracked in written form. The FAA finds that SpaceX's recommended change would provide FAA with sufficient compliance insight through traceability, which meets the intent of the FAA's initial proposed § 460.59(d)(1), while also permitting operators to use modern electronic systems. The FAA adopts SpaceX's proposed language in the final rule.

G. Environmental Controls

This rule finalizes the proposal to require operators to establish environmental controls for operations involving government astronauts with a safety-critical role because, as with crew, the FAA found that government astronauts would likewise need to be protected from atmospheric conditions and receive training that is necessary for the safety of the public on the ground, in air, and in space.

The FAA received two comments on this issue. An individual questioned whether environmental controls referred to life support systems or environmental impacts. Environmental controls in these regulations do refer to life support systems. SpaceX commented that humidity is not a safety-critical metric of determining suitable atmospheric conditions for human beings and that compared to other conditions listed within the subparts to § 460.61, humidity is an outlier given that it is not a direct risk to life and consciousness.

The FAA retains humidity in § 460.61(a)(2) in the final rule. The FAA notes that while very high humidity environments could influence core body

temperature, the time high humidity would take to cause an impact would be much longer than impacts from pressure and temperature changes in the inhabited area of a vehicle. However, if a flight crew depended on visual information through a window, humidity control would be necessary to avoid windows fogging and condensation that can hinder a pilot's vision and could therefore impact public safety.

H. Use of the Term "Human Beings"

In this rule, the FAA replaces the proposed term "human beings" with the defined terms "space flight participant," "crew," and "government astronaut" where appropriate. In the NPRM, the FAA proposed to use the term "human being" to encompass all three categories of persons who can currently be carried on board a vehicle: government astronaut, space flight participant, and crew.

The FAA received two comments on this issue. Sierra Space commented that the NPRM's use of the term "human beings" could potentially lead individuals, lawmakers, courts, and licensees to incorrectly assume that there is some other category of humans who may be present on board licensed operations besides those that have already been defined (space flight participants, crew, and government astronauts). Sierra Space stated that the FAA should remove the use of "human beings" and instead revert to listing each category of individuals to which the language applies. An individual similarly commented that the classification of non-astronaut workers as "human beings" is an unnecessary classification that would only overcomplicate future requirements on these workers.

The FAA finds that using the term "human beings" could cause unnecessary confusion among stakeholders and therefore is removing that term in the final rule. Instead, the FAA is replacing "human beings" with the defined terms "space flight participant," "crew," and "government astronaut" where appropriate.

I. Aeronautical Knowledge Requirement

This rule finalizes proposed § 460.59(b)(3), which requires an operator to ensure any government astronaut with a safety-critical role possesses aeronautical knowledge, experience, and skills necessary to pilot and control the launch or reentry vehicle that will operate in the National Airspace System (NAS). The regulation specifies that aeronautical experience

may include hours in flight, ratings, and training.

SpaceX commented that proposed § 460.59(b)(3) would transfer an existing requirement onto operators to ensure government astronauts are trained, and that NASA should continue to hold this responsibility and set forth any requirements it deems suitable for designated astronauts as set forth in 51 U.S.C. 50902(4). To support its position, SpaceX noted that the training requirement is tailored to winged vehicles rather than fully automated capsules, such as its Crew Dragon, which are not maneuverable during launch and reentry, and which utilize Notices to Air Missions and Notices to Mariners to remove the need for in-flight and real-time coordination within airspace. SpaceX therefore found that the aeronautical knowledge, including hours in aircraft flight, required by proposed § 460.59(b)(3) is irrelevant to safe vehicle operation and recommended that FAA remove this requirement as overly prescriptive and inapplicable.

The FAA disagrees that proposed § 460.59(b)(3) should be removed from the final rule. The requirement for aeronautical knowledge only applies to government astronauts who have the capability to control, in real time, a launch or reentry vehicle's flight path during a phase of flight capable of endangering the public. The requirement is not a blanket requirement for all government astronauts. Autonomous vehicles where government astronauts do not have any input for phases of flight going through the NAS would not need to comply with this requirement as such aeronautical knowledge, experience, and skills would not be necessary. Any NASA requirement for aeronautical knowledge for government astronauts that pilot a vehicle is not redundant because it can be used to demonstrate compliance with the FAA requirement.

J. Permit Eligibility

This rule finalizes the proposal to replace the term "reusable suborbital rocket" with "reusable suborbital vehicle" in § 437.5. It also finalizes the proposal to remove the term "new" from § 437.5(a) to allow research and development of existing design concepts, equipment, or operating techniques, consistent with the CSLCA.

Ascendant commented that experimental permits should not be limited to suborbital launch vehicles. Ascendant stated that there is no difference in risk to the public between any experimental launch or reentry vehicle, suborbital or orbital, which

does not carry commercial payloads and paid occupants. Ascendant noted that the limited applicability of experimental permits places additional burden on developers of orbital or expendable suborbital vehicles which require licenses before test flight can begin. Ascendant also asked for clarification regarding whether the training referenced in § 437.5 refers to training crew in flight to operate a licensed vehicle, or training crew to operate a vehicle for which a license would be issued (for example, to complete integrated testing with humans).

The training referenced in § 437.5 refers to training crew in flight to operate a licensed vehicle. The FAA's statutory authority to issue experimental permits only applies to suborbital vehicles, and therefore the FAA does not have the authority to expand the applicability of experimental permits to any orbital vehicles. Title 51 U.S.C. 50906 states that the Secretary may issue a permit only for reusable suborbital rockets or reusable launch vehicles that will be launched into a suborbital trajectory or reentered under that permit solely for research and development to test design concepts, equipment, or operating techniques; showing compliance with requirements as part of the process for obtaining a license under this chapter; or crew training for a launch or reentry using the design of the rocket or vehicle for which the permit would be issued. The FAA is only expanding eligibility to launch or reentry vehicles on a suborbital trajectory to align with the CSLCA. Therefore, the FAA will not expand the applicability of experimental permits to any orbital vehicles.

K. Government Astronauts on Foreign Vehicles

This rule defines "government astronaut" to match the statutory definition and provides regulatory clarity to applicants seeking FAA licenses for space flight operations involving government astronauts.

An individual commented that it may be beneficial to acknowledge U.S. government astronauts flying on board international partner spacecraft and international launch providers. The individual noted that the International Space Station (ISS) currently uses Soyuz vehicles from Russia and that there could be advances in vehicles from ESA and JAXA, for example.

The FAA does not license foreign launch or reentry vehicles that are launching or reentering outside the U.S., and therefore addressing government astronauts flying on board foreign spacecraft that launch or reenter outside

the U.S. is outside the scope of the FAA's regulatory authority and this rulemaking.

L. Clarification on the Role of International Partner Astronauts

This rule defines an "International partner astronaut" as an individual designated under Article 11 of the International Space Station Intergovernmental Agreement, by a partner to that agreement other than the U.S., as qualified to serve as an ISS crew member. This definition was taken directly from the CSLCA.

Sierra Space encouraged the FAA to further clarify the role of international partner astronauts, including clarifying who would not qualify as an international partner astronaut. Sierra Space stated that since the NPRM's definition of "international partner astronaut" applies only to astronauts contributed by ISS partner states who are crewmembers on board the ISS, the term would not apply to international astronauts from non-partner states, nor would it apply to any international astronaut serving missions unrelated to the ISS. Sierra Space concluded that all such individuals would be considered space flight participants under the proposed regulations and would therefore be subject to the waiver and informed consent requirements applicable to space flight participants.

Sierra Space noted that there may be cases in which foreign governments may be unwilling to allow or require their employees to enter the waivers of claims required of space flight participants, or to personally assume the risk of human space flight operations as required by the informed consent regime. Sierra Space stated that the FAA should consider granting latitude to operators carrying astronauts from foreign countries by waiving informed consent and individual waiver requirements, especially if those countries have sufficiently mature astronaut training programs and are willing to accept financial responsibility for claims brought by their employees.

The FAA is adopting the statutory definition of international partner astronaut. The FAA realizes that the statutory definition only applies to ISS partner astronauts. Any foreign astronaut who does not meet the definition of international partner astronaut would be considered a space flight participant under FAA regulations and would have to comply with space flight participant regulations. An operator may request a waiver to the waiver of claims requirement for space flight participants for those instances in which a foreign astronaut is

characterized as a space flight participant rather than an international partner astronaut.

M. Training of Space Flight Participants for Safety Critical Roles

SpaceX commented that, in the interest of public safety and the safety of those on board launch and reentry vehicles, the FAA should update the final rule to reflect in its regulations that space flight participants should be trained appropriately to conduct potentially lifesaving functions during an emergency to protect both themselves and the public, including operating a vehicle during launch or reentry in a manner to protect public safety. SpaceX noted that the definitions for crew, government astronaut, and space flight participant within 51 U.S.C. 50902 were developed at a time when Congress anticipated all crewed vehicles to be operated either by crew or by government astronauts. However, SpaceX noted that while the statute provides training for crew and government astronauts, missions that have only had space flight participants on board have occurred for both orbital and suborbital systems. Furthermore, SpaceX stated that the statutory definition of space flight participants, defined in 51 U.S.C. 50902 to be any person that is not crew or a government astronaut, does not prohibit the FAA from requiring an operator to train space flight participants to operate a vehicle during launch or reentry. SpaceX concluded that, therefore, the FAA should revise its regulations to allow an operator to train space flight participants to operate a vehicle during launch or reentry because the underlying statute does not prohibit space flight participant training.

Sierra Space similarly commented that the FAA should adopt common requirements for training which apply to any passenger or remote operator in a safety critical role, regardless of how that individual is classified under the regulations. Sierra Space stated these common requirements should clarify what constitutes a "safety-critical role" to limit the definition to those individuals who are essential to ensuring that the vehicle operates in real time to ensure public safety.

In the NPRM, the FAA did not propose to add training requirements for space flight participants. The FAA explained that whereas the definition of crew in title 51 expressly acknowledges a crew member's ability to perform activities directly relating to operation of the vehicle, the definition of space flight participant contains no express authority to do so. Furthermore, current

crew qualification and training requirements include a demonstration of the ability to withstand the stresses of space in sufficient condition to safely carry out duties so the vehicle will not harm the public. Each crew member with a safety-critical role is also required to possess and carry an FAA second-class medical certificate. Similarly, government astronauts who perform a safety-critical role must be trained to carry out that role because it may affect the safety of the public. An operator may choose to train space flight participants to conduct potentially lifesaving functions during an emergency to protect themselves, however, the regulations do not require this training because it is not necessary to protect public safety.

The FAA has already addressed training requirements for those missions that only have space flight participants onboard. Under § 460.51, an operator must train each space flight participant before flight on how to respond to emergency situations, including smoke, fire, loss of cabin pressure, and emergency exits. An operator may also provide mission-specific training to space flight participants for missions without crew or government astronauts. The FAA therefore finds that the training required by § 460.51 is sufficient to satisfy missions with only space flight participants on board.

N. Use of ANSI Standard for Human Spaceflight Ontology

This rule updates definitions relating to commercial space launch and reentry vehicles and occupants to reflect current legislative definitions.

Both the Space Infrastructure Foundation (SIF) and an individual commented that the FAA should use terms identified in AIAA/ANSI S-153 2021 Human Spaceflight: Spacecraft Architecture and Systems Engineering Ontology Standard (S-153) in its applicable commercial space regulations.

SIF stated that because the National Technology Transfer Advancement Act (NTTAA) compels government organizations to adopt industry standards developed under a voluntary consensus process, and failure to do so must be justified to Congress on a case-by-case basis, the FAA should use the standards identified in S-153. An individual stated that S-153 is critical for U.S. commercial spaceflight because it establishes the baseline of the ontology, streamlines interdisciplinary communication, and enables strategic planning, and the FAA should consider S-153's integration into the current rulemaking.

The FAA does not adopt S-153 into its regulations because the updated definitions are required by Congress to reflect current legislative definitions in 51 U.S. Code 50902. Furthermore, the terminology in S-153 does not align with the purpose of this rulemaking because the terminology in S-153 focuses on human spaceflight spacecraft from an architectural and system engineering perspective, rather than on the statutorily required definitions the FAA must incorporate into its regulations.

O. Transparency of MPL Methodology

An individual commented that publishing the MPL methodology would provide greater transparency and reduce uncertainty for commercial space businesses, insurance companies, and investors. The commenter noted that this transparency would pose no risks to national security and that publishing the MPL methodology in an AC would not require notice and comment for modification. The commenter recommended amending § 440.7(a) or (b) to include that the method for determining MPL is set forth in an AC.

The scope of this rulemaking is to codify current statutory requirements mandated by the CSLCA. The FAA finds that providing MPL methodology in an AC is beyond the scope of the rulemaking because it is not a change required by the CSLCA, and this final rule does not pertain to MPL methodology.

P. Commercial Use of Asteroid or Space Resources

Space Law & Policy Solutions noted that the CSLCA contains a provision in title IV which authorizes U.S. citizens to perform non-governmental space activities aimed at the recovery, possession, ownership, use, and sale of asteroid or space resources. Space Law & Policy Solutions noted that the NPRM does not mention title IV nor its enactment in 51 U.S.C. 51303 and asked the FAA a series of related questions. Such questions included (i) why space resources are not mentioned in the NPRM; (ii) whether the FAA deems title IV of the CSLCA as providing the FAA with congressional authority to license space resource activities and if so, whether an amendment is required to its regulations; (iii) whether the FAA deems itself the proper Article VI authorizing agency to review and license a space resource activity; and (iv) whether the FAA believes it requires additional authority from Congress to include on orbit authority to oversee space resource activities. Space Law & Policy Solutions noted that it

understands its questions are beyond the scope of the FAA's request in the NPRM, but that the FAA should address the lack of clarity on the licensing and implementation of space resources.

The FAA does not have statutory authority to regulate space resources, and the commenter's questions are out of scope for the current rulemaking.

V. Regulatory Notices and Analyses

Federal agencies consider impacts of regulatory actions under a variety of Executive orders and other requirements. First, Executive Order 12866, Executive Order 13563, and Executive Order 14094 ("Modernizing Regulatory Review"), direct that each Federal agency shall propose or adopt a regulation only upon a reasoned determination that the benefits of the intended regulation justify the costs. Second, the Regulatory Flexibility Act of 1980 (Pub. L. 96-354) requires agencies to analyze the economic impact of regulatory changes on small entities. Third, the Trade Agreements Act (Pub. L. 96-39) prohibits agencies from setting standards that create unnecessary obstacles to the foreign commerce of the United States. Fourth, the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4) requires agencies to prepare a written assessment of the costs, benefits, and other effects of proposed or final rules that include a Federal mandate that may result in the expenditure by State, local, and Tribal governments, in the aggregate, or by the private sector, of \$100 million or more (adjusted annually for inflation) in any one year. The current threshold after adjustment for inflation is \$183 million using the most current (2023) Implicit Price Deflator for the Gross Domestic Product.

In conducting these analyses, the FAA has determined that this rule: will result in benefits that justify costs; is not a "significant regulatory action" as defined in section 3(f) of Executive Order 12866, as amended; will not have a significant economic impact on a substantial number of small entities; will not create unnecessary obstacles to the foreign commerce of the United States; and will not impose an unfunded mandate on State, local, or Tribal governments, or on the private sector.

A. Regulatory Impact Analysis

This rule amends 14 CFR parts 401, 413, 415, 431, 435, 437, 440, 450, and 460 by incorporating statutory changes resulting from the CSLCA. This rule adds a definition for "government astronaut" and updates other definitions to account for that addition. This rule also updates financial responsibility

requirements in part 440 to exclude government astronauts from the definitions of “third party” and adds space flight participants to the insurance requirements in § 440.9. Templates for reciprocal waiver of claims agreements are moved from part 440 appendices B through E to an AC. This rule also adds two new subparts to part 460 to address operator requirements for government astronauts playing safety-critical and non-safety-critical roles during launches and

reentries. In addition, the FAA replaces the terms “crew” and “space flight participant” with “crew, space flight participant, or government astronaut” in §§ 415.8, 431.8, and 435.8 for applicants seeking a license for operations involving human space flight and that must demonstrate compliance with human space flight requirements. This change accommodates the creation of the government astronaut category in part 460.

This rule affects all U.S. commercial space operators and launches and reentries licensed under 14 CFR parts 401, 413, 415, 431, 435, 437, 440, 450, and 460 that will carry a government astronaut on board. Table 1 details the changes in each part.

There are no changes in the final rule from the proposed rule that notably change the analysis presented for the proposed rule.

TABLE 1—CHANGES BY SECTION

Section	Change	Effect of change
§ 401.5 Definitions	Add definitions for “Government Astronaut,” “International partner astronaut,” and “International Space Station Intergovernmental Agreement.” Revising definitions for “Human space flight incident,” “Launch,” “Launch accident,” “Reenter,” “Reentry accident,” and “Space flight participant”.	None. The FAA has been applying these definitions in accordance with the statute since the CSLCA went into effect. This change provides regulatory clarity.
§ 401.7 Definitions	Add definitions for “Government Astronaut,” “International partner astronaut,” and “International Space Station Intergovernmental Agreement.” Revising definition for “Space flight participant”.	None. The FAA has been applying these definitions in accordance with the statute since the CSLCA went into effect. This change provides regulatory clarity.
§ 413.3(f)	Replace the term “rocket” with the term “vehicle” to align with the increase in scope from § 437.3.	None. The FAA has been applying these definitions in accordance with the statute since the CSLCA went into effect. This change provides regulatory clarity.
§ 415.8 Human Space Flight in Part 415, LAUNCH LICENSE.	Replace “flight crew or a space flight participant” with “a space flight participant, crew, or government astronaut.” Add sections 460.59, 460.61, and 460.67 to the list of sections with which an applicant proposing to conduct a launch with a space flight participant, crew, or government astronaut on board must demonstrate compliance.	None. The FAA has been applying these requirements to government astronauts in accordance with the statute since the CSLCA went into effect. This change provides regulatory clarity.
§ 431.8 Human Space Flight in Part 431, LAUNCH AND REENTRY OF A REUSABLE LAUNCH VEHICLE (RLV).	Replace “flight crew or a space flight participant” with “a space flight participant, crew, or government astronaut.” Add sections 460.59, 460.61, and 460.67 to the list of sections with which an applicant proposing to conduct a launch with a space flight participant, crew, or government astronaut on board must demonstrate compliance.	None. The FAA has been applying these requirements to government astronauts in accordance with the statute since the CSLCA went into effect. This change provides regulatory clarity.
§ 435.8 Human Space Flight in Part 435, REENTRY OF A REENTRY VEHICLE OTHER THAN A REUSABLE LAUNCH VEHICLE (RLV).	Replace “flight crew or a space flight participant” with “a space flight participant, crew, or government astronaut.” Add sections 460.59, 460.61, and 460.67 to the list of sections with which an applicant proposing to conduct a launch with a space flight participant, crew, or government astronaut on board must demonstrate compliance.	None. The FAA has been applying these requirements to government astronauts in accordance with the statute since the CSLCA went into effect. This change provides regulatory clarity.
§ 437.3 Definitions in Part 437, EXPERIMENTAL PERMITS.	Replaced suborbital rocket with suborbital vehicle in the definitions for “envelope expansion”, “exclusion area”, and “reentry impact point”. Updated the definition of “permitted vehicle” to include reusable launch vehicles that are launched on a suborbital trajectory or are reentered. Updated the definition of “permitted vehicle” to add that it includes “a reusable launch vehicle that will be launched into a suborbital trajectory or reentered from a suborbital trajectory”.	None. The FAA has been applying these definitions in accordance with the statute since the CSLCA went into effect. This change provides regulatory clarity.
§§ 437.5, 437.7, 437.9, 437.21, 437.23, 437.25, 437.31, 437.33, 437.53, 437.57, 437.59, 437.61, 437.71, 437.85., 437.91, and 437.95.	Replace “suborbital rocket” with “reusable suborbital vehicle”.	None. The FAA has been applying these definitions in accordance with the statute since the CSLCA went into effect. This change provides regulatory clarity.
§ 437.5(a)	Remove “new” to allow research and development of existing design concepts, equipment, or operating techniques.	None. The FAA has been applying these definitions in accordance with the statute since the CSLCA went into effect. This change provides regulatory clarity.
§ 437.21(b)(3)	Replace “flight crew or a space flight participant” with “a space flight participant, crew, or government astronaut.” Add sections 460.59, 460.61, and 460.67 to the list of sections with which an applicant proposing to conduct a launch with a space flight participant, crew, or government astronaut on board must demonstrate compliance.	None. The FAA has been applying these requirements to government astronauts in accordance with the statute since the CSLCA went into effect. This change provides regulatory clarity.
Move appendices B–E in part 440, FINANCIAL RESPONSIBILITY, to an AC..		None.

TABLE 1—CHANGES BY SECTION—Continued

Section	Change	Effect of change
§ 440.3	Revise definition of permit and permitted activity. Exclude government astronaut from losses to government personnel in the definition of “MPL”. Exclude government astronaut from the definition of “Third party”.	None. Updates to the definition of permit and permitted activity align statute with current practice. Excluding government astronaut from third party means that they are not included in MPL calculations and are prevented from making claims as third parties in alignment with current practice. Government astronauts that are employed by the US government would be covered by insurance required under § 440.9(b) because they are government personnel.
§ 440.9(b)	Add space flight participants to the list in which a licensee or permittee must obtain and maintain in effect a policy or policies of liability insurance to protect their respective potential liabilities against covered claims by a third party for bodily injury or property damage resulting from a licensed or permitted activity.	None. The FAA has been requiring the addition of space flight participants to the insurance requirements with operators in accordance with the statute since the CSLCA went into effect. This change provides regulatory clarity.
§ 440.17(c), (d), and (e)	Add language to require the licensee or permittee to enter into a reciprocal waiver of claims agreement, in a form acceptable to the Administrator such as those contained in advisory circular AC 440.17–1, with each space flight participant.	None. The FAA has been requiring reciprocal waiver of claims in accordance with existing regulations. This change provides regulatory flexibility by moving the templates from regulatory language to an advisory circular.
§ 440.17(f) and (g)	Add requirement for reciprocal waiver of claims between operators and space flight participants as section (f). Move current section (f) to section (g).	None. The FAA has been requiring reciprocal waiver of claims between operators and space flight participants in accordance with the statute since the CSLCA went into effect. This change provides regulatory clarity. Current section (f) is moved to section (g) without changes to accommodate the addition of section (f).
§ 450.45(e)(3)(ii)(E) Human Space Flight in part 450 ..	Replace “rocket’s” with “vehicle’s”	None. The FAA has been applying these definitions in accordance with the statute since the CSLCA went into effect. This change provides regulatory clarity.
§ 450.45(e)(5)	Replace “flight crew or a space flight participant” with “a space flight participant, crew, or government astronaut.” Add sections 460.59, 460.61, and 460.67 to the list of sections with which an applicant proposing to conduct a launch with a space flight participant, crew, or government astronaut on board must demonstrate compliance.	None. The FAA has been applying these requirements in accordance with the statute since the CSLCA went into effect. This change provides regulatory clarity.
Add Subpart C, Launch and Reentry with a Government Astronaut With a Safety-Critical Role, after Subpart B in § 460 Scope, HUMAN SPACE FLIGHT REQUIREMENTS.	Add requirements applicable to government astronauts with a safety-critical role.	None. Operators have been training government astronauts in order to satisfy NASA contractual requirements. This change makes some of that training required by regulation.
Add Subpart D, Launch and Reentry with a Government Astronaut Without a Safety-Critical Role after Subpart C in § 460 Scope, HUMAN SPACE FLIGHT REQUIREMENTS.	Add requirements applicable to government astronauts without a safety-critical role.	None. Operators have been training government astronauts in order to satisfy NASA contractual requirements. This change makes some of that training required by regulation.

These changes will have a minimal impact on licensed commercial space activity with government astronauts because the changes align regulations with the current statutory requirements for crew, for space flight participants, and with current practices. The FAA has been applying the statutory changes since they went into effect in 2015. Since this rule codifies these current practices, there is effectively no change from the baseline without the rule and, therefore, no measurable resulting benefits or costs.

B. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) of 1980, (5 U.S.C. 601–612), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121) and the Small Business Jobs Act of 2010 (Pub. L. 111–240), requires Federal agencies to consider the effects of the regulatory action on small

business and other small entities and to minimize any significant economic impact. The term “small entities” comprises small businesses and not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

This rule updates definitions relating to commercial space launch and reentry vehicles and occupants to reflect current statutory definitions and requirements, as well as implements clarifications to financial responsibility requirements in accordance with the CSLCA. The FAA has been applying the statutory changes since they went into effect in 2015. Since this rule codifies these current practices, the FAA certifies that this rule will not result in a significant economic impact on a substantial number of small entities.

C. International Trade Impact Assessment

The Trade Agreements Act of 1979 (Pub. L. 96–39), as amended by the Uruguay Round Agreements Act (Pub. L. 103–465), prohibits Federal agencies from establishing standards or engaging in related activities that create unnecessary obstacles to the foreign commerce of the United States. Pursuant to these Acts, the establishment of standards is not considered an unnecessary obstacle to the foreign commerce of the United States, so long as the standard has a legitimate domestic objective, such as the protection of safety and does not operate in a manner that excludes imports that meet this objective. The statute also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards. The FAA has assessed

the potential effects of this rule and determined that it will not create unnecessary obstacles to the foreign commerce of the United States.

D. Unfunded Mandates Assessment

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) governs the issuance of Federal regulations that require unfunded mandates. An unfunded mandate is a regulation that requires a State, local, or Tribal government or the private sector to incur direct costs without the Federal Government having first provided the funds to pay those costs. The FAA determined that this final rule will not result in the expenditure of \$183 million or more by State, local, or Tribal governments, in the aggregate, or the private sector, in any one year.

E. Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)) requires that the FAA consider the impact of paperwork and other information collection burdens imposed on the public. The FAA has determined that there is no new requirement for information collection associated with this final rule.

F. Environmental Analysis

FAA Order 1050.1F identifies FAA actions that are categorically excluded from preparation of an environmental assessment or environmental impact statement under the National Environmental Policy Act (NEPA) in the absence of extraordinary circumstances. The FAA has determined this rulemaking action qualifies for the categorical exclusion identified in paragraph 5–6.6f for regulations and involves no extraordinary circumstances.

VI. Executive Order Determinations

A. Executive Order 13132, Federalism

The FAA has analyzed this final rule under the principles and criteria of Executive Order (E.O.) 13132, Federalism. The FAA has determined that this action will not have a substantial direct effect on the States, or the relationship between the Federal Government and the States, or on the distribution of power and responsibilities among the various levels of government, and, therefore, will not have federalism implications.

B. Executive Order 13175, Consultation and Coordination With Indian Tribal Governments

Consistent with Executive Order 13175, Consultation and Coordination

with Indian Tribal Governments,⁵ and FAA Order 1210.20, American Indian and Alaska Native Tribal Consultation Policy and Procedures,⁶ the FAA ensures that Federally Recognized Tribes (Tribes) are given the opportunity to provide meaningful and timely input regarding proposed Federal actions that have the potential to 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; or to affect uniquely or significantly their respective Tribes. At this point, the FAA has not identified any unique or significant effects, environmental or otherwise, on Tribes resulting from this final rule.

C. Executive Order 13211, Regulations That Significantly Affect Energy Supply, Distribution, or Use

The FAA analyzed this final rule under E.O. 13211, Actions Concerning Regulations that Significantly Affect Energy Supply, Distribution, or Use (May 18, 2001). The FAA has determined that it is not a “significant energy action” under the Executive order and is not likely to have a significant adverse effect on the supply, distribution, or use of energy.

D. Executive Order 13609, Promoting International Regulatory Cooperation

Executive Order 13609, Promoting International Regulatory Cooperation, promotes international regulatory cooperation to meet shared challenges involving health, safety, labor, security, environmental, and other issues and to reduce, eliminate, or prevent unnecessary differences in regulatory requirements. The FAA has analyzed this action under the policies and agency responsibilities of Executive Order 13609, and has determined that this action will have no effect on international regulatory cooperation.

VII. Additional Information

A. Electronic Access and Filing

A copy of the NPRM, all comments received, this final rule, and all background material may be viewed online at www.regulations.gov using the docket number listed above. A copy of this final rule will be placed in the docket. Electronic retrieval help and guidelines are available on the website. It is available 24 hours each day, 365 days each year. An electronic copy of

this document may also be downloaded from the Office of the Federal Register’s website at www.federalregister.gov and the Government Publishing Office’s website at www.govinfo.gov. A copy may also be found at the FAA’s Regulations and Policies website at www.faa.gov/regulations_policies.

Copies may also be obtained by sending a request to the Federal Aviation Administration, Office of Rulemaking, ARM–1, 800 Independence Avenue SW, Washington, DC 20591, or by calling (202) 267–9677. Commenters must identify the docket or notice number of this rulemaking.

All documents the FAA considered in developing this final rule, including economic analyses and technical reports, may be accessed in the electronic docket for this rulemaking.

B. Small Business Regulatory Enforcement Fairness Act

The Small Business Regulatory Enforcement Fairness Act (SBREFA) of 1996 requires the FAA to comply with small entity requests for information or advice about compliance with statutes and regulations within its jurisdiction. A small entity with questions regarding this document may contact its local FAA official, or the person listed under the **FOR FURTHER INFORMATION CONTACT** heading at the beginning of the preamble. To find out more about SBREFA on the internet, visit www.faa.gov/regulations_policies/rulemaking/sbre_act/.

List of Subjects

14 CFR Part 401

Organization and functions (Government agencies), Space transportation and exploration.

14 CFR Part 413

Confidential business information, Space transportation and exploration.

14 CFR Part 415

Aviation safety, Environmental protection, Investigations, Reporting and recordkeeping requirements, Space transportation and exploration.

14 CFR Part 431

Launch and reentry safety, Aviation safety, Reporting and recordkeeping requirements, Rockets, Space transportation and exploration.

14 CFR Part 435

Launch and reentry safety, Aviation safety, Reporting and recordkeeping requirements, Rockets, Space transportation and exploration.

⁵ 65 FR 67249 (Nov. 6, 2000).

⁶ FAA Order No. 1210.20 (Jan. 28, 2004), available at www.faa.gov/documentLibrary/media/1210.pdf.

14 CFR Part 437

Aircraft, Aviation safety, Reporting and recordkeeping requirements, Space transportation and exploration.

14 CFR Part 440

Indemnity payments, Insurance, Reporting and recordkeeping requirements, Space transportation and exploration.

14 CFR Part 450

Aircraft, Aviation safety, Environmental protection, Investigations, Reporting and recordkeeping requirements, Space transportation and exploration.

14 CFR Part 460

Aircraft, Reporting and recordkeeping requirements, Space transportation and exploration.

The Amendments

For the reasons discussed in the preamble, the Federal Aviation Administration amends chapter III of title 14, Code of Federal Regulations as follows:

PART 401—ORGANIZATION AND DEFINITIONS

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

Authority: 51 U.S.C. 50901–50923.

■ 2. Amend § 401.5 by:

■ a. Adding definitions in alphabetical order for “Government astronaut”, “International partner astronaut”, and “International Space Station Intergovernmental Agreement”; and

■ b. Revising the definitions for “Human space flight incident”, “Launch”, “Launch accident”, “Reenter; reentry”, “Reentry accident”, and “Space Flight participant”.

The additions and revisions read as follows:

§ 401.5 Definitions.

* * * * *

Government astronaut means an individual who—

(1) Is designated by the National Aeronautics and Space Administration under Title 51, United States Code, Section 20113(n);

(2) Is carried within a launch vehicle or reentry vehicle in the course of their employment, which may include performance of activities directly relating to the launch, reentry, or other operation of the launch vehicle or reentry vehicle; and

(3) Is either—

(i) An employee of the United States Government, including the uniformed services, engaged in the performance of

a Federal function under authority of law or an Executive act; or

(ii) An international partner astronaut.

* * * * *

Human space flight incident means an unplanned event that poses a high risk of causing a serious or fatal injury to a space flight participant, crew, or government astronaut.

* * * * *

International partner astronaut means an individual designated under Article 11 of the International Space Station Intergovernmental Agreement, by a partner to that agreement other than the United States, as qualified to serve as an International Space Station crew member.

International Space Station Intergovernmental Agreement means the Agreement Concerning Cooperation on the International Space Station, signed in Washington, DC, on January 29, 1998 (TIAS 12927).

* * * * *

Launch means to place or try to place a launch vehicle or reentry vehicle and any payload, space flight participant, crew, or government astronaut from Earth in a suborbital trajectory, in Earth orbit in outer space, or otherwise in outer space, and includes preparing a launch vehicle for flight at a launch site in the United States. Launch includes the flight of a launch vehicle and includes pre- and post-flight ground operations as follows:

(1) *Beginning of launch.* (i) Under a license, launch begins with the arrival of a launch vehicle or payload at a U.S. launch site.

(ii) Under a permit, launch begins when any pre-flight ground operation at a U.S. launch site meets all of the following criteria:

(A) Is closely proximate in time to flight,

(B) Entails critical steps preparatory to initiating flight,

(C) Is unique to space launch, and

(D) Is inherently so hazardous as to warrant the FAA’s regulatory oversight.

(2) *End of launch.* (i) For launch of an orbital expendable launch vehicle (ELV), launch ends after the licensee’s last exercise of control over its launch vehicle.

(ii) For launch of an orbital reusable launch vehicle (RLV) with a payload, launch ends after deployment of the payload. For any other orbital RLV, launch ends upon completion of the first sustained, steady-state orbit of an RLV at its intended location.

(iii) For a suborbital ELV or RLV launch, launch ends after reaching apogee if the flight includes a reentry, or otherwise after vehicle landing or

impact on Earth, and after activities necessary to return the vehicle to a safe condition on the ground.

Launch accident means—

(1) An event that causes a fatality or serious injury (as defined in 49 CFR 830.2) to any person who is not associated with the flight;

(2) An event that causes damage estimated to exceed \$25,000 to property not associated with the flight that is not located at the launch site or designated recovery area;

(3) An unplanned event occurring during the flight of a launch vehicle resulting in the impact of a launch vehicle, its payload, or any component thereof;

(i) For an expendable launch vehicle, outside designated impact limit lines; and

(ii) For a reusable launch vehicle, outside a designated landing site.

(4) For a launch that takes place with a person on board, a fatality or serious injury to a space flight participant, crew, or government astronaut.

* * * * *

Reenter; reentry means to return or attempt to return, purposefully, a reentry vehicle and its payload, space flight participant, crew, or government astronaut, if any, from Earth orbit or from outer space to Earth. The term “reenter; reentry” includes activities conducted in Earth orbit or outer space to determine reentry readiness and that are critical to ensuring public health and safety and the safety of property during reentry flight. The term “reenter; reentry” also includes activities conducted on the ground after vehicle landing on Earth to ensure the reentry vehicle does not pose a threat to public health and safety or the safety of property.

Reentry accident means—

(1) Any unplanned event occurring during the reentry of a reentry vehicle resulting in the impact of the reentry vehicle, its payload, or any component thereof, outside a designated reentry site;

(2) An event that causes a fatality or serious injury (as defined in 49 CFR 830.2) to any person who is not associated with the reentry;

(3) An event that causes damage estimated to exceed \$25,000 to property not associated with the reentry and not located within a designated reentry site; and

(4) For a reentry that takes place with a person on board, a fatality or serious injury to a space flight participant, crew, or government astronaut.

* * * * *

Space flight participant means an individual, who is not crew or a

government astronaut, carried on board a launch vehicle or reentry vehicle.

* * * * *

■ 3. Amend § 401.7 by:

- a. Adding definitions in alphabetical order for “Government astronaut”, “International partner astronaut”, and “International Space Station Intergovernmental Agreement”; and
- b. Revising the definition for “Space flight participant”.

The additions and revision read as follows:

§ 401.7 Definitions.

* * * * *

Government astronaut means an individual who—

(1) Is designated by the National Aeronautics and Space Administration under Title 51, United States Code, Section 20113(n);

(2) Is carried within a launch vehicle or reentry vehicle in the course of their employment, which may include performance of activities directly relating to the launch, reentry, or other operation of the launch vehicle or reentry vehicle; and

(3) Is either—

(i) An employee of the United States Government, including the uniformed services, engaged in the performance of a Federal function under authority of law or an Executive act; or

(ii) An international partner astronaut.

* * * * *

International partner astronaut means an individual designated under Article 11 of the International Space Station Intergovernmental Agreement, by a partner to that agreement other than the United States, as qualified to serve as an International Space Station crew member.

International Space Station Intergovernmental Agreement means the Agreement Concerning Cooperation on the International Space Station, signed in Washington, DC, on January 29, 1998 (TIAS 12927).

* * * * *

Space flight participant means an individual, who is not crew or a government astronaut, carried on board a launch vehicle or reentry vehicle.

* * * * *

PART 413—LICENSE APPLICATION PROCEDURES

■ 4. The authority citation for part 413 continues to read as follows:

Authority: 51 U.S.C. 50901–50923.

■ 5. Amend § 413.3 by revising paragraph (f) to read as follows:

§ 413.3 Who must obtain a license or permit.

* * * * *

(f) A person, individual, or foreign entity otherwise requiring a license under this section may instead obtain an experimental permit to launch or reenter a reusable suborbital vehicle under part 437 of this chapter.

PART 415—LAUNCH LICENSE

■ 6. The authority citation for part 415 continues to read as follows:

Authority: 51 U.S.C. 50901–50923.

■ 7. Revise § 415.8 to read as follows:

§ 415.8 Human space flight.

To obtain a launch license, an applicant proposing to conduct a launch with a space flight participant, crew, or government astronaut on board must demonstrate compliance with §§ 460.5, 460.7, 460.11, 460.13, 460.15, 460.17, 460.51, 460.53, 460.59, 460.61, and 460.67 of this subchapter.

PART 431—LAUNCH AND REENTRY OF A REUSABLE LAUNCH VEHICLE (RLV)

■ 8. The authority citation for part 431 continues to read as follows:

Authority: 51 U.S.C. 50901–50923.

■ 9. Revise § 431.8 to read as follows:

§ 431.8 Human space flight.

To obtain a license, an applicant proposing to conduct a reusable launch vehicle mission with a space flight participant, crew, or government astronaut on board must demonstrate compliance with §§ 460.5, 460.7, 460.11, 460.13, 460.15, 460.17, 460.51, 460.53, 460.59, 460.61, and 460.67 of this subchapter.

PART 435—REENTRY OF A REENTRY VEHICLE OTHER THAN A REUSABLE LAUNCH VEHICLE (RLV)

■ 10. The authority citation for part 435 continues to read as follows:

Authority: 51 U.S.C. 50901–50923.

■ 11. Revise § 435.8 to read as follows:

§ 435.8 Human space flight.

To obtain a reentry license, an applicant proposing to conduct a reentry with a space flight participant, crew, or government astronaut on board the vehicle must demonstrate compliance with §§ 460.5, 460.7, 460.11, 460.13, 460.15, 460.17, 460.51, 460.53, 460.59, 460.61, and 460.67 of this subchapter.

PART 437—EXPERIMENTAL PERMITS

■ 12. The authority citation for part 437 continues to read as follows:

Authority: 51 U.S.C. 50901–50923.

■ 13. Revise § 437.3 to read as follows:

§ 437.3 Definitions.

Envelope expansion means any portion of a flight where planned operations will subject a reusable suborbital vehicle to the effects of altitude, velocity, acceleration, or burn duration that exceed a level or duration successfully verified during an earlier flight.

Exclusion area means an area, within an operating area, that a reusable suborbital vehicle’s instantaneous impact point may not traverse.

Operating area means a three-dimensional region where permitted flights may take place.

Permitted vehicle means a reusable suborbital rocket or a reusable launch vehicle that will be launched into a suborbital trajectory or reentered that is operated by a launch or reentry operator under an experimental permit.

Reentry impact point means the location of a reusable suborbital vehicle’s instantaneous impact point during its unpowered exoatmospheric suborbital flight.

■ 14. Revise § 437.5 to read as follows:

§ 437.5 Eligibility for an experimental permit.

The FAA will issue an experimental permit to a person to launch or reenter a reusable suborbital vehicle only for—

(a) Research and development to test design concepts, equipment, or operating techniques;

(b) A showing of compliance with requirements for obtaining a license under this subchapter; or

(c) Crew training for a launch or reentry using the design of the reusable suborbital vehicle for which the permit would be issued.

■ 15. Amend § 437.7 by revising the introductory text and paragraph (b) to read as follows:

§ 437.7 Scope of an experimental permit.

An experimental permit authorizes launch or reentry of a reusable suborbital vehicle. The authorization includes pre- and post-flight ground operations as defined in this section.

* * * * *

(b) A post-flight ground operation includes each operation necessary to return the reusable suborbital vehicle to a safe condition after it lands or impacts.

■ 16. Revise § 437.9 to read as follows:

§ 437.9 Issuance of an experimental permit.

The FAA issues an experimental permit authorizing an unlimited number of launches or reentries for a reusable suborbital vehicle design for the uses described in § 437.5.

■ 17. Amend § 437.21 by revising paragraphs (b)(1)(i) and (iv), (b)(3), (c), and (d) to read as follows:

§ 437.21 General.

* * * * *

(b) * * *
(1) * * *

(i) *General.* The FAA is responsible for complying with the procedures and policies of the National Environmental Policy Act (NEPA) and other applicable environmental laws, regulations, and Executive Orders to consider and document the potential environmental effects associated with proposed reusable suborbital vehicle launches or reentries. An applicant must provide the FAA with information needed to comply with such requirements. The FAA will consider and document the potential environmental effects associated with proposed reusable suborbital vehicle launches or reentries.

* * * * *

(iv) Information requirements. An application must include an approved FAA Environmental Assessment, Environmental Impact Statement, categorical exclusion determination, or written re-evaluation covering all planned permitted activities in compliance with NEPA and the Council on Environmental Quality Regulations for Implementing the Procedural Provisions of NEPA.

* * * * *

(3) *Human space flight.* An applicant proposing to conduct a permitted operation with a space flight participant, crew, or government astronaut on board a reusable suborbital vehicle must demonstrate compliance with §§ 460.5, 460.7, 460.11, 460.13, 460.15, 460.17, 460.51, 460.53, 460.59, 460.61, and 460.67 of this subchapter.

(c) *Use of a safety element approval.* If an applicant proposes to use any reusable suborbital vehicle, safety system, process, service, or personnel for which the FAA has issued a safety element approval under part 414 of this chapter, the FAA will not reevaluate that safety element to the extent its use is within its approved scope. As part of the application process, the FAA will evaluate the integration of that safety element into vehicle systems or operations.

(d) *Inspection before issuing a permit.* Before the FAA issues an experimental

permit, an applicant must make each reusable suborbital vehicle planned to be flown available to the FAA for inspection. The FAA will determine whether each reusable suborbital vehicle is built as represented in the application.

* * * * *

■ 18. Amend § 437.23 by revising paragraphs (a) and (b) to read as follows:

§ 437.23 Program description.

(a) An applicant must provide—
(1) Dimensioned three-view drawings or photographs of the reusable suborbital vehicle; and
(2) Gross liftoff weight and thrust profile of the reusable suborbital vehicle.

(b) An applicant must describe—
(1) All reusable suborbital vehicle systems, including any structural, flight control, thermal, pneumatic, hydraulic, propulsion, electrical, environmental control, software and computing systems, avionics, and guidance systems used in the reusable suborbital vehicle;

(2) The types and quantities of all propellants used in the reusable suborbital vehicle;

(3) The types and quantities of any hazardous materials used in the reusable suborbital vehicle;

(4) The purpose for which a reusable suborbital vehicle is to be flown; and

(5) Each payload or payload class planned to be flown.

■ 19. Amend § 437.25 by revising paragraph (c) to read as follows:

§ 437.25 Flight test plan.

* * * * *

(c) For each operating area, provide the planned maximum altitude of the reusable suborbital vehicle.

■ 20. Revise and republish § 437.31 to read as follows:

§ 437.31 Verification of operating area containment and key flight-safety event limitations.

(a) An applicant must identify, describe, and provide verification evidence of the methods and systems used to meet the requirement of § 437.57(a) to contain its reusable suborbital vehicle's instantaneous impact point within an operating area and outside any exclusion area. The description must include, at a minimum—

(1) Proof of physical limits on the ability of the reusable suborbital vehicle to leave the operating area; or

(2) Abort procedures and other safety measures derived from a system safety engineering process.

(b) An applicant must identify, describe, and provide verification

evidence of the methods and systems used to meet the requirements of § 437.59 to conduct any key flight-safety event so that the reusable suborbital vehicle's instantaneous impact point, including its expected dispersions, is over unpopulated or sparsely populated areas, and to conduct each reusable suborbital vehicle flight so that the reentry impact point does not loiter over a populated area.

■ 21. Revise § 437.33 to read as follows:

§ 437.33 Landing and impact locations.

An applicant must demonstrate that each location for nominal landing or any contingency abort landing of the reusable suborbital vehicle, and each location for any nominal or contingency impact or landing of a component of that reusable suborbital vehicle, satisfies § 437.61.

■ 22. Amend § 437.53 by revising the introductory text to read as follows:

§ 437.53 Pre-flight and post-flight operations.

A permittee must protect the public from adverse effects of hazardous operations and systems in preparing a reusable suborbital vehicle for flight at a launch site in the United States and returning the reusable suborbital vehicle and any support equipment to a safe condition after flight. At a minimum, a permittee must—

* * * * *

■ 23. Amend § 437.57 by revising paragraphs (a) and (c) to read as follows:

§ 437.57 Operating area containment.

(a) During each permitted flight, a permittee must contain its reusable suborbital vehicle's instantaneous impact point within an operating area determined in accordance with paragraph (b) of this section and outside any exclusion area defined by the FAA in accordance with paragraph (c) of this section.

* * * * *

(c) The FAA may prohibit a reusable suborbital vehicle's instantaneous impact point from traversing certain areas within an operating area by designating one or more areas as exclusion areas, if necessary to protect public health and safety, safety of property, or foreign policy or national security interests of the United States. An exclusion area may be confined to a specific phase of flight.

■ 24. Amend § 437.59 by revising paragraph (a) introductory text and (b) to read as follows:

§ 437.59 Key flight-safety event limitations.

(a) A permittee must conduct any key flight-safety event so that the reusable

suborbital vehicle's instantaneous impact point, including its expected dispersion, is over an unpopulated or sparsely populated area. At a minimum, a key flight-safety event includes:

* * * * *

(b) A permittee must conduct each reusable suborbital vehicle flight so that the reentry impact point does not loiter over a populated area.

■ 25. Amend § 437.61 by revising the introductory text to read as follows:

§ 437.61 Landing and impact locations.

For a nominal or any contingency abort landing of a reusable suborbital vehicle, or for any nominal or contingency impact or landing of a component of that reusable suborbital vehicle, a permittee must use a location that—

* * * * *

■ 26. Revise and republish § 437.71 to read as follows:

§ 437.71 Flight rules.

(a) Before initiating flight, a permittee must confirm that all systems and operations necessary to ensure that safety measures derived from §§ 437.55, 437.57, 437.59, 437.61, 437.63, 437.65, 437.67, and 437.69 are within acceptable limits.

(b) During all phases of flight, a permittee must—

(1) Follow flight rules that ensure compliance with §§ 437.55, 437.57, 437.59, and 437.61; and

(2) Abort the flight if it would endanger the public.

(c) A permittee may not operate a reusable suborbital vehicle in a careless or reckless manner that would endanger any member of the public during any phase of flight.

(d) A permittee may not operate a reusable suborbital vehicle in areas designated in a Notice to Airmen under 14 CFR 91.137, 91.138, 91.141, or 91.145, unless authorized by:

(1) Air Traffic Control; or

(2) A Flight Standards Certificate of Waiver or Authorization.

(e) For any phase of flight where a permittee operates a reusable suborbital vehicle like an aircraft in the National Airspace System, a permittee must comply with the provisions of 14 CFR part 91 specified in an experimental permit issued under this part.

■ 27. Amend § 437.85 by revising paragraph (a) to read as follows:

§ 437.85 Allowable design changes; modification of an experimental permit.

(a) The FAA will identify in the experimental permit the type of changes that the permittee may make to the

reusable suborbital vehicle design without invalidating the permit.

* * * * *

■ 28. Revise § 437.91 to read as follows:

§ 437.91 For hire prohibition.

No permittee may carry any property or human being for compensation or hire on a reusable suborbital vehicle.

■ 29. Revise § 437.95 to read as follows:

§ 437.95 Inspection of additional reusable suborbital vehicles.

A permittee may launch or reenter additional reusable suborbital vehicles of the same design under the permit after the FAA inspects each additional reusable suborbital vehicle.

PART 440—FINANCIAL RESPONSIBILITY

■ 30. The authority citation for part 440 continues to read as follows:

Authority: 51 U.S.C. 50901–50923.

■ 31. Amend § 440.3 by revising the definitions of “Maximum probable loss”, “Permit”, “Permitted activity”, and “Third party” to read as follows:

§ 440.3 Definitions.

* * * * *

Maximum probable loss (MPL) means the greatest dollar amount of loss for bodily injury or property damage that is reasonably expected to result from a licensed or permitted activity;

(1) Losses to third parties, excluding Government personnel and other launch or reentry participants' employees involved in licensed or permitted activities and neighboring operations personnel, that are reasonably expected to result from a licensed or permitted activity are those that have a probability of occurrence of no less than one in ten million.

(2) Losses to Government property and Government personnel, excluding government astronauts, involved in licensed or permitted activities and neighboring operations personnel that are reasonably expected to result from licensed or permitted activities are those that have a probability of occurrence of no less than one in one hundred thousand.

* * * * *

Permit means an authorization the FAA issues under this subchapter for the launch or reentry of a reusable suborbital vehicle.

Permitted activity means the launch or reentry of a reusable suborbital vehicle conducted under a permit issued by the FAA.

* * * * *

Third party means—

(1) Any person other than:

(i) The United States, any of its agencies, and its contractors and subcontractors involved in launch or reentry services for a licensed or permitted activity;

(ii) A licensee, permittee, and its contractors and subcontractors involved in launch or reentry services for a licensed or permitted activity;

(iii) A customer and its contractors and subcontractors involved in launch or reentry services for a licensed or permitted activity;

(iv) A member of a crew;

(v) A space flight participant; and

(vi) A government astronaut.

(2) Government personnel, as defined in this section and excluding government astronauts, are third parties.

* * * * *

■ 32. Amend § 440.9 by revising and republishing paragraph (b) to read as follows:

§ 440.9 Insurance requirements for licensed or permitted activities.

* * * * *

(b) A licensee or permittee must obtain and maintain in effect a policy or policies of liability insurance, in an amount determined by the FAA under paragraph (c) of this section, that protects the following persons as additional insureds to the extent of their respective potential liabilities against covered claims by a third party for bodily injury or property damage resulting from a licensed or permitted activity:

(1) The licensee or permittee, its customer, and their respective contractors and subcontractors, and the employees of each, involved in a licensed or permitted activity;

(2) The United States, its agencies, and its contractors and subcontractors involved in a licensed or permitted activity;

(3) Government personnel; and

(4) Space flight participants. This paragraph (b)(4) shall cease to be effective on September 30, 2025, unless public law modifies the limitation in section 50914 of Title 51 of the U.S. Code.

* * * * *

■ 33. Amend § 440.17 by revising paragraphs (c) introductory text, (d) introductory text, (e) introductory text, and (f) and adding paragraph (g) to read as follows:

§ 440.17 Reciprocal waiver of claims requirements.

* * * * *

(c) For each licensed or permitted activity in which the United States, or

its contractors and subcontractors, is involved or where property insurance is required under § 440.9(d), the Federal Aviation Administration of the Department of Transportation, the licensee or permittee, and each first-tier customer must enter into a reciprocal waiver of claims agreement. The reciprocal waiver of claims must be in a form acceptable to the Administrator, such as those contained in advisory circular AC 440.17–1, and must provide that:

* * * * *

(d) For each licensed or permitted activity in which the United States or its contractors and subcontractors are involved, the Federal Aviation Administration of the Department of Transportation and each space flight participant must enter into or have in place a reciprocal waiver of claims agreement. The reciprocal waiver of claims must be in a form acceptable to the Administrator, such as those contained in advisory circular AC 440.17–1.

* * * * *

(e) For each licensed or permitted activity in which the United States or its contractors and subcontractors is involved, the Federal Aviation Administration of the Department of Transportation and each crew member must enter into or have in place a reciprocal waiver of claims agreement. The reciprocal waiver of claims must be in a form acceptable to the Administrator, such as those contained in advisory circular AC 440.17–1.

* * * * *

(f) The licensee or permittee and each space flight participant must enter into a reciprocal waiver of claims agreement under which each party waives and releases claims against the other party to the waiver, and agrees to assume financial responsibility for property damage it sustains and for bodily injury or property damage, and to hold harmless and indemnify each other from bodily injury or property damage, resulting from a licensed or permitted activity, regardless of fault. This paragraph (f) shall cease to be effective as of September 30, 2025, unless public law modifies the limitation in section 50914 of Title 51 of the U.S. Code.

(g) Any waiver, release, assumption of responsibility or agreement to hold harmless and indemnify pursuant to this section does not apply to claims for bodily injury or property damage resulting from willful misconduct of any of the parties to the reciprocal waiver of claims, the contractors and subcontractors of any of the parties to the reciprocal waiver of claims, and in

the case of licensee or permittee and customers and the contractors and subcontractors of each of them, the directors, officers, agents and employees of any of the foregoing, and in the case of the United States, its agents.

Appendix B Through E to Part 440— [Removed]

■ 34. Remove appendices B through E to part 440.

PART 450—LAUNCH AND REENTRY LICENSE REQUIREMENTS

■ 35. The authority citation for part 450 continues to read as follows:

Authority: 51 U.S.C. 50901–50923.

■ 36. Amend § 450.45 by revising paragraphs (e)(3)(ii)(E) and (e)(5) to read as follows:

§ 450.45 Safety review and approval.

* * * * *

(e) * * *

(3) * * *

(ii) * * *

(E) For an unguided suborbital launch vehicle, the location of the vehicle's center of pressure in relation to its center of gravity for the entire flight profile.

* * * * *

(5) *Human space flight.* For a proposed launch or reentry with a space flight participant, crew, or government astronaut on board a vehicle, an applicant must demonstrate compliance with §§ 460.5, 460.7, 460.11, 460.13, 460.15, 460.17, 460.51, 460.53, 460.59, 460.61, and 460.67 of this chapter.

* * * * *

PART 460—HUMAN SPACE FLIGHT REQUIREMENTS

■ 37. The authority citation for part 460 continues to read as follows:

Authority: 51 U.S.C. 50901–50923.

■ 38. Add subpart C to read as follows:

Subpart C—Launch and Reentry with a Government Astronaut with a Safety-Critical Role

Sec.

460.55 Scope.

460.57 Applicability.

460.59 Training of government astronauts with a safety-critical role.

460.61 Environmental control and life support systems.

Subpart C—Launch and Reentry with a Government Astronaut with a Safety- Critical Role

§ 460.55 Scope.

This subpart establishes requirements for operators and applicants whose

licensed or permitted operations involve government astronauts on board a vehicle.

§ 460.57 Applicability.

This subpart applies to:

(a) An applicant for a license or permit under this chapter who proposes to have a government astronaut with a safety-critical role on board a vehicle.

(b) An operator licensed or permitted under this chapter who has a government astronaut with a safety-critical role on board a vehicle.

§ 460.59 Training of government astronauts with a safety-critical role.

(a) An operator must ensure that each government astronaut with a safety-critical role is trained on—

(1) How to carry out their safety-critical role on board or on the ground so that the vehicle will not harm the public; and

(2) Their role in nominal and non-nominal conditions, including abort scenarios and emergency operations, to the extent that performance of their role could impact public safety.

(b) An operator must ensure any government astronaut who has the capability to control, in real time, a launch or reentry vehicle's flight path during a phase of flight capable of endangering the public:

(1) Receives vehicle and mission-specific training for each phase of flight capable of endangering the public and over which the government astronaut has the capability to control the vehicle by using one or more of the following:

(i) A method or device that simulates the flight;

(ii) An aircraft whose characteristics are similar to the vehicle or that has similar phases of flight to the vehicle;

(iii) Flight testing; or

(iv) An equivalent method of training approved by the FAA through the license process.

(2) Trains for each mode of control or propulsion, including any transition between modes, such that the government astronaut is able to control the vehicle.

(3) Possesses aeronautical knowledge, experience, and skills necessary to pilot and control the launch or reentry vehicle that will operate in the National Airspace System (NAS). Aeronautical experience may include hours in flight, ratings, and training.

(c) With respect to training device fidelity, an operator must:

(1) Ensure that any government astronaut training device used to meet the training requirements realistically represents the vehicle's configuration and mission; or,

(2) Inform the government astronaut being trained of the differences between the training device and the vehicle's configuration and mission.

(d) An operator must update the government astronaut training to ensure that the training incorporates lessons learned from training and operational missions including—

(1) Providing traceability to revisions or changes; and

(2) Documenting the completed training for each government astronaut and maintaining the documentation for each active government astronaut.

(e) An operator must establish a recurrent training schedule and ensure that all training of government astronauts performing safety-critical roles is current before launch or reentry.

(f) For licensed missions supporting U.S. Government contracts, operators may meet the training requirements of this section through U.S. Government's contractual requirements.

§ 460.61 Environmental control and life support systems.

(a) An operator must provide atmospheric conditions adequate to sustain life and consciousness for all inhabited areas within a vehicle that house a government astronaut. The operator must monitor and control the following atmospheric conditions in the inhabited areas or demonstrate through the license or permit process that an alternate means provides an equivalent level of safety—

(1) Composition of the atmosphere, which includes oxygen and carbon dioxide, and any revitalization;

(2) Pressure, temperature and humidity;

(3) Contaminants that include particulates and any harmful or hazardous concentrations of gases, or vapors; and

(4) Ventilation and circulation.

(b) An operator must provide an adequate redundant or secondary oxygen supply for any government astronaut with a safety-critical role.

(c) An operator must provide a redundant means of preventing cabin depressurization; or prevent incapacitation of any government astronaut with a safety-critical role in the event of loss of cabin pressure.

■ 39. Add subpart D to read as follows:

Subpart D—Launch and Reentry with a Government Astronaut Without a Safety-Critical Role

Sec.

460.63 Scope.

460.65 Applicability.

460.67 Training of government astronauts without a safety-critical role.

Subpart D—Launch and Reentry with a Government Astronaut Without a Safety-Critical Role

§ 460.63 Scope.

This subpart establishes requirements for operators and applicants whose licensed or permitted operations involve government astronauts on board a vehicle without a safety-critical role.

§ 460.65 Applicability.

This subpart applies to:

(a) An applicant for a license or permit under this chapter who proposes to have a government astronaut without a safety-critical role on board a vehicle.

(b) An operator licensed or permitted under this chapter who has a government astronaut without a safety-critical role on board a vehicle.

§ 460.67 Training of government astronauts without a safety-critical role.

An operator must ensure that each government astronaut without a safety-critical role is trained on how to respond to emergency situations, including smoke, fire, loss of cabin pressure, and emergency exit.

Issued under authority provided by 49 U.S.C. 106(f) and 51 U.S.C. 509 in Washington, DC.

Michael Gordon Whitaker,

Administrator.

[FR Doc. 2024–20900 Filed 9–18–24; 8:45 am]

BILLING CODE 4910–13–P

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Part 4044

Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing Benefits

AGENCY: Pension Benefit Guaranty Corporation (PBGC).

ACTION: Final rule.

SUMMARY: This final rule amends the Pension Benefit Guaranty Corporation's regulation on Allocation of Assets in Single-Employer Plans to prescribe the spreads component of the interest assumption under the asset allocation regulation for plans with valuation dates of October 31, 2024–January 30, 2025. These interest assumptions are used for valuing benefits under terminating single-employer plans and for other purposes.

DATES: Effective October 31, 2024.

FOR FURTHER INFORMATION CONTACT: Monica O'Donnell (odonnell.monica@pbgc.gov), Attorney, Office of the General Counsel, Pension Benefit

Guaranty Corporation, 445 12th Street SW, Washington, DC 20024–2101, 202–229–8706. If you are deaf or hard of hearing or have a speech disability, please dial 7–1–1 to access telecommunications relay services.

SUPPLEMENTARY INFORMATION: PBGC's regulation on Allocation of Assets in Single-Employer Plans (29 CFR part 4044) prescribes actuarial assumptions—including an interest assumption—for valuing benefits under terminating single-employer plans covered by title IV of the Employee Retirement Income Security Act of 1974 (ERISA). The interest assumption is also posted on PBGC's website (www.pbgc.gov).

PBGC uses the interest assumption in § 4044.54 to determine the present value of annuities in an involuntary or distress termination of a single-employer plan under the asset allocation regulation. The assumptions in part 4044 of PBGC's regulations are also used in other situations where it is appropriate for liabilities to align with private sector group annuity prices. For example, PBGC's regulations on Notice, Collection, and Redetermination of Withdrawal Liability (29 CFR part 4219) and Duties of Plan Sponsor Following Mass Withdrawal (29 CFR part 4281) provide that these assumptions are used to value liabilities for purposes of determining withdrawn employers' reallocation liability in the event of a mass withdrawal from a multiemployer plan. Multiemployer plans that receive special financial assistance under the regulation on Special Financial Assistance by PBGC (29 CFR part 4262) must, as a condition of receiving special financial assistance, use the interest assumption to determine withdrawal liability for a prescribed period. Additionally, plan sponsors are required to use some, or all of these assumptions for specified purposes (e.g., reporting benefit liabilities in filings required under PBGC's regulation on Annual Financial and Actuarial Information Reporting (29 CFR part 4010) or determining certain amounts to transfer to PBGC's Missing Participants Program on behalf of a missing participant of a terminating defined benefit plan under PBGC's regulation on Missing Participants (29 CFR part 4050)) and may use them for other purposes (e.g., to ensure that plan spinoffs comply with section 414(l) of the Internal Revenue Code (the Code)).

On June 6, 2024, PBGC issued a final rule at 89 FR 48291 that changes the structure of the interest assumption for valuation dates on or after July 31, 2024, from the select and ultimate approach to

a yield curve approach. As described in the June 6 final rule, this “4044 yield curve,” is based on a blend of two publicly available bond yield curves that is adjusted to the extent necessary so that the resulting liabilities align with group annuity prices. The adjustments are referred to as “spreads.” PBGC determines and publishes spreads quarterly based on survey data on pricing of private-sector group annuities. As noted in the preamble to the June 6 rule, PBGC will post the 4044 yield curve on its website at www.pbgc.gov each month shortly after its underlying data become available. In addition, practitioners are able to determine the 4044 yield curve as of the end of any month using the publicly available bond yield curves and the spreads specified in the regulation.

This rule amends the regulation to specify the spreads used to determine the 4044 yield curve as of the last days of October, November, and December of 2024, (*i.e.*, the “fourth quarter 2024 spreads”).

Need for Immediate Guidance

PBGC has determined that notice of, and public comment on, this rule are impracticable, unnecessary, and contrary to the public interest. PBGC routinely updates the spreads component of the interest assumption in the asset allocation regulation so that the 4044 yield curve may be determined as soon as the underlying bond yield curves become available. These amendments are merely technical; they ensure that use of PBGC’s interest assumption continues to yield liabilities in line with group annuity prices. Accordingly, PBGC finds that the public interest is best served by issuing this rule expeditiously, without an opportunity for notice and comment, and that good cause exists for making the assumptions set forth in this amendment effective less than 30 days after publication.

PBGC has determined that this action is not a “significant regulatory action” under the criteria set forth in Executive Order 12866.

Because no general notice of proposed rulemaking is required for this amendment, the Regulatory Flexibility Act of 1980 does not apply. See 5 U.S.C. 601(2).

List of Subjects in 29 CFR Part 4044

Employee benefit plans, Pension insurance, Pensions.

In consideration of the foregoing, 29 CFR part 4044 is amended as follows:

PART 4044—ALLOCATION OF ASSETS IN SINGLE-EMPLOYER PLANS

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

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

■ 2. In § 4044.54, revise table 1 to paragraph (e) to read as follows:

§ 4044.54 Interest assumptions.

* * * * *

(e) * * *

TABLE 1 TO PARAGRAPH (e)—
SPREADS

Maturity point	Third quarter 2024 spreads (percent)	Fourth quarter 2024 spreads (percent)
0.5	0.38	0.33
1.0	0.38	0.33
1.5	0.37	0.33
2.0	0.37	0.33
2.5	0.37	0.33
3.0	0.37	0.33
3.5	0.37	0.33
4.0	0.37	0.33
4.5	0.37	0.33
5.0	0.37	0.33
5.5	0.37	0.32
6.0	0.37	0.32
6.5	0.37	0.32
7.0	0.37	0.32
7.5	0.37	0.32
8.0	0.37	0.32
8.5	0.37	0.32
9.0	0.37	0.32
9.5	0.36	0.32
10.0	0.36	0.32
10.5	0.36	0.32
11.0	0.36	0.32
11.5	0.36	0.32
12.0	0.36	0.32
12.5	0.36	0.32
13.0	0.36	0.32
13.5	0.35	0.31
14.0	0.35	0.31
14.5	0.35	0.31
15.0	0.35	0.31
15.5	0.35	0.31
16.0	0.35	0.31
16.5	0.34	0.31
17.0	0.34	0.31
17.5	0.34	0.31
18.0	0.34	0.31
18.5	0.34	0.31
19.0	0.34	0.31
19.5	0.34	0.30
20.0	0.34	0.30
20.5	0.33	0.30
21.0	0.33	0.30
21.5	0.33	0.30
22.0	0.33	0.30
22.5	0.33	0.30
23.0	0.33	0.30
23.5	0.33	0.30
24.0	0.33	0.30
24.5	0.33	0.30
25.0	0.33	0.30

TABLE 1 TO PARAGRAPH (e)—
SPREADS—Continued

Maturity point	Third quarter 2024 spreads (percent)	Fourth quarter 2024 spreads (percent)
25.5	0.33	0.30
26.0	0.33	0.30
26.5	0.32	0.30
27.0	0.32	0.30
27.5	0.32	0.30
28.0	0.32	0.30
29.0	0.32	0.30
29.5	0.32	0.30
30.0	0.32	0.30

Issued in Washington, DC.

Hilary Duke,

Assistant General Counsel for Regulatory Affairs, Pension Benefit Guaranty Corporation.

[FR Doc. 2024–21359 Filed 9–18–24; 8:45 am]

BILLING CODE 7709–02–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2024–0276]

RIN 1625–AA00

Safety Zone; Severe Weather, Natural and Other Disasters in Southeast Texas

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for all navigable waters within the Captain of the Port Sector Houston-Galveston (COTP) zone to be enforced in the event of severe weather or natural and other disasters in southeast Texas. This action is necessary for the safety of life on these navigable waters within the COTP zone.

DATES: This rule is effective without actual notice from September 19, 2024 through 11:59 p.m. on November 30, 2024. For the purposes of enforcement, actual notice will be used from September 11, 2024 until September 19, 2024.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to <https://www.regulations.gov>, type USCG–2024–0276 in the search box and click “Search.” Next, in the Document Type column, select “Supporting & Related Material.”

FOR FURTHER INFORMATION CONTACT: If you have questions about this rule, call or email Chief Petty Officer Marine Science Technician Anthony W. Booth, Sector Houston-Galveston Waterways Management Division, Coast Guard; telephone 713-398-5823, email houstonwww@uscg.mil.

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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

II. Background Information and Regulatory History

The Coast Guard is issuing this temporary rule under authority in 5 U.S.C. 553(b)(B). This statutory provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are “impracticable, unnecessary, or contrary to the public interest.” The Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because prompt action is needed to respond to the potential safety hazards associated with the fast-moving formation of Tropical Storm Francine. The Captain of the Port, Sector Houston-Galveston (COTP) has determined reduced or restricted visibility and storm force winds, which may occur during tropical storms, hurricanes and other disasters, constitutes a safety concern for persons and vessels within the COTP zone during the nationally published hurricane season extending through November 30, 2024. The COTP is establishing a temporary safety zone to provide for the safety of life during and subsequent to such storms or incidents. It is impracticable to publish an NPRM because we must establish this safety zone by September 11, 2024 in response to Tropical Storm Francine.

Also, under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Delaying the effective date of this rule would be impracticable because prompt action is needed to respond to the safety hazards associated with emergency and recovery efforts during severe weather, natural and other disasters within the COTP zone.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 46 U.S.C. 70034. The

COTP has determined that potential hazards associated with the lack of Aids to Navigation and unknown waterway conditions can pose a hazard to transiting vessels due to the effects of Tropical Storm Francine and future severe weather, natural and other disasters. This rule is needed to protect personnel, vessels, and the marine environment in the navigable waters within the temporary safety zone while the aids to navigation are being repaired and the waterway is being surveyed.

IV. Discussion of the Rule

The temporary safety zone will cover all navigable waters within the COTP zone for the ports of Houston, Galveston, Freeport, Texas City and portions of the GIWW between MM-319.5 and MM-442. The duration of the zone is intended to protect personnel, vessels, and the marine environment in these navigable waters until 11:59 p.m. on November 30, 2024 as needed by COTP Houston-Galveston. During enforcement, no vessel or person will be permitted to enter the temporary safety zone without obtaining permission from the COTP or a designated representative when the zone is activated due to severe weather response.

V. Regulatory Analyses

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

A. Regulatory Planning and Review

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

This regulatory action determination is based on the size, location, and duration of the temporary safety zone. This action involves a temporary safety zone to protect personnel, vessels, and the marine environment from potential hazards created by damaged navigational aids and silting resulting from Tropical Storm Francine.

B. Impact on Small Entities

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

While some owners or operators of vessels intending to transit the temporary safety zone may be small entities, for the reasons stated in section V.A above, this rule will not have a significant economic impact on any vessel owner or operator because commercial vessels will still have availability to transit the channel but in a controlled and safe manner to facilitate the safe flow of vessel traffic.

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this rule. If the rule will affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please call or email the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency’s responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247). The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

A rule has implications for federalism under Executive Order 13132,

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

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

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this rule under Department of Homeland Security Directive 023–01, Rev. 1, associated implementing instructions, and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves a temporary safety zone facilitating the safety and security of the Houston-Galveston COTP zone's marine transportation system operations, including but not limited to vessel traffic and facility operations. It is categorically excluded from further review under paragraph L60(d) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1. A Record of Environmental Consideration supporting this determination will be available in the docket. For instructions on locating the docket, see the **ADDRESSES** section of this preamble.

G. Protest Activities

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

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

- 2. Add § 165.T08–0276 to read as follows:

§ 165.T08–0276 Safety Zone; Severe Weather, Natural and other Disasters in Southeast Texas.

(a) *Regulated areas.* All navigable waters within the Houston-Galveston Captain of the Port (COTP) Zone, Sector Houston-Galveston, TX, as described in 33 CFR 3.40–28(a), during specified conditions.

(b) *Definitions*—(1) *Designated representative* means Coast Guard Patrol Commanders, including Coast Guard coxswains, petty officers, and other officers operating Coast Guard vessels, and Federal, State, and local officers designated by or assisting the COTP Houston-Galveston, in the enforcement of the regulated areas.

(2) *Port Condition WHISKEY* means a condition set by the COTP when weather advisories indicate sustained gale force winds (39–54 mph/34–47 knots) or greater from a weather event are predicted to make landfall at the port within 72 hours.

(3) *Port Condition X-RAY* means a condition set by the COTP when weather advisories indicate sustained gale force winds (39–54 mph/34–47 knots) or greater from a weather event are predicted to make landfall at the port within 48 hours.

(4) *Port Condition YANKEE* means a condition set by the COTP when weather advisories indicate that sustained gale force winds (39–54 mph/34–47 knots) or greater from a weather

event are predicted to make landfall at the port within 24 hours.

(5) *Port Condition ZULU* means a condition set by the COTP when weather advisories indicate that sustained gale force winds (39–54 mph/34–47 knots) or greater from a weather event are predicted to make landfall at the port within 12 hours.

(6) *Port Condition RECOVERY* means the condition set when weather advisories indicate that sustained gale force winds from a weather event are no longer predicted for the designated area. This port condition remains in effect until the regulated areas are safe and reopened to normal operations or moved to port restoration.

(7) *Emergency restrictions for other disasters* means any severe weather, natural and/or other disasters that are anticipated to or has affected the Sector Houston-Galveston COTP zone may result in the prohibition of facility operations and/or commercial vessel traffic transiting or remaining in the affected port.

(c) *Regulations*—(1) *Port Condition WHISKEY.* All vessels and port facilities in designated areas must exercise due diligence in preparation for potential storm impacts. Vessels, ports and waterfront facilities must initiate vessel and facility severe weather plans. Oceangoing vessels 500 gross tons (GT) and above must make plans for departure unless authorized by the COTP. Commercial self-propelled vessels 500 gross tons (GT) and above requesting to remain in port shall submit a declaration of intent to remain in port to the COTP prior to setting Port Condition X-Ray. Vessels will not be permitted to remain in Bolivar Anchorage if Condition Yankee is set. The COTP may make modifications as required.

(2) *Port Condition X-RAY.* Departing orders for vessels without approval to remain in port shall commence. Commence clearing vessels from Bolivar Anchorage. Suspend bunkering and lightering operations at the COTP's discretion. Suspend all cargo transfers when winds reach 40 mph. Disconnect transfer hoses and arms when winds reach 50 mph. Smaller vessels shall seek shelter in preparation for possible port closure. All containers stored near flood-prone areas should be moved. The COTP may make modifications as required.

(3) *Port Condition YANKEE.* Affected ports are closed to inbound vessel traffic. All oceangoing vessels greater than 500 Gross Tons must depart designated ports prior to the setting of Port Condition ZULU. Inland tows are to be properly moored. Suspend

bunkering and lightering operations. Suspend all cargo transfers. Disconnect transfer hoses and arms. Smaller vessels shall seek shelter in preparation for possible port closure. Regulated facilities shall secure or remove all missile hazards, dangerous cargo, containers and/or pallet stacks. Regulated facilities shall press up storage tanks to reduce wind damage. All facilities must continue to operate in accordance with approved Facility Security Plans and comply with the requirements of the Maritime Transportation Security Act. The COTP may make modifications as required.

(4) *Port Condition ZULU*. Designated areas are closed to all vessel traffic except those specifically authorized by the COTP. Cargo operations are suspended, including bunkering and lightering. The COTP may make modifications as required.

(5) *Emergency restrictions for other disasters*. Any severe weather, natural and/or other disasters that are anticipated to or has affected the Sector Houston-Galveston COTP zone may result in the prohibition of facility operations and vessel traffic transiting or remaining in the affected port.

(6) *Port Condition RECOVERY*. Designated areas are closed to all commercial traffic and recreational vessels. Based on assessments of channel conditions, navigability concerns, and hazards to navigation, the COTP may permit vessel movements with restrictions. Restrictions may include, but are not limited to, preventing vessel movements, imposing draft, speed, size, horsepower or daylight restrictions or directing the use of specific routes. Vessels permitted to transit the regulated area shall comply with the lawful orders or directions given by the COTP or designated representative.

(7) *Safety zones notice*. The Coast Guard COTP will notify the maritime community of periods during which the safety zone will be enforced via Broadcast Notice to Mariners and Marine Safety Information Bulletin or by on-scene designated representatives.

(8) *Regulated area notice*. The Coast Guard will provide notice of the designated ports and/or waterways within the regulated area covered by each Port Condition or Emergency Restrictions via Broadcast Notice to Mariners, Marine Safety Information Bulletin or by on-scene designated representatives.

(9) *Exception*. This section does not apply to authorized law enforcement agencies operating within the regulated area.

(d) *Enforcement periods*. This section is subject to enforcement from September 11, 2024, through 11:59 p.m. on November 30, 2024 and will be enforced when Port Condition “Whiskey” has been set, or at the discretion of the COTP if conditions deem it necessary until Port Condition RECOVERY is concluded. The Coast Guard will notify the maritime community of periods of enforcement via Broadcast Notice to Mariners and Marine Safety Information Bulletin or by on-scene designated representatives.

Keith. M. Donohue,

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

[FR Doc. 2024–21116 Filed 9–18–24; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF EDUCATION

34 CFR Chapter VI

[Docket ID ED–2024–OPE–0098]

Final Waiver and Extension of the Project Period for the Postsecondary Programs for Students With Intellectual Disabilities—National Technical Assistance and Dissemination Center (PPSID–NTAD) Program

AGENCY: Office of Postsecondary Education (OPE), Department of Education.

ACTION: Final waiver and extension of the project period.

SUMMARY: The Department of Education (Department) waives the requirements in the Education Department General Administrative Regulations that generally prohibit project period extensions involving the obligation of additional Federal funds. The final waiver and extension is intended to enable one project under Assistance Listing Number 84.407C to receive funding for an additional period, not to exceed September 30, 2025.

DATES: This final waiver and extension of the project period is effective September 19, 2024.

FOR FURTHER INFORMATION CONTACT: Shedita Alston, U.S. Department of Education, 400 Maryland Avenue SW, Room 5C–131, Washington, DC 20202. Telephone: (202)453–7090. Email: Shedita.Alston@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: We published a proposed waiver and

extension in the **Federal Register** on August 7, 2024 (89 FR 64399) to extend the project period for the current PPSID–NTAD Fiscal Year (FY) 2021 grantee from September 30, 2024 to September 30, 2025, in order to align and coordinate the funding cycle of the PPSID–NTAD program with TPSID and the TPSID–Coordinating Center (TPSID–CC) program grants authorized under title VII, part D, subpart 2 of the Higher Education Act of 1965, as amended (HEA) (20 U.S.C. 1140f *et seq.*), and title VII, part D, subpart 4 of the HEA (20 U.S.C. 1140q), respectively. There are no differences between the proposed waiver and extension and this final waiver and extension.

Public Comment: In response to our invitation in the notice of proposed waiver and extension, 18 parties submitted comments on the waiver and extension. Generally, we do not address technical and other minor changes, or suggested changes that the law does not authorize us to make under applicable statutory authority. In addition, we do not address general comments that raised concerns not directly related to the proposed waiver and extension.

Analysis of Comments and Changes: An analysis of the comments and of any changes since publication of the proposed waiver and extension follows.

General Comments

Comments: Eighteen commenters supported the waiver and extension.

Discussion: We appreciate the support of the waiver and extension.

Changes: None.

Final Waiver and Extension

We are extending the project period for the PPSID–NTAD FY 2021 grantee in order to align and coordinate the funding cycle of the PPSID–NTAD program with the TPSID–CC program grant authorized under title VII, part D, subpart 2 of the Higher Education Act of 1965, as amended (HEA) (20 U.S.C. 1140f *et seq.*), and title VII, part D, subpart 4 of the HEA (20 U.S.C. 1140q), respectively. Aligning the ends of the project periods across grants allows the Department to better coordinate the TPSID program. While the technical assistance center and the coordinating center have different audiences for the dissemination of their research, aligning the funding for the grantees who are doing this work will improve the efficiency and cost effectiveness of the technical assistance and dissemination efforts, and will help ensure that both the TPSID grantees and other institutions that benefit from the research receive aligned supports from the centers.

For this reason, the Secretary is waiving the requirements in 34 CFR 75.261(a) and (c)(2), which allow the extension of a project period only if the

extension does not involve the obligation of additional Federal funds. The waiver allows the Department to issue a one-time FY 2024 continuation

award to the current PPSID–NTAD program grantee estimated as follows:

Institution	State	Award
University of Massachusetts at Boston	MA	\$1,543,686

Any activities carried out during the year of this continuation award must be consistent with the scope, goals, and objectives of the grantee's application as approved in the FY 2021 competition.

Additionally, 5 U.S.C. 553(d)(1) contains an exception to the requirement in 5 U.S.C. 553(d) that requires publication or service of a substantive rule shall be made not less than 30 days before its effective date for a substantive rule which grants or recognizes an exemption or relieves a restriction. Accordingly, the Department has elected to make this final Waiver and Extension effective on September 19, 2024.

Intergovernmental Review: This program is subject to Executive Order 12372 and the regulations in 34 CFR part 79. One of the objectives of the Executive order is to foster an intergovernmental partnership and a strengthened federalism. The Executive order relies on processes developed by State and local governments for coordination and review of Federal financial assistance.

This document provides early notification of our specific plans and actions for this program.

Regulatory Flexibility Act Certification

The Secretary certifies that the final waiver and extension of the project period would not have a significant economic impact on a substantial number of small entities. The only small entities that will be affected by the final waiver and extension of the project period is the current grantee and any other potential applicants.

The Secretary certifies that the final waiver and extension will not have a significant economic impact on these entities because the extension of an existing project period would impose minimal compliance costs to extend the existing project, and the activities required to support the additional year of funding would not impose additional regulatory burdens or require unnecessary Federal supervision.

Paperwork Reduction Act of 1995

This final waiver and extension does not contain any information collection requirements.

Accessible Format: On request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT**, individuals with disabilities can obtain this document in an accessible format. The Department will provide the requestor with an accessible format that may include Rich Text Format (RTF) or text format (txt), a thumb drive, an MP3 file, braille, large print, audiotape, 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.

Nasser Paydar,

Assistant Secretary for Postsecondary Education.

[FR Doc. 2024–21277 Filed 9–18–24; 8:45 am]

BILLING CODE 4000–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2023–0405; FRL–11263–02–R9]

Air Plan Approval; Nevada; Washoe County Health District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking final action to approve a revision to the Washoe County portion of the Nevada State

Implementation Plan (SIP). This revision concerns emissions of particulate matter (PM) from woodburning devices. We are approving a local rule that regulates these emission sources under the Clean Air Act (CAA or the Act).

DATES: This rule is effective October 21, 2024.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–R09–OAR–2023–0405. All documents in the docket are listed on the <https://www.regulations.gov> website. Although listed in the index, some information is not publicly available, e.g., Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available through <https://www.regulations.gov>, or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information. If you need assistance in a language other than English or if you are a person with a disability who needs a reasonable accommodation at no cost to you, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section.

FOR FURTHER INFORMATION CONTACT: Christine Vineyard, EPA Region IX, 75 Hawthorne St., San Francisco, CA 94105; phone: (415) 947–4125; email: vineyard.christine@epa.gov.

SUPPLEMENTARY INFORMATION:

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

Table of Contents

- I. Proposed Action
- II. Public Comments and EPA Responses
- III. EPA Action
- IV. Incorporation by Reference
- V. Statutory and Executive Order Reviews

I. Proposed Action

On June 14, 2024 (89 FR 50543), the EPA proposed to approve the following rule into the Nevada SIP.

Local agency	Rule No.	Rule title	Revised	Submitted
Washoe County District Board of Health (DBOH)	040.051	Wood-Burning Devices	02/24/22	10/04/22

We proposed to approve this rule because we determined that it complies with the relevant CAA requirements. Our proposed action contains more information on the rule and our evaluation.

II. Public Comments and EPA Responses

The EPA's proposed action provided a 30-day public comment period. During this period, we received three comments. Two of the comments were anonymous and supported the proposed action. The third comment discussed the environmental effects of growing cannabis. The EPA has determined that this comment fails to raise issues germane to the proposed revisions to DBOH Rule 040.051, which regulates emissions of PM from wood-burning devices. Therefore, we have determined that none of the submitted comments necessitate a specific response.

III. EPA Action

No comments were submitted that change our assessment of the rule as described in our proposed action. Therefore, as authorized in section 110(k)(3) of the Act, the EPA is approving this rule into the Nevada SIP. The February 24, 2022 version of Rule 040.051 will replace the previously approved version of this rule in the SIP.

IV. Incorporation by Reference

In this rule, the EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is finalizing the incorporation by reference of DBOH Rule 040.051, Wood-Burning Devices revised on February 24, 2022, which regulates PM emissions from woodburning devices. Therefore, these materials have been approved by the EPA for inclusion in the SIP, have been incorporated by reference by the EPA into that plan, are fully federally enforceable under sections 110 and 113 of the CAA as of the effective date of the final rulemaking of the EPA's approval, and will be incorporated by reference in the next update to the SIP compilation.¹ The EPA has made, and will continue to make, these documents available through www.regulations.gov and at the EPA Region IX Office (please contact the person identified in the **FOR FURTHER**

INFORMATION CONTACT section of this preamble for more information).

V. Statutory and Executive Order Reviews

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

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 14094 (88 FR 21879, April 11, 2023);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997) because it approves a state program;
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001); and
- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA.

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

specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

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.”

The State did not evaluate environmental justice considerations as part of its SIP submittal; the CAA and applicable implementing regulations neither prohibit nor require such an evaluation. The EPA did not perform an EJ analysis and did not consider EJ in this action. Consideration of EJ is not required as part of this action, and there is no information in the record inconsistent with the stated goal of Executive Order 12898 of achieving environmental justice for people of color, low-income populations, and Indigenous peoples.

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

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 November 18, 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

¹ 62 FR 27968 (May 22, 1997).

review may be filed and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

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

Dated: September 12, 2024.
Martha Guzman Aceves,
Regional Administrator, Region IX.

Part 52, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart DD—Nevada

■ 2. In § 52.1470, in paragraph (c), table 7 is amended by revising the entry for “040.051” to read as follows:

§ 52.1470 Identification of plan.

* * * * *

(c) * * *

TABLE 7—EPA-APPROVED WASHOE COUNTY REGULATIONS

District citation	Title/subject	District effective date	EPA approval date	Additional explanation
* * * * *				
040.051	Wood-Burning Devices	7/1/2022	[INSERT FIRST PAGE OF FEDERAL REGISTER CITATION], 9/19/2024.	Submitted on 10/4/2022.
* * * * *				

* * * * *

[FR Doc. 2024–21218 Filed 9–18–24; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R04–OAR–2017–0454; EPA–R04–OAR–2019–0638; EPA–R04–OAR–2020–0186; FRL–11971–02–R4]

Air Plan Approval; North Carolina; Permitting Provisions Revisions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is correcting the erroneous incorporation of cross-references into the North Carolina State Implementation Plan (SIP) using the Clean Air Act (CAA or Act) error correction provision. EPA has determined that portions of its May 23, 2019, July 17, 2020, and March 1, 2021, final SIP rulemaking actions were in error and that it is appropriate to correct those actions by removing specific cross-references in the permitting rules from the SIP.

DATES: This rule is effective October 21, 2024.

ADDRESSES: EPA has established a docket for this action under Docket Identification No. EPA–R04–OAR–2017–0454. Additional supporting materials associated with this final action are included in Docket Nos.

EPA–R04–OAR–2019–0638 and EPA–R04–OAR–2020–0186. All documents in the docket are listed on the www.regulations.gov website. Although listed in the index, some information may not be publicly available, *i.e.*, Confidential Business Information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through www.regulations.gov or in hard copy at the Air Regulatory Management Section, Air Planning and Implementation Branch, Air and Radiation Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW, Atlanta, Georgia 30303–8960. EPA requests that if at all possible, you contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office’s official hours of business are Monday through Friday 8:30 a.m. to 4:30 p.m., excluding Federal holidays.

FOR FURTHER INFORMATION CONTACT: Steve Scofield, Multi-Air Pollutant Coordination Section, Air Planning and Implementation Branch, Air and Radiation Division, Region 4, U.S. Environmental Protection Agency, 61 Forsyth Street SW, Atlanta, Georgia 30303–8960. The telephone number is (404) 562–9034. Mr. Scofield can also be reached via electronic mail at scofield.steve@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Background

On May 23, 2019, July 17, 2020, and March 1, 2021,¹ EPA approved revisions to 15A North Carolina Administrative Code (NCAC) 02Q .0101, 02Q .0103, and 02Q .0301 into the North Carolina SIP.² These revisions included cross-references to North Carolina General Statutes (G.S.) 143–215.108 and 143–215.108A; however, these cross-referenced provisions were not incorporated into the SIP. EPA has determined these prior approvals of the cross-referenced provisions were in error and is finalizing removal of these cross-references from 15A NCAC 02Q.0101, 02Q.0103 and 02Q.0301 of the SIP. Because the cross-referenced provisions are not incorporated into the SIP, changes to those provisions could change the SIP without the submission of a SIP revision and subsequent EPA action to approve such a change, which is inconsistent with the CAA. Specifically, CAA section 110(l) requires each SIP revision submitted by a State to undergo reasonable public notice and hearing and prevents EPA from approving a SIP revision that would interfere with any applicable requirement concerning attainment and reasonable further progress, or any other applicable requirement of the CAA.³

¹ See 84 FR 23725, 85 FR 43461, and 86 FR 11875.

² The revisions were submitted by the North Carolina Division of Air Quality in submissions dated March 24, 2006, and July 10, 2019.

³ CAA sections 110(a)(1) and (2) also require each SIP submitted by a State to undergo reasonable public notice and hearing.

Changes to the statutory provisions cross-referenced in the SIP could change the SIP without fulfilling public notice and hearing requirements and without EPA evaluation of the revision pursuant to the requirements of section 7410(l) and any other CAA requirements applicable to the specific SIP provision at issue.

Section 110(k)(6) of the CAA authorizes EPA to revise a State's SIP when it "determines that [its] action approving, disapproving, or promulgating any plan or plan revision (or part thereof) . . . was in error." Once EPA has made the determination that it erred, it "may in the same manner as the approval, disapproval, or promulgation revise such action as appropriate without requiring any further submission from the State." *Ala. Env'tl. Council v. EPA*, 711 F.3d 1277, 1286 (11th Cir. 2013). This determination and the basis for it must be provided to the State and the public. Section 110(k)(6) of the CAA has been interpreted by courts as a "broad provision [that] was enacted to provide the EPA with an avenue to correct its own erroneous actions and grant the EPA the discretion to decide when to act pursuant to the provision." *Miss. Comm'n on Env'tl. Quality v. EPA*, 790 F.3d 138, 150 (D.C. Cir. 2015). EPA can take action under section 110(k)(6) to correct an error only if the error existed at the time the SIP was originally approved. See *Texas v. EPA*, 726 F.3d 180, 204 (D.C. Cir. 2013) (Kavanaugh, J., dissenting).

Through a notice of proposed rulemaking (NPRM) published on May 28, 2024 (89 FR 46049), EPA proposed to correct the erroneous incorporation of certain cross-references into 15A NCAC 02Q Section .0101, *Required Air Quality Permits*; .0103, *Definitions*; and .0301, *Applicability* of the North Carolina SIP. EPA's rationale for removing the cross references is described in the May 28, 2024, NPRM. Comments on the May 28, 2024, NPRM were due on or before June 27, 2024. One comment was received on the NPRM and is addressed below.

II. Response to Comments

EPA received one comment from the North Carolina Department of Environmental Quality (NCDEQ)'s Division of Air Quality (DAQ), regarding the May 28, 2024, NPRM. The comment is provided in the docket for this final action. EPA has summarized and responded to the comment below.

Comment: North Carolina DAQ (NC DAQ) supports EPA's proposal and "recommends that the EPA proceed with its error correction regarding its prior approvals of the phrases

referencing the North Carolina General Statutes." The commenter further suggests that EPA also correct the first line of 15A NCAC 02Q .0103 by removing references to G.S. 143–212 and G.S. 143–213.

Response: EPA acknowledges NC DAQ's suggestion and will consider future action(s) to address the first line of 15A NCAC 02Q .0103 and other instances where there are cross references to statutory or regulatory provisions that are outside the SIP.

III. Incorporation by Reference

In this document, EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, and as discussed in section I of this preamble, EPA is finalizing the incorporation by reference of 15A NCAC Section 02Q Rule .0101, *Required Air Quality Permits*, except for the phrase "With the exception allowed by G.S. 143–215.108A" in paragraph (b); Rule .0103, *Definitions*, except for the phrase "pursuant to G.S. 143–215.108" in subparagraph (9)(d); and Rule .0301, *Applicability*, except for the phrase "or as allowed pursuant G.S. 143–215.108A" in paragraph (a), all state-effective April 1, 2018. EPA has made, and will continue to make, these materials generally available through www.regulations.gov and at the EPA Region 4 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information). Therefore, these materials have been approved by EPA for inclusion in the State implementation plan, have been incorporated by reference by EPA into that plan, are fully federally enforceable under sections 110 and 113 of the CAA as of the effective date of the final rulemaking of EPA's approval, and will be incorporated by reference in the next update to the SIP compilation.⁴

IV. Final Action

Pursuant to the error correction provision of section 110(k)(6) of the CAA, EPA is finalizing the removal of portions of 15A NCAC Section 02Q .0101, *Required Air Quality Permits*, Section 02Q .0103, *Definitions*, and Section 02Q .0301, *Applicability*, with the cross-references to North Carolina General Statutes as discussed above because the inclusion of these cross-references in the SIP is inconsistent with the CAA.

V. Statutory and Executive Order Reviews

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

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 14094 (88 FR 21879, April 11, 2023);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997) because it approves a State program;
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001); and
- Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA.

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

Executive Order 12898 (Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, 59 FR 7629, February 16, 1994) directs Federal

⁴ See 62 FR 27968 (May 22, 1997).

agencies to identify and address “disproportionately high and adverse human health or environmental effects” of their actions on communities with environmental justice (EJ) concerns to the greatest extent practicable and permitted by law. EPA defines EJ as “the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.” EPA further defines the term fair treatment to mean that “no group of people should bear a disproportionate burden of environmental harms and risks, including those resulting from the negative environmental consequences of industrial, governmental, and commercial operations or programs and policies.”

EPA did not perform an EJ analysis and did not consider EJ in this action. Consideration of EJ is not required as part of this action, and there is no information in the record inconsistent with the stated goal of E.O. 12898 of

achieving EJ for communities with EJ concerns.

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

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by November 18, 2024. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. *See* section 307(b)(2).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by

reference, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements.

Dated: September 11, 2024.

Jeananne Gettle,

Acting Regional Administrator, Region 4.

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

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart II—North Carolina

■ 2. In § 52.1770, amend table in paragraph (c)(1) by revising the entries for “Rule .0101”, “Rule .0103”, and “Rule .0301” to read as follows:

§ 52.1770 Identification of plan.

* * * * *

(c) * * *

(1) EPA-APPROVED NORTH CAROLINA REGULATIONS

State citation	Title/subject	State effective date	EPA approval date	Explanation
*	*	*	*	*
Subchapter 02Q Air Quality Permits				
Section .0100 General Provisions				
Rule .0101	Required Air Quality Permits.	4/1/2018	9/19/2024, [Insert first page of Federal Register citation].	Except for the phrase “With the exception allowed by G.S. 143–215.108A” in paragraph (b).
*	*	*	*	*
Rule .0103	Definitions	4/1/2018	9/19/2024, [Insert first page of Federal Register citation].	Except for the phrase “pursuant to G.S. 143–215.108” in subparagraph (9)(d).
*	*	*	*	*
Section .0300 Construction and Operating Permits				
Rule .0301	Applicability	4/1/2018	9/19/2024, [Insert first page of Federal Register citation].	Except for the phrase “or as allowed pursuant to G.S. 143–215.108A” in paragraph (a).
*	*	*	*	*

* * * * *

[FR Doc. 2024–21006 Filed 9–18–24; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 52**

[EPA-R02-OAR-2023-0237; FRL 11904-02-R2]

Approval of Source-Specific Air Quality Implementation Plan; New York; Sylvamo Ticonderoga Mill**AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving a revision to the State of New York's State Implementation Plan (SIP) for the ozone National Ambient Air Quality Standard (NAAQS) related to a Source-specific SIP (SSSIP) revision for the Sylvamo Ticonderoga Mill (formerly known as International Paper), located at 568 Shore Airport Rd., Ticonderoga, New York (the Facility). The control options in this SSSIP revision implement Reasonably Available Control Technology (RACT) for nitrogen oxide (NO_x) emissions from the relevant Facility sources, which include one power boiler, one lime kiln, and one recovery furnace. This SSSIP revision is intended to implement NO_x RACT for the relevant Facility sources in accordance with the requirements for implementation of the 2008 and 2015 ozone NAAQS. This action will not interfere with ozone NAAQS requirements and meets all applicable requirements of the Clean Air Act (CAA). The EPA proposed to approve this rule on May 23, 2024, and received two comments, neither of which were relevant to the rulemaking.

DATES: This final rule is effective on October 21, 2024.

ADDRESSES: The EPA has established a docket for this action under Docket ID Number EPA-R02-OAR-2023-0237. All documents in the docket are listed on the <https://www.regulations.gov> website. Although listed in the index, some information is not publicly available, e.g., Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available electronically through <https://www.regulations.gov>.

FOR FURTHER INFORMATION CONTACT: Stephanie Lin, Air Programs Branch, Environmental Protection Agency, Region 2 Office, 290 Broadway, 25th

Floor, New York, New York 10007–1866, 212–637–3711, or by email at lin.stephanie@epa.gov.

SUPPLEMENTARY INFORMATION: For additional information on regulatory background and the EPA's technical findings relating to the Facility RACT, the reader can refer to the Technical Support Document (TSD) that is contained in the EPA docket assigned to this **Federal Register** document.

Table of Contents

- I. What is the background for this action?
- II. Environmental Justice Considerations
- III. What comments were received in response to the EPA's proposed action?
- IV. What action is the EPA taking?
- V. Incorporation by Reference
- VI. Statutory and Executive Order Reviews

I. What is the background for this action?

This action relates to a SSSIP revision that concerns the Facility which is a fully integrated pulp and paper manufacturer of printing papers. The Facility processes hardwood and softwood logs and chips using the kraft pulping process and produces approximately 900 tons per day of uncoated free sheet paper for commercial printing. Converted kraft pulp is washed, bleached, and prepared for finishing by two paper machines. The sources at issue in this action are the Facility's one power boiler, one lime kiln, and one recovery furnace. NYSDEC RACT regulations establish presumptive RACT requirements for these sources in (1) 6 NYCRR part 227, "Stationary Combustion Installations," subpart 227–2, "Reasonably Available Control Technology for Major Facilities of Oxides of Nitrogen," last approved by the EPA on July 12, 2013, *see* 78 FR 41846 (July 12, 2013); and (2) 6 NYCRR part 212, "Process Operations," subpart 212–3, "Reasonably Available Control Technology for Major Facilities," last approved by the EPA on October 1, 2021, *see* 87 FR 54375 (October 1, 2021). However, as explained above, the State regulations allow Source-specific RACT determinations if the presumptive RACT requirements are not technologically or economically feasible; such Source-specific determinations must be submitted to the EPA as a SSSIP revision.

This SSSIP revision was submitted by NYSDEC on November 23, 2022, and it replaces and supersedes the SSSIPs that were submitted by the State on September 16, 2008, and August 30, 2010. On May 23, 2024, the EPA published a Notice of Proposed Rulemaking that proposed to approve a SSSIP revision to address NO_x RACT

emission limits for the one power boiler, one lime kiln, and one recovery furnace for consistency with the CAA and the EPA regulations, as interpreted through EPA actions and guidance. *See* 89 FR 45616. Specifically, the Notice of Proposed Rulemaking addressed the following: (1) A case-by-case emission limit and RACT control options for the power boiler due to its unique fuel mix; (2) an emission limit for the lime kiln that is not covered by other New York Source-specific RACT regulations, and therefore must follow 6 NYCRR part 212 as a process operation;¹ and (3) an emission limit for the recovery furnace that is not covered by other Source-specific New York RACT regulations, and therefore must follow 6 NYCRR part 212 as a process operation.

The EPA is determining through this final action that the NO_x RACT emission limits submitted by the State in this November 23, 2022 SSSIP revision for the Facility's power boiler, lime kiln, and recovery furnace are the lowest emission limits with the application of control technology that are reasonably available given technological and economic feasibility considerations. These respective NO_x RACT emission limits are contained in the Facility's title V operating permit, 5–1548–00008/00081, under Condition 52, Condition 78, and Condition 85. This operating permit was issued by the State on March 19, 2022, and expires on March 18, 2027.

The specific details for how the NO_x emission limits comprise RACT for the power boiler, lime kiln and recovery furnace, and the rationale for the EPA's approval action, are explained in the EPA's Notice of Proposed Rulemaking and are not restated in this final action. For this detailed information, the reader is referred to the EPA's Notice of Proposed Rulemaking. 89 FR 45616 (May 23, 2024).

II. Environmental Justice Considerations

The State of New York did not evaluate environmental justice considerations as part of its SSSIP submittal. The EPA performed an

¹ Under 6 NYCRR part 212, Definitions (18), 'Process operation.' Any industrial, institutional, commercial, agricultural or other activity, operation, manufacture or treatment in which chemical, biological and/or physical properties of the material or materials are changed, or in which the material(s) is conveyed or stored without changing the material(s) if the conveyance or storage system is equipped with a vent(s) and is non-mobile, and that emits air contaminants to the outdoor atmosphere. A process operation does not include an open fire, operation of a combustion installation, or incineration of refuse other than by-products or wastes from a process operation(s).

environmental justice analysis solely for the purpose of providing additional context and transparency to the public. The CAA and applicable implementing regulations neither prohibit nor require an evaluation of environmental justice concerns. Thus, the analysis is not a basis of this action. The EPA created a Community Report (the Report) using Version 2.2 of its Environmental Justice Screening and Mapping tool EJ Screen (EJScreen). EJScreen is EPA's environmental justice mapping and screening tool that provides EPA with a nationally consistent dataset and approach for combining environmental and demographic socioeconomic indicators. EJScreen users choose a geographic area; the tool then provides demographic socioeconomic and environmental information for that area. It is important to understand that EJScreen is not a detailed risk analysis. It is a screening tool that examines some of the relevant issues related to environmental justice, and there is uncertainty in the date included. The Report is contained in the EPA docket assigned to this **Federal Register** document.

The Report addresses a 1-mile ring centered at the Facility. All thirteen EJ Screen environmental indexes are evaluated in the Report: (1) Particulate matter; (2) ozone; (3) diesel particulate matter; (4) air toxics cancer risks; (5) air toxics respiratory health index; (6) toxics releases to air; (7) traffic proximity; (8) lead paint; (9) superfund proximity; (10) risk management plan (RMP) facility proximity; (11) hazardous waste proximity; (12) underground storage tanks; and (13) wastewater discharge. Specific background and source information on these indexes and environmental indicators can be found in the EPA's "EJScreen Technical Documentation for Version 2.2."² We analyze both EJ Indexes and Supplemental Indexes because they offer different perspectives on community level vulnerability based on different factors. The EPA used the National percentile instead of the State percentile for the Report results because this SSSIP action is a Federal action. Any environmental index result that is in the 80th percentile or greater is considered to be relatively high when comparing to the United States population. The "percentile" is what EJ Screen uses to compare the area of study to national and state figures.

The results of the EPA's environmental justice analysis indicated that the population within a 1-mile radius of the Facility was below the 80th percentile for all National EJ Indexes and Supplemental Indexes. Refer to docket assigned to this **Federal Register** document for the complete Report results.

The EPA expects that finalizing this action is unlikely to result in potential disproportionate health, environmental, and economic impacts on disadvantaged communities in the area surrounding the Facility. This analysis was done solely for the purpose of providing additional context and information about this rulemaking to the public and is not a basis for the action. The EPA is taking action under the CAA and on bases independent of EJ.

III. What comments were received in response to the EPA's proposed action?

The EPA received two public comments during the 30-day public comment period of the EPA's proposed approval of New York's SIP revision. The comments were not relevant to the action. The specific comments may be viewed under Docket ID Number EPA-R02-OAR-2023-0237 on the <https://www.regulations.gov> website.

Regarding one commenter, the EPA appreciates the commenter's support of keeping NY air clean but notes that this is not relevant to this action.

Regarding another commenter, the EPA appreciates the commenter's description of cannabis plants releasing BVOCs but notes that this is not relevant to this action.

IV. What action is the EPA taking?

Based on a thorough RBLC review of similar sources, information provided by NYSDEC, and an analysis of this Source-specific SIP revision, the EPA is approving Sylvamo Ticonderoga Mill's operation under NYSDEC approved NO_x emission limits for the Facility's power boiler, lime kiln, and recovery furnace.

Specifically, the EPA is approving the following limits and associated requirements as implementing RACT: (1) For the emission unit P-OWERH, very large power boiler, a limit of 0.23 lb NO_x/MMBtu per 24-hour average (0.22 lb NO_x/MMBtu per 30-day rolling average) during the ozone season May 1 through September 30, and 0.23 lb NO_x/MMBtu per 30-day rolling average during the non-ozone season October 1 through April 30; (2) for the emission unit R-CAUST, lime kiln, a limit of 120 parts per million by volume (wet, corrected to 10% O₂); and (3) for the emission unit R-ECOV, recovery

furnace, a limit of 100 parts per million by volume (dry, corrected to 8% O₂).

V. Incorporation by Reference

In this document, the EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is finalizing the incorporation by reference revisions to Sylvamo Ticonderoga Mill title V operating permit conditions 52, 78, and 85 as described in section I. of this preamble. These documents are available in the docket of this rulemaking through www.regulations.gov. Therefore, these materials have been approved by the EPA for inclusion in the State Implementation Plan, have been incorporated by reference by the EPA into that plan, are fully federally enforceable under sections 110 and 113 of the CAA as of the effective date of the final rulemaking of the EPA's approval, and will be incorporated by reference in the next update to the SIP compilation.³

VI. Statutory and Executive Order Reviews

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

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

² EJ Screen, Environmental Justice Mapping and Screening Tool, EJ Screen Technical Documentation for Version 2.2. See <https://www.epa.gov/system/files/documents/2023-06/ejscreen-tech-doc-version-2-2.pdf>.

³ 62 FR 27968 (May 22, 1997).

Order 13132 (64 FR 43255, August 10, 1999);

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

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

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

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

Executive Order 12898 (Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, 59 FR 7629, Feb. 16, 1994) directs Federal agencies to identify and address

“disproportionately high and adverse human health or environmental effects” of their actions on communities with environmental justice (EJ) concerns to the greatest extent practicable and permitted by law. The EPA defines 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.” resulting from the negative environmental consequences of industrial, governmental, and commercial operations or programs and policies.”

The New York State Department of Environmental Conservation did not evaluate environmental justice considerations as part of its SSSIP submittal; the CAA and applicable implementing regulations neither prohibit nor require such an evaluation. The EPA performed an environmental justice analysis, as is described above in the section titled, “Environmental Justice Considerations.” The analysis was done for the purpose of providing additional context and information about this rulemaking to the public, not as a basis of the action. In addition, there is no information in the record upon which this decision is based inconsistent with the stated goal of E.O. 12898 of achieving environmental justice for people of color, low-income populations, and Indigenous peoples.

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

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by November 18,

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 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Oxides of nitrogen, Ozone, Reporting and recordkeeping requirements.

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

Lisa Garcia,
Regional Administrator, Region 2.

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

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart HH—New York

■ 2. Amend § 52.1670 paragraph (d) the table by adding the entry “Sylvamo Ticonderoga Mill” at the end to read as follows:

§ 52.1670 Identification of plan.

* * * * *
(d) * * *

EPA-APPROVED NEW YORK SOURCE-SPECIFIC PROVISIONS

Name of source	Identifier No.	State effective date	EPA approval date	Comments
* * * * *				
Sylvamo Ticonderoga Mill	5-1548-00008/00081	11/23/2022	9/19/2024, [insert Federal Register citation].	RACT emission limits for condition 52, 78, and 85.

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****50 CFR Part 679****[Docket No. 240304–0068; RTID 0648–XD955]****Fisheries of the Exclusive Economic Zone off Alaska; Atka Mackerel in the Central Aleutian District of the Bering Sea and Aleutian Islands Management Area****AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.**ACTION:** Temporary rule; closure.

SUMMARY: NMFS is prohibiting directed fishing for Atka mackerel in the Central Aleutian district (CAI) of the Bering Sea and Aleutian Islands management area (BSAI) by vessels participating in the BSAI trawl limited access sector fishery. This action is necessary to prevent exceeding the 2024 total allowable catch (TAC) of Atka mackerel in the CAI allocated to vessels participating in the BSAI trawl limited access sector fishery.

DATES: Effective 1200 hours, Alaska local time (A.l.t.), September 16, 2024, through 2400 hours, A.l.t., December 31, 2024.

FOR FURTHER INFORMATION CONTACT: Steve Whitney, 907–586–7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the BSAI exclusive economic zone according to the Fishery Management Plan (FMP) for Groundfish of the BSAI prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The 2024 TAC of Atka mackerel, in the CAI, allocated to vessels participating in the BSAI trawl limited access sector fishery was established as a directed fishing allowance of 1,489 metric tons by the final 2024 and 2025 harvest specifications for groundfish in the BSAI (89 FR 17287, March 11, 2024).

In accordance with § 679.20(d)(1)(iii), the Regional Administrator finds that this directed fishing allowance has been reached. Consequently, NMFS is prohibiting directed fishing for Atka mackerel in the CAI by vessels participating in the BSAI trawl limited

access sector fishery. While this closure is effective, the maximum retainable amounts at § 679.20(e) and (f) apply at any time during a trip.

Classification

NMFS issues this action pursuant to section 305(d) of the Magnuson-Stevens Act. This action is required by 50 CFR part 679, which was issued pursuant to section 304(b), and is exempt from review under Executive Order 12866.

Pursuant to 5 U.S.C. 553(b)(B), there is good cause to waive prior notice and an opportunity for public comment on this action, as notice and comment would be impracticable and contrary to the public interest, as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion, and would delay the closure of the Atka mackerel directed fishing in the CAI for vessels participating in the BSAI trawl limited access sector fishery. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of September 13, 2024.

The Assistant Administrator for Fisheries, NOAA also finds good cause to waive the 30-day delay in the effective date of this action under 5 U.S.C. 553(d)(3). This finding is based upon the reasons provided above for waiver of prior notice and opportunity for public comment.

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

Dated: September 16, 2024.

Karen H. Abrams,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2024–21448 Filed 9–16–24; 4:15 pm]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****50 CFR Part 679****[Docket No. 240304–0068; RTID 0648–XD945]****Fisheries of the Exclusive Economic Zone Off Alaska; “Other Rockfish” in the Aleutian Islands Subarea of the Bering Sea and Aleutian Islands Management Area****AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.**ACTION:** Temporary rule; closure.

SUMMARY: NMFS is prohibiting retention of “other rockfish” in the Aleutian

Islands subarea of the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary because the 2024 “other rockfish” total allowable catch (TAC) in the Aleutian Islands subarea of the BSAI has been reached.

DATES: Effective 1200 hours, Alaska local time (A.l.t.), September 16, 2024, through 2400 hours, A.l.t., December 31, 2024.

FOR FURTHER INFORMATION CONTACT: Steve Whitney, 907–586–7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the BSAI according to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR parts 600 and 679.

The 2024 “other rockfish” TAC in the Aleutian Islands subarea of the BSAI is 380 metric tons (mt) as established by the final 2024 and 2025 harvest specifications for groundfish in the BSAI (89 FR 17287, March 11, 2024). In accordance with § 679.20(d)(2), the Administrator, Alaska Region, NMFS (Regional Administrator) has determined that the 2024 “other rockfish” TAC in the Aleutian Islands subarea of the BSAI has been reached. Therefore, NMFS is requiring that “other rockfish” in the Aleutian Islands subarea of the BSAI be treated in the same manner as a prohibited species, as described under § 679.21(a), for the remainder of the year, except “other rockfish” species in the Aleutian Islands subarea caught by catcher vessels using hook-and-line, pot, or jig gear as described in § 679.20(j).

Classification

NMFS issues this action pursuant to section 305(d) of the Magnuson-Stevens Act. This action is required by 50 CFR part 679, which was issued pursuant to section 304(b), and is exempt from review under Executive Order 12866.

Pursuant to 5 U.S.C. 553(b)(B), there is good cause to waive prior notice and an opportunity for public comment on this action, as notice and comment would be impracticable and contrary to the public interest, as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion, and would delay prohibiting retention of “other rockfish” in the Aleutian Islands subarea of the BSAI. NMFS was

unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of September 12, 2024.

The Assistant Administrator for Fisheries, NOAA also finds good cause to waive the 30-day delay in the effective date of this action under 5 U.S.C. 553(d)(3). This finding is based upon the reasons provided above for waiver of prior notice and opportunity for public comment.

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

Dated: September 16, 2024.

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

[FR Doc. 2024–21451 Filed 9–16–24; 4:15 pm]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 240227–0061; RTID 0648–XE047]

Fisheries of the Exclusive Economic Zone off Alaska; Pacific Ocean Perch in the Western Regulatory Area of the Gulf of Alaska

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS is prohibiting directed fishing for Pacific ocean perch in the Western Regulatory Area of the Gulf of Alaska (GOA). This action is necessary to prevent exceeding the 2024 total allowable catch of Pacific ocean perch

in the Western Regulatory Area of the GOA.

DATES: Effective 1200 hours, Alaska local time (A.l.t.), September 16, 2024, through 2400 hours, A.l.t., December 31, 2024.

FOR FURTHER INFORMATION CONTACT: Steve Whitney, 907–586–7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the GOA exclusive economic zone according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR parts 600 and 679.

The 2024 total allowable catch (TAC) of Pacific ocean perch in the Western Regulatory Area of the GOA is 1,787 metric tons (mt) as established by the final 2024 and 2025 harvest specifications for groundfish of the GOA (89 FR 15484, March 4, 2024).

In accordance with § 679.20(d)(1)(i), the Administrator, Alaska Region, NMFS (Regional Administrator), has determined that the 2024 TAC of Pacific ocean perch in the Western Regulatory Area of the GOA will soon be reached. Therefore, the Regional Administrator is establishing a directed fishing allowance of 1,687 mt, and is setting aside the remaining 100 mt as bycatch to support other anticipated groundfish fisheries. In accordance with § 679.20(d)(1)(iii), the Regional Administrator finds that this directed fishing allowance has been reached. Consequently, NMFS is prohibiting directed fishing for Pacific ocean perch

in the Western Regulatory Area of the GOA.

While this closure is in effect, the maximum retainable amounts at § 679.20(e) and (f) apply at any time during a trip.

Classification

NMFS issues this action pursuant to section 305(d) of the Magnuson-Stevens Act. This action is required by 50 CFR part 679, which was issued pursuant to section 304(b), and is exempt from review under Executive Order 12866.

Pursuant to 5 U.S.C. 553(b)(B), there is good cause to waive prior notice and an opportunity for public comment on this action, as notice and comment would be impracticable and contrary to the public interest, as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion, and would delay the closure of directed fishing of Pacific ocean perch in the Western Regulatory Area of the GOA. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of September 13, 2024.

The Assistant Administrator for Fisheries, NOAA also finds good cause to waive the 30-day delay in the effective date of this action under 5 U.S.C. 553(d)(3). This finding is based upon the reasons provided above for waiver of prior notice and opportunity for public comment.

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

Dated: September 16, 2024.

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

[FR Doc. 2024–21452 Filed 9–16–24; 4:15 pm]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register

Vol. 89, No. 182

Thursday, September 19, 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

Rural Housing Service

7 CFR Part 3555

[Docket No. RHS–24–SFH–0029]

RIN 0575–AD38

Single Family Housing Guaranteed Loan Program

AGENCY: Rural Housing Service, Agriculture Department (USDA).

ACTION: Proposed rule.

SUMMARY: The Rural Housing Service (RHS or Agency), a Rural Development agency of the United States Department of Agriculture (USDA), proposes to amend the current Single Family Housing Guaranteed Loan Program (SFHGLP) regulation to change the requirements for the length of time a prior Agency loss is considered significant derogatory credit and address seasoning requirements and payment performance for refinance transactions. This proposed rule intends to establish a seven-year time frame for the applicant to re-establish credit after a prior loss claim with the Agency before that loss would no longer be considered significant derogatory credit. This proposed rule also intends to clarify the seasoning requirements and expected payment history requirements for all three refinance submission types within the SFHGLP and identify when applicants are eligible to refinance their current mortgage.

DATES: Comments must be submitted on or before November 18, 2024.

ADDRESSES: Comments may be submitted electronically, only by using the Federal eRulemaking Portal: Go to <https://www.regulations.gov> and in the “Search for dockets and documents on agency actions” box, enter the following docket number: (RHS–24–SFH–0029). To submit or view public comments, click “Search” button, select the “Documents” tab, then select the following document title: (Single Family Housing Guaranteed Loan Program)

from the “Search Results” and select the “Comment” button. Before submitting your comments, you may also review the “Commenter’s Checklist” (optional). Insert your comments under the “Comment” title, click “Browse” to attach files (if available). Input your email address and select “Submit Comment.” Information on using *Regulations.gov*, including instructions for accessing documents, submitting comments, and viewing the docket after the close of the comment period, is available through the site’s “FAQ” link.

Other Information: Additional information about Rural Development and its programs is available on the internet at <https://www.rd.usda.gov>.

All comments will be available for public inspection online at the Federal eRulemaking Portal (<https://www.regulations.gov>).

In accordance with 5 U.S.C. 553(b)(4), a summary of this proposed rule may be found by going to <https://www.regulations.gov> and in the “Search for dockets and documents on agency actions” box, enter the following docket number RHS–24–SFH–0029.

FOR FURTHER INFORMATION CONTACT:

Laurie Mohr, Finance and Loan Analyst, Single Family Housing Guaranteed Loan Division, Rural Development, U.S. Department of Agriculture, STOP 0784, Room 2250, South Agriculture Building, 1400 Independence Avenue SW, Washington, DC 20250–0784. Telephone: (314) 679–6917; or email: laurie.mohr@usda.gov.

SUPPLEMENTARY INFORMATION:

Abbreviations

CAIVRS Credit Alert Verification Reporting System
CFR Code of Federal Regulations
et seq. et sequentes
FHA Federal Housing Administration
FR Federal Register
HB–3555 Handbook 3555
HUD Department of Housing and Urban Development
RHS Rural Housing Service
§ Section
U.S.C. United States Code

I. Statutory Authority

SFHGLP is authorized at Section 502(h) of Title V of the Housing Act of 1949 (42 U.S.C. 1472(h)) and implemented by 7 CFR part 3555.

II. Background

RHS offers a variety of programs to build or improve housing and essential

community facilities in rural areas. RHS offers loans, grants, and loan guarantees for single and multi-family housing, childcare centers, fire and police stations, hospitals, libraries, nursing homes, schools, first responder vehicles and equipment, housing for farm laborers and much more. RHS also provides technical assistance loans and grants in partnership with non-profit organizations, Indian tribes, State and Federal Government agencies, and local communities.

Under the authority of the Housing Act of 1949, (42 U.S.C. 1471 *et seq.*), as amended, the SFHGLP makes loan guarantees to provide low- and moderate-income persons in rural areas an opportunity to own decent, safe, and sanitary dwellings and related facilities. Approved lenders make the initial eligibility determinations, and the Agency reviews those determinations to make a final eligibility decision.

This program helps lenders work with low- and moderate-income households living in rural areas to make homeownership a reality. Providing affordable homeownership opportunities promotes prosperity, which in turn creates thriving communities and improves the quality of life in rural areas.

III. Discussion of the Proposed Rule

A. Significant Derogatory Credit Proposed Rule Changes

Currently, an applicant with an indicator of significant derogatory credit requires a lender to conduct further review and to document that review during the underwriting process. As specified in 7 CFR 3555.151(i)(3)(iv), one indicator of significant derogatory credit is a previous Agency loan made to the applicant that resulted in a loss to the Government. A loss claim on a SFHGLP or a Single Family Housing Direct Loan results in a loss to the federal government. Therefore, an applicant with a previous loss claim is considered to have an indicator of significant derogatory credit.

Applicants obtaining a guarantee through the SFHGLP must obtain a clear Credit Alert Verification Reporting System (CAIVRS) number, which checks for prior loss claims by reviewing any delinquent and/or defaulted claims that were paid on the applicant’s behalf. Currently, regardless of the time passed since a loss to the

Agency occurred, applicants must maintain a clear CAIVRS number to obtain a new loan with the SFHGLP.

This proposed rule intends to amend 7 CFR 3555.151(i)(3)(iv) to establish a time limit for how long a previous Agency loss will be considered significant derogatory credit. The Agency proposes that this time limit be seven years. This would mean that any loss claim that is older than seven years old would no longer be considered significant derogatory credit for an applicant applying for a new loan using the SFHGLP.

This proposed rule would better align the waiting period with those used by similar programs. The Veterans Administration (VA) and the Federal Housing Administration (FHA), part of the U.S. Department of Housing and Urban Development, have shorter waiting periods before applicants are eligible to participate in their mortgage loan programs after having a foreclosure. VA allows applicants to apply for a mortgage as early as two years after a previous foreclosure, with FHA having a three-year waiting period. While a previous loss claim is a significant event when it occurs, applicants can establish positive repayment ability over time through various means, such as building credit; obtaining better paying jobs; demonstrating growth of liquid assets; and positioning themselves to be eligible for homeownership through the SFHGLP. Currently, 7 CFR 3555.151(i)(3) requires that for manually underwritten loans, lenders must submit documentation of the credit qualification decision. Lenders use credit scores to manually underwrite loan mortgage requests and are required to validate the credit scores utilized in the underwriting determination. Indicators of significant derogatory credit require further review and documentation of that review and a previous Agency loan that resulted in a loss to the government is one item that would require this type of more thorough underwriting review and documentation.

When the loan file becomes a manually underwritten loan, the lender is required to submit a fully documented file for the Agency to review. Some of the guidelines for a manually underwritten file are more stringent and require the lender to provide acceptable debt ratio waivers and compensating factors to support these waivers, as well as require credit score validations, credit exceptions, and a verification of rent. In cases where applicants have re-established credit, obtained a stable and dependable

earning stream, and generated savings it seems prudent to add a time frame for when the Agency considers these previous loss claims to no longer be considered significant derogatory credit.

The Agency proposes a seven-year period for consideration of previous loss claims to be considered significant derogatory credit.

To reach this figure of seven-years, the Agency considered that many states utilize a seven-year statute of limitation for creditor claims. The Agency also considered provisions in the Fair Credit Reporting Act (FCRA), 15 U.S.C. 1681 *et seq.*, which is a federal law that regulates the collection, accuracy, and privacy of consumers' credit information. One of the provisions of FCRA is a requirement to exclude from credit reports most types of derogatory credit that antedate the report by more than seven years.

When evaluating the overall applicants' credit worthiness, lenders consider a variety of factors, including the applicant's income, assets, credit rating, and proposed collateral.

The Agency determined that seven-years is sufficient time for an improvement in these factors. For example, in seven years, an applicant may have significantly increased their income by obtaining a job promotions, raise, completing a degree, learning a new trade, obtaining a new skill, credential, or similar development. to validate circumstances have changed. Having a greater potential repayment ability, or increased capacity, to make the loan payments for the 30-year term is important in the applicants' underwriting analysis.

The Agency also determined that seven years is sufficient time for the applicant to further develop their financial state, by obtaining additional assets and reducing their liabilities. Comparing their assets to liabilities helps determine if the applicant can sustain their current financial situation and, more importantly, if a hardship arose, whether they have sufficient reserves to ensure continued repayment. In conjunction with having time to obtain a better job, this would allow additional time for the applicant to increase their savings. In the seven-year time frame, the applicant may be eligible to receive matching funds by the employer in their 401K or 457 plan, or possibly receive increased wages enabling them to put more away in savings. This would be important for the cash assets and reserves available in the applicants' underwriting analysis.

The last item the Agency considered in determining the seven-year period was credit. A time frame had to be

established that allowed the applicant time to repair their credit. In a seven-year time frame the applicant would have time to repair or rebuild their credit score, pay down or pay off debts, and improve their overall credit situation, and credit reporting companies would no longer report many indicators of derogatory credit seven years after their occurrence. By having sufficient time to re-establish credit, the applicants can show enhanced repayment ability to the potential lender. The Agency believes that by basing the seven-year time frame on both regulatory credit reporting rules and a fair time frame for the applicants to be able to re-establish themselves, the applicants can gain better employment, obtain more wealth, and eradicate a previously tarnished credit report in the seven years. Thus, using a seven-year time frame to consider a prior loss claim to be significant derogatory credit is well supported.

B. Refinance Seasoning and Payment Performance Proposed Rule Changes

There are three refinance options available to borrowers through SFHGLP—streamlined, non-streamlined, and streamline-assist.

Currently, 7 CFR part 3555 does not have a seasoning requirement for streamlined or non-streamlined refinance loans. The "seasoning" period for a mortgage loan refers to the amount of time the applicants have had their mortgage loan and made payments on the debt to their servicer. This proposed rule intends to modify the existing seasoning requirements for streamlined or non-streamlined refinance loans.

The streamlined-assist refinance loan currently has a 12-month seasoning requirement, which this proposed rule would modify to a six-month seasoning requirement. Other Federal Agencies offering similar programs, both requiring limited borrower credit and underwriting documentation, such as FHA and VA, allow streamline refinance transactions after a six-month time span. This proposed rule would bring consistency with these Agencies by permitting the current loan to only be seasoned six months prior to being eligible for a refinance.

The proposed rule would amend § 3555.101(d)(3)(i) to clarify there is no seasoning requirement for the streamlined or non-streamlined refinance loans. Additionally, the current 12-month seasoning requirement for streamlined-assist loans would be modified to a six-month seasoning requirement. The revision would also clarify the mortgage payment history must not reflect any

delinquencies greater than 30 days within 180 days prior to loan application. Since the streamlined and non-streamlined refinance loans are not required to be seasoned for 180 days at loan application, the current loan being refinanced cannot have any delinquencies greater than 30 days since the mortgage loan was originated to be eligible.

This proposal intends to provide our low- to moderate-income applicants the ability to take advantage of a more favorable mortgage interest rate earlier, promoting repayment ability, and allowing them more funds available to save for future expenditures or make home improvements.

The proposed rule would require all payments on the current mortgage loan to be made on time for the last 180 days prior to loan application for all three refinance types (streamlined, non-streamlined, and streamlined assist). No delinquencies greater than 30 days may occur in that period. These proposed guidelines mirror other Federal Agency guidelines, as payments are required to be paid on time for six consecutive months. Since the streamlined and non-streamlined refinance options do not require a seasoning period, when the borrowers' current mortgage account has not been open 180 days prior to the refinance loan application, no defaults can be present since the current mortgage account was originated.

The proposed rule also intends to update 7 CFR 3555.101(d)(3)(iii) by clarifying that existing borrowers seeking to refinance with the streamlined, non-streamlined, and streamlined-assist products must maintain a current mortgage account for 180 days prior to loan application. It will also further explain if borrowers are using the streamlined or non-streamlined refinance options and the mortgage account has not been open 180 days prior to loan application, no defaults can be present since the mortgage account was opened.

Finally, the proposed rule would amend 7 CFR 3555.101(d)(3)(vi) to delete duplicate information already contained within other provisions of subsection (d). The paragraph will instead state: Documentation, costs, underwriting, and servicing requirements of subparts D, E, and F of this part apply to refinancing, unless otherwise provided by the Agency.

IV. Request for Comment

Stakeholder input is vital to ensure the proposed changes in the proposed rule would support the Agency's mission, while ensuring that new regulations and policies are reasonable

and do not overly burden the Agency's lenders and their customers. Comments must be submitted on or before November 18, 2024 and may be submitted electronically by going to the Federal eRulemaking Portal: <https://www.regulations.gov>. Details on how to submit comments to the Federal eRulemaking Portal are in the ADDRESSES section of this proposed rule.

V. Summary of Proposed Rule Changes

RHS is proposing to make the following changes to 7 CFR 3555:

(1) The Agency is proposing to amend 7 CFR 3555.101(d)(3)(i)(A) to state that lenders may offer a streamlined refinance for existing Section 502 Guarantee loans, which does not require a new appraisal. The lender will pay off the balance of the existing Section 502 Guaranteed loan. There is no seasoning requirement for the current mortgage account being refinanced. The borrower must have no delinquencies greater than 30 days on the mortgage account being refinanced for 180 days prior to loan application. If the current mortgage loan is not 180 days mature at loan application, the borrower cannot have any delinquencies greater than 30 days since the mortgage loan was originated.

(2) The Agency also proposes to update § 3555.101(d)(3)(i)(B) to allow lenders to offer non-streamlined refinancing for existing Section 502 Guaranteed or Direct loans, which requires a new and current market value appraisal. The amount of the new loan must be supported by sufficient equity in the property determined by an appraisal. The appraised value may be exceeded by the amount of up-front guarantee fee financed, if any, when using the non-streamlined option. There is no seasoning requirement for the current mortgage account being refinanced. The borrower must have no delinquencies greater than 30 days on the mortgage account being refinanced for 180 days prior to loan application. If the current mortgage loan is not 180 days mature at loan application; the borrower cannot have any delinquencies greater than 30 days since the mortgage loan was originated.

(3) The Agency is also proposing to update § 3555.101(d)(3)(i)(C) to make clear that a streamlined-assist refinance loan is a special refinance option available to existing Section 502 Direct and Guaranteed loan borrowers. There are no debt-to-income calculation requirements, no credit report requirements, no property inspection requirements, and no loan-to-value requirements. There is no appraisal requirement, with the exception of Section 502 Direct loan borrowers who

have received a subsidy. The existing loan must have closed six months prior to loan application. Applicants must meet the income eligibility requirements of § 3555.151(a) and must not have had any delinquencies greater than 30 days on their mortgage account being refinanced 180 days prior to loan application.

(4) The proposed rule intends to update 7 CFR 3555.101(d)(3)(iii) to clarify existing borrowers seeking to refinance with the streamlined, non-streamlined, and the streamlined-assist products must maintain a current mortgage account for 180 days prior to loan application. It will also stipulate if borrowers are using the streamlined or non-streamlined refinance options and the mortgage account has not been open 180 days prior to loan application, no defaults can be present since the mortgage account was opened.

(5) The proposed rule would amend 7 CFR 3555.101(d)(3)(vi) to delete text that is already provided in section (d) of 7 CFR 3555. The paragraph will state: Documentation, costs, and underwriting requirements of subparts D, E, and F of this part apply to refinances, unless otherwise provided by the Agency.

(6) The Agency intends to revise 7 CFR 3555.151(i)(3)(iv) to specify a previous Agency loan that resulted in a loss to the Government within the last seven years is considered significant derogatory credit.

VI. Regulatory Information

Executive Order 12372, Intergovernmental Review of Federal Programs

This program is not subject to the requirements of Executive Order 12372, "Intergovernmental Review of Federal Programs," as implemented under USDA's regulations at 2 CFR 415, subpart C.

Executive Order 12866 and 13563

Executive Orders 12866 (Regulatory Planning and Review) and 13563 (Improving Regulation and Regulatory Review) direct agencies to assess the costs and benefits of available regulatory alternatives and, if a 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, of reducing costs, of harmonizing rules, and promoting flexibility. This proposed rule has been designated a "non-significant regulatory action,"

under section 3(f) of Executive Order 12866. Accordingly, the rule has not been reviewed by the Office of Management and Budget (OMB).

In accordance with Executive Order 12866, a Regulatory Impact Analysis was not completed.

Executive Order 12988, Civil Justice Reform

This proposed rule has been reviewed under Executive Order 12988, Civil Justice Reform. Except where specified, all state and local laws and regulations that are in direct conflict with this rule will be preempted. Federal funds carry federal requirements. No person is required to apply for funding under SFHGLP, but if they do apply and are selected for funding, they must comply with the requirements applicable to the federal program funds. This rule is not retroactive. It will not affect agreements entered into prior to the effective date of the rule. Before any judicial action may be brought regarding the provisions of this rule, the administrative appeal provisions of 7 CFR part 11 must be exhausted.

Executive Order 13132, Federalism

The policies contained in this proposed rule do not have any substantial direct effect on states, on the relationship between the national government and states, or on the distribution of power and responsibilities among the various levels of government. This proposed rule does not impose substantial direct compliance costs on state and local governments. Therefore, consultation with the states is not required.

Executive Order 13175, Consultation and Coordination With Indian Tribal Governments

This proposed rule has been reviewed in accordance with the requirements of Executive Order 13175, "Consultation and Coordination with Indian Tribal Governments." Executive Order 13175 requires Federal agencies to consult and coordinate with tribes on a government-to-government basis on policies that have Tribal implications, including regulations, legislative comments or proposed legislation, and other policy statements or actions that 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. Consultation is also required for any regulation that preempts Tribal law or that imposes substantial direct compliance costs on Indian Tribal

governments and that is not required by statute. The Agency has determined that this proposed rule does not, to our knowledge, have Tribal implications that require formal Tribal consultation under Executive Order 13175. If a Tribe requests consultation, the Rural Housing Service will work with the Office of Tribal Relations to ensure meaningful consultation is provided where changes, additions and modifications identified herein are not expressly mandated by Congress.

Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Public Law 104–4, establishes requirements for federal agencies to assess the effect of their regulatory actions on state, local, and tribal governments, and the private sector. Under section 202 of the UMRA, the Agency generally must prepare a written statement, including a cost-benefit analysis, for proposed and final rules with "federal mandates" that may result in expenditures to state, local, or tribal governments, in the aggregate, or to the private sector, of \$100 million, or more in any one year. When such a statement is needed for a rule, section 205 of the UMRA generally requires the Agency to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, most cost-effective, or least burdensome alternative that achieves the objectives of the rule.

This proposed rule contains no federal mandates (under the regulatory provisions of Title II of the UMRA) for state, local, and tribal governments, or the private sector. Therefore, this rule is not subject to the requirements of sections 202 and 205 of the UMRA.

National Environmental Policy Act

In accordance with the National Environmental Policy Act of 1969, Public Law 91–190, this final rule has been reviewed in accordance with 7 CFR part 1970 ("Environmental Policies and Procedures"). The Agency has determined that i) this action meets the criteria established in 7 CFR 1970.53(f); ii) no extraordinary circumstances exist; and iii) the action is not "connected" to other actions with potentially significant impacts, is not considered a "cumulative action" and is not precluded by 40 CFR 1506.1. Therefore, the Agency has determined that the action does not have a significant effect on the human environment, and therefore neither an Environmental Assessment nor an Environmental Impact Statement is required.

Regulatory Flexibility Act

This proposed rule has been reviewed with regard to the requirements of the Regulatory Flexibility Act (5 U.S.C. 601–612). The undersigned has determined and certified by signature on this document that this rule will not have a significant economic impact on a substantial number of small entities since this rulemaking action does not involve a new or expanded program nor does it require any more action on the part of a small business than required of a large entity.

Civil Rights Impact Analysis

RD has reviewed this proposed rule in accordance with USDA Regulation 4300–4, Civil Rights Impact Analysis," to identify any major civil rights impacts the rule might have on program participants on the basis of age, race, color, national origin, sex, disability, gender identity (including gender expression), genetic information, political beliefs, sexual orientation, marital status, familial status, parental status, veteran status, religion, reprisal and/or resulting from all or a part of an individual's income being derived from any public assistance program. This proposed rule is within a Guarantee-based program. Guarantees are not covered under Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, and Title IX of the Education Amendments Act of 1972, as amended, when the Federal assistance does not include insurance or interest credit loans. Lenders must comply with other applicable Federal laws, including Equal Employment Opportunities, the Equal Credit Opportunity Act, the Fair Housing Act, and the Civil Rights Act of 1964. Guaranteed loans that involve the construction of or addition to facilities that accommodate the public must comply with the Architectural Barriers Act Accessibility Standard. The borrower and lender are responsible for ensuring compliance with these requirements.

Programs Affected

The program affected by this proposed rule is listed in the Assistance Listing (AL) Number 10.410, Very Low to Moderate Income Housing Loans (Section 502 Rural Housing Loans).

Paperwork Reduction Act

This proposed rule contains no new reporting or recordkeeping burdens under OMB control number 0575–0179 that would require approval under the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35).

E-Government Act Compliance

Rural Development is committed to the E-Government Act, which requires Government agencies in general to provide the public the option of submitting information or transacting business electronically to the maximum extent possible.

Non-Discrimination Policy

In accordance with Federal civil rights laws and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the 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, audiotope, American Sign Language) should contact the responsible Mission Area, agency, staff office; or the 711 Federal Relay Service.

To file a program discrimination complaint, a complainant should complete a Form AD-3027, *USDA Program Discrimination Complaint Form*, which can be obtained online, 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, STOP 9410, Washington, DC 20250-9410; or

(2) *Fax*: (833) 256-1665 or (202) 690-7442; or

(3) *Email*: program.intake@usda.gov.

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List of Subjects in 7 CFR Part 3555

Administrative practice and procedure, Business and industry, Conflicts of interest, Credit, Environmental impact statements, Fair housing, Flood insurance, Grant programs—housing and community development, home improvement, Housing, Loan programs—housing and community development, Low and moderate income housing, Manufactured homes, Mortgage insurance, Mortgages, Reporting and recordkeeping requirements, Rural areas.

For the reasons discussed in the preamble, the Agency is proposing to amend 7 CFR part 3555 as follows:

PART 3555—GUARANTEED RURAL HOUSING PROGRAM

■ 1. The authority citation for Part 3555 continues to read as follows:

Authority: 5 U.S.C. 301; 42 U.S.C. 1471 *et seq.*

■ 2. Amend § 3555.101 by revising paragraphs (d)(3)(i)(A) through (C) and (d)(3)(iii) and (vi) to read as follows:

§ 3555.101 Loan purposes.

* * * * *

(d) * * *

(3) * * *

(i) * * *

(A) Lenders may offer streamlined refinancing for existing Section 502 Guaranteed loans, which does not require a new appraisal. The lender will pay off the balance of the existing Section 502 Guaranteed loan. There is no seasoning requirement for the current mortgage account being refinanced. The borrower must have no delinquencies greater than 30 days on the mortgage account being refinanced for 180 days prior to loan application. If the current mortgage loan is not 180 days mature at loan application, the borrower cannot have any delinquencies greater than 30 days since the mortgage loan was originated.

(B) Lenders may offer non-streamlined refinancing for existing Section 502 Guaranteed or Direct loans, which requires a new and current market value appraisal. The amount of the new loan must be supported by sufficient equity in the property as determined by an appraisal. The appraised value may be exceeded by the amount of up-front guarantee fee financed, if any, when using the non-streamlined option. There is no seasoning requirement for the current mortgage account being refinanced. The borrower must have no delinquencies greater than 30 days on the mortgage

account being refinanced for 180 days prior to loan application. If the current mortgage loan is not 180 days mature at loan application, the borrower cannot have any delinquencies greater than 30 days since the mortgage loan was originated.

(C) A streamlined-assist refinance loan is a special refinance option available to existing Section 502 Direct and Guaranteed loan borrowers. There are no debt-to-income calculation requirements, no credit report requirements, no property inspection requirements, and no loan-to-value requirements. There is no appraisal requirement, with the exception of Section 502 Direct loan borrowers who have received a subsidy. The existing loan must have closed six months prior to loan application. Applicants must meet the income eligibility requirements of § 3555.151(a) and must not have had any delinquencies greater than 30 days on their mortgage account being refinanced 180 days prior to loan application.

* * * * *

(iii) Existing borrowers seeking to refinance using the streamlined, non-streamlined, or the streamlined-assist refinance options must have demonstrated their ability to meet payment demands by maintaining a current mortgage account for 180 days prior to loan application. However, if the borrower is using either the streamlined or non-streamlined refinance option and their mortgage account being refinanced has not been opened for 180 days prior to loan application, no defaults must have occurred since the mortgage account was opened.

* * * * *

(vi) Documentation, costs, and underwriting requirements of subparts D, E, and F of this part apply to refinances, unless otherwise provided by the Agency.

* * * * *

■ 3. Amend § 3555.151 by revising paragraph (i)(3)(iv) to read as follows:

§ 3555.151 Eligibility requirements.

* * * * *

(i) * * *

(3) * * *

(iv) A previous Agency loan that resulted in any loss to the Government within the last seven years.

* * * * *

Joaquin Altoro,

Administrator, Rural Housing Service.

[FR Doc. 2024-21404 Filed 9-18-24; 8:45 am]

BILLING CODE 3410-XV-P

NUCLEAR REGULATORY COMMISSION

10 CFR Part 50

[Docket No. PRM–50–125; NRC–2024–0135]

Returning a Decommissioning Plant to Operating Status

AGENCY: Nuclear Regulatory Commission.

ACTION: Petition for rulemaking; notice of docketing and request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) has received a petition for rulemaking from Alan Blind and Roger Rapoport, dated July 1, 2024, requesting that the NRC revise its regulations to include a Commission-approved process for returning a decommissioning plant to operational status. The petition was docketed by the NRC on July 23, 2024, and has been assigned Docket No. PRM–50–125. The NRC is examining the issues raised in PRM–50–125 to determine whether they should be considered in rulemaking. The NRC is requesting public comment on this petition at this time.

DATES: Submit comments by December 3, 2024. Comments received after this date will be considered if it is practical to do so, but the NRC is able to assure consideration only for comments received on or before this date.

ADDRESSES: You may submit comments by any of the following methods however, the NRC encourages electronic comment submission through the Federal rulemaking website:

- *Federal Rulemaking Website:* Go to <https://www.regulations.gov> and search for Docket ID NRC–2024–0135. Address questions about NRC dockets to Helen Chang; telephone: 301–415–3228; email: Helen.Chang@nrc.gov. For technical questions contact the individual listed in the **FOR FURTHER INFORMATION**

CONTACT section of this document.

- *Email comments to:* Rulemaking.Comments@nrc.gov. If you do not receive an automatic email reply confirming receipt, then contact us at 301–415–1677.

- *Fax comments to:* Secretary, U.S. Nuclear Regulatory Commission at 301–415–1101.

- *Mail comments to:* Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, ATTN: Rulemakings and Adjudications Staff.

- *Hand deliver comments to:* 11555 Rockville Pike, Rockville, Maryland 20852, between 7:30 a.m. and 4:15 p.m. eastern time, Federal workdays; telephone: 301–415–1677.

You can read a plain language description of this petition for

rulemaking at <https://www.regulations.gov/docket/NRC-2024-0135>. For additional direction on obtaining information and submitting comments, see “Obtaining Information and Submitting Comments” in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Soly Soto Lugo, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–7528, email: Soly.Sotolugo@nrc.gov.

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2024–0135 when contacting the NRC about the availability of information for this action. You may obtain publicly available information related to this action by any of the following methods:

- *Federal Rulemaking website:* Go to <https://www.regulations.gov> and search for Docket ID NRC–2024–0135.

- *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, 301–415–4737, or by email to PDR.Resource@nrc.gov. The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in this document.

- *NRC’s PDR:* The NRC Public Document Room (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.

B. Submitting Comments

The NRC encourages electronic comment submission through the Federal Rulemaking website (<https://www.regulations.gov>). Please include Docket ID NRC–2024–0135 in your comment submission.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at [https://](https://www.regulations.gov)

www.regulations.gov as well as enter the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. The Petitioner and Petition

The petition for rulemaking (PRM) was filed by Alan Blind and Roger Rapoport. Subsequently, the petitioner submitted additional signatures of community members near the Palisades Nuclear Plant (Palisades) in support of the petition. The PRM requests that the NRC revise its regulations at 10 CFR part 52, “Licenses, Certifications, and Approvals for Nuclear Power Plants,” to include a Commission-approved process for returning a decommissioning plant to operational status. The NRC understands the petition, based on the context and references within, to mean plants currently in the decommissioning process rather than fully decommissioned plants and to be requesting a revision of the part 50 regulations rather than part 52 regulations. The petition may be found in ADAMS at Accession No. ML24205A122.

III. Discussion of the Petition

The petition states that the NRC staff lack a specific NRC Commission-approved and codified process for licensing, inspecting, and approving the return to service of a power reactor that has entered decommissioning. The petitioner requests that the NRC conduct rulemaking to include a codified process for returning a decommissioning plant to operational status. The petitioner points to the ongoing Palisades proceedings as examples for where new, codified processes are needed.

The petition states that the NRC received a proposal for a regulatory path to the reauthorization of power operations at the Palisades plant using the current regulatory framework. The petition also states that the proposed framework is based on a denial of PRM–50–117, “Criteria to Return Retired Nuclear Power Reactors to Operations” (86 FR 24362), which the petitioner

states is taken out of context by Holtec/Palisades. The petitioner contends that returning a plant that has entered the decommissioning process to an operational status does not meet the applicability requirements of 10 CFR 50.12, “Specific exemptions,” 50.59, “Changes, tests and experiments” and 50.90, “Application for amendment of license, construction permit, or early site permit.” The petitioner also states that a generic rulemaking to establish a Commission-approved process for returning a decommissioning plant to operational status is necessary as Palisades is the first plant seeking NRC approval to transition from a decommissioning status back to operations.

The petitioner did not provide proposed regulatory language but rather proposed elements that should be included in the rulemaking. These elements include decommissioning status and configuration verification, aging management, quality assurance during restart and operations, equipment maintenance, personnel qualifications, license expirations, hearing process, appropriate licensing basis, startup testing, and NRC catchup review, as well as completion of past, open commitments.

In addition, the petitioner requests that the NRC revise its regulations to require the NRC to review all materials associated with license transfers to new entities for the purpose of completion of decommissioning. The petitioner also requests that the NRC revise its regulations to require that entities previously approved primarily for decommissioning activities submit a new license transfer application in accordance with 10 CFR 50.80, “Transfer of licenses,” before that entity can be qualified to engage in activities associated with power operations. The petitioner contends that this requirement would ensure that the NRC assesses the qualifications of the requesting entity based on evidence of its operational capabilities and not evidence of its decommissioning qualifications.

Only public comments responsive to PRM–50–125 regarding the request that the NRC revise its regulations to include a Commission-approved process for returning a decommissioning plant to an operational status will be considered. Note that this is a separate process from the ongoing NRC consideration of requested actions related to the potential restart of the Palisades Nuclear Plant, which has separate Docket IDs, and can be found at NRC–2024–0128 and NRC–2024–0130.

IV. Conclusion

The NRC has determined that the petition meets the sufficiency requirements for docketing a PRM under 10 CFR 2.803, “Petition for rulemaking–NRC action.” The NRC will examine the issues raised in PRM–50–125 and any comments received in response to this comment request to determine whether these issues should be considered in rulemaking. While the petition is being evaluated, the NRC staff will continue to follow existing regulations for its regulatory activities.

The public can monitor further action on the rulemaking that will address this petition by searching Docket ID NRC–2024–0135 on the Federal rulemaking website, <https://www.regulations.gov>. The site allows members of the public to receive alerts when changes or additions occur in a docket folder. To subscribe: (1) navigate to the docket folder (NRC–2024–0135); (2) click the “Subscribe” link; and (3) enter an email address and click on the “Subscribe” link. The NRC also tracks the status of all NRC rules and PRMs on its website at <https://www.nrc.gov/about-nrc/regulatory/rulemaking/rules-petitions.html>.

Dated: September 10, 2024.

For the Nuclear Regulatory Commission.

Carrie Safford,

Secretary of the Commission.

[FR Doc. 2024–20936 Filed 9–18–24; 8:45 am]

BILLING CODE 7590–01–P

SMALL BUSINESS ADMINISTRATION

13 CFR Part 126

Clarification to HUBZone Program Updates and Clarifications and Potential Reforms

AGENCY: U.S. Small Business Administration.

ACTION: Clarification to proposed rule.

SUMMARY: The U.S. Small Business Administration (SBA or Agency) publishes this document to clarify the scope of a proposed rule published on August 23, 2024. The proposed rule is intended to clarify and improve policies implemented as part of a comprehensive revision to the Historically Underutilized Business Zone (HUBZone) program regulations in 2019; to propose several changes to SBA’s size and 8(a) Business Development (BD) regulations, and technical changes to the Women-Owned Small Business (WOSB) and Veteran Small Business Certification (VetCert) programs; and to move program-specific

recertification requirements to a new section that would cover all size and status recertification requirements. The proposed rule does not address the exclusion from affiliation available to mentor-protégé joint ventures or the applicability of the HUBZone price evaluation preference to HUBZone joint ventures formed under the Mentor-Protégé Program. Those issues are outside the scope of the proposed rule.

DATES: Comments on the proposed rule published at 89 FR 68274 (Aug. 23, 2024) must be received on or before October 7, 2024.

ADDRESSES: You may submit comments, identified by Docket No. SBA–2024–0007 or RIN 3245–AH68, by any of the following methods:

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

- **Mail (for paper submissions):** Laura Maas, HUBZone Program, 409 Third Street SW, Washington, DC 20416.

Instructions: All submissions received must include the agency name and docket number or Regulatory Information Number (RIN) for this rulemaking. All comments received will be posted on <https://www.regulations.gov>. If you wish to submit confidential business information (CBI) as defined in the User Notice at <https://www.regulations.gov>, please submit the comments to Laura Maas and highlight the information that you consider to be CBI and explain why you believe this information should be held confidential. SBA will make a final determination as to whether the comments will be published or not.

FOR FURTHER INFORMATION CONTACT:

Laura Maas, Deputy Director, Office of HUBZone, hubzone@sba.gov, (202) 205–7341.

SUPPLEMENTARY INFORMATION: SBA issued a proposed rule concerning the HUBZone program regulations under RIN 3245–AH68. 89 FR 68274 (Aug. 23, 2024). The proposed rule is intended to clarify and improve several regulatory provisions, including those governing HUBZone contract eligibility. The proposed rule would also make several changes to SBA’s size and 8(a) Business Development (BD) program regulations. In particular, the rulemaking would consolidate and redesignate the separate recertification requirements for SBA’s size, 8(a) BD, HUBZone, Woman-Owned Small Business, and Service-Disabled Veteran-Owned Small Business programs to a new section to reduce confusion and to ensure consistent application of the size and status recertification requirements.

Additionally, the proposed rule would make several clarifications and changes to the Mentor-Protégé Program. First, it would clarify that mentors must be organized as for-profit business concerns. Second, the rule also proposed to establish consequences and options following the acquisition of a firm that is currently participating as a mentor in SBA's Mentor-Protégé Program. Third, the proposed rule would revise the Mentor-Protégé Program regulations to make clear that a business concern cannot be a protégé for a total of more than 12 years. The proposed rule has a 45-day comment period, with comments due on or before October 7, 2024.

Pursuant to the Agency's Tribal Consultation Policy, SBA consults with Tribes, Alaska Native Corporations (ANC), and other Native communities prior to implementing regulatory or policy changes with a direct and substantial effect on their participation in the HUBZone and 8(a) BD programs. SBA recognizes that regular communication and collaboration between the SBA and its Tribal and ANC stakeholders are vital to improving their program participation experience and maximizing the benefits to Native American communities, even where SBA is not actively considering program policy changes. SBA therefore makes efforts to consult Native communities periodically to obtain input on how the SBA could improve its programs. To these ends, SBA announced that it was holding Tribal consultations concerning the proposed rule and the following two matters. 89 FR 59010 (July 22, 2024).

First, the proposed rule explained that SBA was seeking input on how best to implement Executive Order (E.O.) 14112, Reforming Federal Funding and Support for Tribal Nations To Better Embrace Our Trust Responsibilities and Promote the Next Era of Tribal Self-Determination, which directed agencies to identify and execute policy reforms designed to promote accessible, equitable, and flexible administration of Federal funding and support programs for Tribal Nations to better live up to the Federal Government's trust responsibilities and help address the needs of all Tribal Nations. The Agency requested comments on several potential opportunities for reform as well as one change SBA had already made to address the business and economic development needs of Tribal Nations.

Second, SBA requested comments on prospective policy changes addressing joint venture participation in SBA programs. Specifically, SBA requested input on the perception that mentor-

protégé joint ventures are winning an inordinate number of orders issued under small business multiple award contracts and suggestions on how to incentivize a more equitable marketplace for individual small businesses who compete against mentor-protégé joint ventures for multiple award, small business contracts. SBA also sought comments on the perception that small businesses often enter joint ventures to seek multiple award contract awards because procuring agency past performance and experience requirements make it difficult for many small businesses to qualify for the awards individually. SBA explained it was considering whether to propose eliminating the exception to affiliation between an SBA-approved mentor and its protégé for multiple award contracts to address this concern. In the alternative, the Agency might consider proposing a rule that would allow an exclusion from affiliation for a joint venture between a protégé firm and its mentor only for contracts or orders that do not exceed five years. Lastly, the proposed rule stated SBA was considering steps to eliminate the applicability of the HUBZone price evaluation preference to HUBZone joint ventures formed under the Mentor-Protégé Program.

This document clarifies that the above-referenced possible prospective policy change to eliminate or restrict the exclusion from affiliation available to mentor-protégé joint ventures is outside the scope of the proposed rule published on August 23, 2024. Additionally, SBA is not addressing the applicability of the HUBZone price evaluation preference to HUBZone joint ventures formed under the Mentor-Protégé Program as part of this proposed rule. To the extent SBA decides to propose amendments to its mentor-protégé joint venture policies beyond those outlined in the rulemaking published on August 23, 2024, the Agency would do so through a separate proposed notice and comment rulemaking action in which all interested SBA stakeholders may participate.

Jaqueline Robinson-Burnette,
*Associate Administrator, Office of
Government Contracting and Business
Development.*

[FR Doc. 2024-21362 Filed 9-18-24; 8:45 am]

BILLING CODE 8026-09-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2024-2143; Project Identifier AD-2024-00008-A]

RIN 2120-AA64

Airworthiness Directives; Piper Aircraft, Inc. 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 Piper Aircraft, Inc. (Piper) Model PA-28-140, PA-28-150, PA-28-160, PA-28-180, PA-28S-160, PA-28S-180, PA-28-236, PA-28-201T, PA-32-300, PA-32R-300, PA-32RT-300, PA-32RT-300T, PA-32-301FT, PA-32-301XTC, PA-32R-301 (HP), PA-32R-301 (SP), PA-32R-301T, PA-32-301, and PA-32-301T airplanes. This proposed AD was prompted by a report of a wing separation caused by fatigue cracking in a visually inaccessible area of the lower main wing spar cap and additional reports of fatigue cracking in the wing spars of airplanes that share common type design features. This proposed AD would require reviewing airplane maintenance records to determine if an eddy current inspection of the lower main wing spar bolt holes was done and, depending on the result, doing a one-time eddy current inspection of the lower wing spar bolt holes for crack(s), and replacing any cracked main wing spar. 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 November 4, 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–2024–2143; 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 Piper material identified in this proposed AD, contact Piper Aircraft, Inc., 2926 Piper Drive, Vero Beach, Florida 32960; phone: (772) 567–4361; email: customerservice@piper.com; website: piper.com.

- 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: Fred Caplan, Aviation Safety Engineer, FAA, 1701 Columbia Avenue, College Park, GA 30337; phone: (404) 474–5507; email: 9-ASO-ATLACO-ADS@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–2024–2143; Project Identifier AD–2024–00008–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 revise 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 Fred Caplan, Aviation Safety Engineer, FAA, 1701 Columbia Avenue, College Park, GA 30337. Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

The FAA issued AD 2020–26–16, Amendment 39–21371 (86 FR 3769, January 15, 2021) (AD 2020–26–16), for certain Piper Model PA–28–151, PA–28–161, PA–28–181, PA–28–235, PA–28R–180, PA–28R–200, PA–28R–201, PA–28R–201T, PA–28RT–201, PA–28RT–201T, PA–32–260, PA–32–300, PA–32R–300, PA–32RT–300, and PA–32RT–300T airplanes. AD 2020–26–16 was prompted by an accident involving wing separation on a Piper Model PA–28R–201 airplane. An investigation by the National Transportation Safety Board (NTSB) revealed a fatigue crack in a visually inaccessible area of the lower main wing spar cap. The applicability of the NPRM for AD 2020–26–16 included additional Piper model airplanes with similar main wing spar structures as the Model PA–28R–201. Based on airplane usage history, the FAA determined that only those airplanes with a higher risk for fatigue cracks (airplanes with a significant history of operation in flight training or other high-load environments) should be subject to the inspection requirements proposed in that NPRM.

AD 2020–26–16 requires calculating the factored service hours for each main wing spar to determine when an inspection is required, inspecting the lower main wing spar bolt holes for cracks, and replacing any cracked main wing spar. The agency issued AD 2020–26–16 to detect and correct fatigue cracks in the lower main wing spar cap bolt holes.

Actions Since AD 2020–26–16 Was Issued

The preamble to AD 2020–26–16 explains that the FAA considers the requirements “interim action” and was considering further rulemaking. The FAA has now determined that further rulemaking is necessary, and this proposed AD and a separate proposed rulemaking action (Docket No. FAA–2024–2142) that would supersede AD

2020–26–16 follows from that determination. Similar to AD 2020–26–16, this proposed AD is also considered to be an interim action that would determine the need for additional actions in the fleet addressed currently. The FAA evaluated the inspection reports submitted by operators as required by AD 2020–26–16 and determined that wing spars from additional Piper airplane models should be inspected.

Since the FAA issued AD 2020–26–16, the FAA has analyzed the accident history of the airplanes affected by AD 2020–26–16 and other Piper airplanes operated in a similar fashion. The following paragraphs communicate the FAA’s findings on this subject.

Accident History

Fatigue cracking was present in the main wing spars of Piper Model PA–28–181, Model PA–28R–201, and Model PA–28–161 airplanes involved in the following accidents. The following NTSB reports are related to this issue and can be found on ntsb.gov.

- NTSB Accident Number FTW87FA088: March 30, 1987—Marlin, TX—Piper Model PA–28–181—7,490 hours time-in-service (TIS). This accident was determined to have been caused by fatigue cracking in the outboard bolt holes of the main wing spar. This airplane’s primary usage was a “Pipeline Patrol” mission.

- NTSB Accident Number NYC93FA140: August 2, 1993—Provincetown, MA—Piper Model PA–28–181—11,683 hours TIS. This accident was determined to have been caused by structural overloading related to weather, but fatigue cracks were present near the outboard bolt holes. This airplane’s usage history included personal use, flight instruction, and charter flights.

- NTSB Accident Number ERA18FA120: April 4, 2018—Daytona Beach, FL—Piper Model PA–28R–201—7,691 hours TIS. This accident was determined to have been caused by fatigue cracking in the outboard bolt holes of the main wing spar. This airplane’s primary usage was flight instruction.

Bolt Hole Cracks and Other Findings

Following the release of AD 2020–26–16, the FAA and Piper received over 2,800 bolt-hole eddy current inspection reports. The inspections performed in the field revealed a mix of observations that warrant further discussion. Of the total inspections, over 100 reported a positive eddy current indication, with several including pictures of the bolt

hole showing the source of the indication.

Piper later conducted more detailed inspections in a study of 24 main wing spars with 20 having positive eddy current indications. Out of the 20 positive indications, 3 were identified as fatigue cracks, where 1 was confirmed by Piper, and 2 were confirmed by the NTSB. The remaining were determined to be features not consistent with a crack, and 1 overstress crack as confirmed by the NTSB.

Though not all are confirmed, many of the indications are likely not fatigue cracks but are a variety of anomalies in the hole. These can include corrosion pitting, scratches, gouges, and threading marks possibly caused by forceful insertion and removal of the close-fit bolts without proper unloading of the wing or other reasons. While these may not present as fatigue cracks at the time of inspection, anomalies in the hole create a stress concentration where cracks can begin to grow. Therefore, it is still crucial to inspect the critical bolt holes for these issues and take corrective action to prevent the formation of fatigue cracks. Piper Service Bulletin No. 1345, Revision A, dated September 17, 2021 (Piper SB No. 1345, Revision A); and Piper Service Bulletin No. 1412, dated May 7, 2024 (Piper SB No. 1412), include procedures for distinguishing between indications caused by hole damage or other anomalies from those caused by cracks.

In addition to the various forms of non-crack hole damage, the inspections revealed several cracks in and around the bolt holes. As part of the AD 2020–26–16 inspection reports, 6 cracks were found, including 2 later verified by NTSB lab examination and 1 verified by Piper (from the Piper study referenced above), and 3 visible cracks in photos. Other known cracks include those found in an airplane in the same fleet as the 2018 accident airplane, a separately submitted crack finding confirmed with dye penetrant, and a crack located on the lower spar cap surface running alongside the inspection bolt holes. Given these findings, additional cracks may be present among the other unconfirmed reported indications.

Other cracks have been discovered that may be caused by overload rather than by fatigue. While use of the airplane within its limits should not cause an overload crack, some crack findings have revealed that airplanes have been operated outside their limits. Though cracks due to overload are not the primary source of this corrective action, this emphasizes the need for and

importance of inspecting the spar bolt holes for evidence of any cracking.

Long-Term Continued Operational Safety

The AD 2020–26–16 inspection report results indicated that additional inspections are needed to manage the safety of the fleet. Data indicates that more airplanes will need to be inspected, including the need to expand inspections to Piper airplane models that share a similar structural design of the main wing spar beyond the models addressed in AD 2020–26–16.

Crack development is a function of many factors, including the design of the structure, how severely the aircraft is flown, and manufacturing processes. Small imperfections may exist in any aircraft structure from an early age; however, through operation, these imperfections may slowly grow into fatigue cracks. Fatigue cracks have the effect of weakening the structure and its ability to support the stresses the airplane was originally designed to handle.

The 2018 accident, along with other accidents in this fleet attributed to fatigue cracking, and the AD 2020–26–16 inspection reports, indicate an aging fleet that requires intervention to ensure any fatigue cracking does not reach a critical state prior to being detected.

Ensuring further damage is not caused by an inspection itself is important; however, inspecting for fatigue cracks as well as other hole anomalies is critical and outweighs the risk associated with doing the inspections. Piper has developed service actions, most recently in Piper SB No. 1345, Revision A; and Piper SB No. 1412, that mitigate inspection-induced damage by emphasizing proper unloading of the wing for both bolt and wing removal and replacement, if necessary, along with other instructions for ensuring care of the bolt holes.

Corrective Action Development

Each requirement outlined in this proposed AD has been developed to both address the unsafe condition and limit the number of required inspections, reducing the burden on operators where possible. A brief discussion of each aspect of the requirements continues below.

Airplane Model Grouping

The inspection data received via the reporting requirement in AD 2020–26–16, along with testing of the baseline spar common to all Piper Model PA–28 and PA–32 airplanes, has shown that inspections should be extended to include Piper airplane models that share

similar structural design but were not included in the applicability of AD 2020–26–16. It is likely that a significant contributing factor in the formation of cracks found in the main wing spar bolt attachment area is the cold bending of the spar to achieve the wing's dihedral. This method of forming the spar dihedral combined with the proximity to the wing attachment bolt holes leads to high residual stress in that area. The potential for fatigue cracking in and around the bolt holes, as well as higher variability in crack location and severity, is higher under this constant additional stress.

In an attempt to support less onerous inspections and to understand the causal factors, Piper investigated the residual stresses in the critical bolt-hole area. That investigation showed that the residual stress due to the spar cold bending process is a significant contributing factor in reducing the fatigue life of the spar bolt holes. An additional outcome of this investigation is a change to all new manufactured spars having machined dihedral bends to eliminate the residual stresses in the critical area.

Though there are differences between all Model PA–28 and PA–32 airplanes, such as additional reinforcing structure and lower operational loads, all airplane models share this same baseline spar with the cold bent dihedral. Differing characteristics allow for a grouping and tailoring of the requirements for each airplane model, but all airplane models need to be inspected. The airplane models in the applicability of this proposed AD are not the same airplane models that are included in the applicability of the proposed rulemaking action (Docket No. FAA–2024–2142) that would supersede AD 2020–26–16, and the proposed required actions are different between these two proposed rulemaking actions.

The remaining Piper Model PA–28 and PA–32 airplanes that would not be included in the applicability of this proposed AD either experience higher operational loads or have less structure. Both of these conditions increase the stress experienced in the subject bolt holes of the baseline spar and thus are subject to the proposed rulemaking action (Docket No. FAA–2024–2142) to supersede AD 2020–26–16.

Determination of Inspection Compliance Time

The proposed compliance time for the eddy-current inspection specified in this proposed AD was based on an inspection report received in response to AD 2020–26–16 that showed a crack indication in a Model PA–32–300 wing

spar, later verified by Piper as a crack. Some airplanes in the proposed applicability of this AD may have been inspected as part of the requirements of AD 2020–26–16; however, if cracks in the wing spar are not expected as early due to the structural differences discussed above, these inspections may not yield the intended insight into the state of the wing spars. Therefore, the current proposed compliance time was set near and prior to the time-in-service of this confirmed crack finding in a wing spar of the same population as those in the airplanes in the applicability of this proposed AD.

Wing spars on the affected Piper airplanes could develop cracks that, if not addressed, would result in a wing separating from the fuselage in flight.

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.

Material Incorporated by Reference Under 1 CFR Part 51

The FAA reviewed Piper Service Bulletin 1412, dated May 7, 2024. This material specifies procedures for doing a one-time eddy current inspection of

the lower wing spar bolt holes for crack(s) and replacing any cracked main wing spar. This material also includes instructions to report the results of the inspection to Piper. 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.

Proposed AD Requirements in This NPRM

This proposed AD would require reviewing airplane maintenance records to determine if an eddy current inspection of the lower main wing spar bolt holes was done and depending on the result, doing an eddy current inspection of the lower wing spar for crack(s) if not previously done or if done prior to 12,000 hours TIS, and replacing any cracked main wing spar. This proposed AD would also require sending all inspection results to Piper and the FAA.

Differences Between This Proposed AD and the Referenced Material

Piper SB 1412 specifies to contact Piper for disposition if any non-crack damage is found in the main wing spar bolt holes or any crack(s) or non-crack damage is found in the spar box bolt

holes but this proposed AD would require contacting either the Manager, East Certification Branch, FAA, or the Piper Organization Designation Authorization (ODA) for instructions and doing those actions. 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 the proposed AD.

Piper SB 1412 specifies using its feedback form to report the inspection results but this proposed AD would require using the form included as Appendix 1 to this proposed AD.

Interim Action

The FAA considers that this proposed AD would be an interim action. The proposed inspection reports would provide the FAA with additional data for determining the number of cracks present in the fleet. After analyzing the data, the FAA may take further rulemaking action.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 10,927 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
Review airplane maintenance records	1 work-hour × \$85 per hour = \$85	\$0	\$85	\$928,795

The FAA estimates the following costs to do any necessary actions that would be required based on the results

of the proposed airplane maintenance records review. The agency has no way

of determining the number of airplanes that might need these actions:

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Eddy current inspection of the left and right lower main wing spar (including access and restoring the airplane).	1 work-hour contracted service × \$600 per hour = \$600 for the eddy current inspection. 4 work hours × \$85 per hours = \$340 for access and restoration.	\$20	\$960.
Report inspection results	1 work-hours × \$85 per hour = \$85	0	\$85.
Replace main wing spar	40 work-hours × \$85 per hour = \$3,400 per main wing spar.	10,983	\$14,383 per main wing spar.

Paperwork Reduction Act

A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of

information displays a currently valid OMB Control Number. The OMB Control Number for this information collection is 2120–0056. Public reporting for this collection of information is estimated to be approximately 1 hour per response, including the time for reviewing

instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. All responses to this collection of information are mandatory. Send comments regarding this burden estimate or any other aspect of this

collection of information, including suggestions for reducing this burden, to: Information Collection Clearance Officer, Federal Aviation Administration, 10101 Hillwood Parkway, Fort Worth, TX 76177-1524.

Authority for This Rulemaking

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

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

Regulatory Findings

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:

Piper Aircraft, Inc.: Docket No. FAA-2024-2143; Project Identifier AD-2024-00008-A.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by November 4, 2024.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Piper Aircraft, Inc. (Piper) airplanes, certificated in any category, with a model and serial number shown in Table 1 to the introductory text of paragraph (c) of this AD and that meet at least one of the criteria in paragraphs (c)(1) or (2) of this AD.

TABLE 1 TO THE INTRODUCTORY TEXT OF PARAGRAPH (c)—APPLICABILITY

Model	Serial Nos.
PA-28-140	All serial numbers.
PA-28-150	All serial numbers.
PA-28-160	All serial numbers.
PA-28-180	All serial numbers.
PA-28S-160	All serial numbers.
PA-28S-180	All serial numbers.
PA-28-236	All serial numbers.
PA-28-201T	All serial numbers.
PA-32-300	All serial numbers greater than and including 32-7940001.
PA-32R-300	All serial numbers.
PA-32RT-300	All serial numbers.
PA-32-301FT	All serial numbers.
PA-32-301XTC	All serial numbers.
PA-32R-301 (HP)	All serial numbers.
PA-32R-301 (SP)	All serial numbers.
PA-32R-301T	All serial numbers.
PA-32-301	All serial numbers.
PA-32-301T	All serial numbers.

(1) Has accumulated 12,000 or more total hours time-in-service (TIS) on a wing spar; or

(2) Has missing or incomplete maintenance records.

(d) Subject

Joint Aircraft System Component (JASC) Code/Air Transport Association (ATA) of America Code 5711, WING SPAR.

(e) Unsafe Condition

This AD was prompted by a report of a wing separation caused by fatigue cracking in a visually inaccessible area of the main wing lower spar cap and additional reports of fatigue cracking in the wing spars of

airplanes that share common type design features. The FAA is issuing this AD to address fatigue crack(s) in the lower main wing spar cap bolt holes. The unsafe condition, if not addressed, could result in the wing separating from the fuselage in flight.

(f) Compliance

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

(g) Review Airplane Maintenance Records To Determine When Previous Main Wing Spar Inspections Completed

Within 30 days or 100 hours TIS after the effective date of this AD, whichever occurs later, review the airplane maintenance records to determine when the previous inspection of each main wing spar was completed. The owner/operator (pilot) holding at least a private pilot certificate may accomplish this and must enter compliance with this paragraph of the AD into the airplane maintenance records in accordance with 14 CFR 43.9(a) and 91.417(a)(2)(v). The record must be maintained as required by 14 CFR 91.417, 121.380, or 135.439. If it can be determined from the airplane maintenance records review that an eddy current inspection of the main wing spar was done prior to the effective date of this AD at 12,000 hours TIS or greater and in accordance with Piper Service Bulletin No. 1345, dated March 27, 2020; or Piper Service Bulletin 1345A, dated September 17, 2021, then you may take credit for the inspection required by paragraph (h) of this AD.

(h) Bolt Hole Inspections and Corrective Actions

(1) Within the compliance time specified in either paragraph (h)(1)(i) or (ii) of this AD, as applicable, on both the left and right main wing spars, do an eddy current inspection of the inner surface of each bolt hole in the lower wing spar cap for crack(s) and for non-crack damage (including deep scratches, gouges, and thread marks), in accordance with paragraph 5. of the Instructions in Piper Service Bulletin No. 1412, dated May 7, 2024 (Piper SB No. 1412). Although Piper SB No. 1412 specifies NAS 410 Level II or Level III certification to perform eddy current and fluorescent penetrant inspections, this AD allows Level II or Level III qualification standards for inspection personnel using any inspector criteria approved by the FAA.

Note 1 to the introductory text of paragraph (h)(1): FAA Advisory Circular 65-31B, "Training, Qualification, and Certification of Nondestructive Inspection Personnel," dated February 24, 2014, contains FAA-approved Level II and Level III qualification standards criteria for personnel doing nondestructive test inspections.

(i) Within 100 hours TIS after complying with paragraph (g) of this AD or within 100 hours TIS after a main wing spar accumulates 12,000 hours TIS, whichever occurs later; or

(ii) For airplanes with an unknown number of hours TIS on a main wing spar, within 100 hours TIS or 60 days after the effective date of this AD, whichever occurs later.

(2) If the eddy current inspection does not identify any indications, before further flight,

install new wing spar bolts and nuts as required by paragraph (j) of this AD and report the inspection results as required by paragraph (k) of this AD.

(3) If the eddy current inspection identifies any crack(s), indications, or noisy signal, before further flight, do the applicable actions specified in paragraph 5.b. through k. of the Instructions in Piper SB No. 1412.

(i) If any non-crack damage is found in the main wing spar bolt holes or any crack(s) or non-crack damage is found in the spar box bolt holes contact either the Manager, East Certification Branch, FAA, or the Piper Organization Designation Authorization (ODA) for instructions and do those actions. 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.

(ii) If any crack(s) is found in the main wing spar bolt hole, replace the main wing spar as required by paragraph (i) of this AD.

(iii) If no crack(s) or non-crack damage is found in the main wing spar bolt holes install new main wing spar bolts and nuts as required by paragraph (j) of this AD.

(i) Replace Main Wing Spar

If any crack is found during the inspection required by paragraph (h) of this AD, before further flight, replace the affected main wing spar with a new (zero hours TIS) main wing spar or with a serviceable (more than zero hours TIS) main wing spar that has passed the eddy current inspection required by paragraph (h) of this AD.

(j) Install New Main Wing Spar Bolts and Nuts

Before further flight, after completing the actions required by paragraph (h) or (i) of this AD, install new main wing spar bolts and nuts in accordance with paragraph (step) 9 of the Instructions in Piper SB No. 1412.

(k) Report Inspection Results

At the applicable time specified in paragraph (k)(1) or (2) of this AD, report the

inspection results to the FAA, East Certification Branch, and to Piper Aircraft, Inc., using Appendix 1, "Inspection Results Form," of this AD,

(1) If the action was done on or after the effective date of this AD, submit the report within 30 days after the action was done.

(2) If the action was done before the effective date of this AD, submit the report within 30 days after the effective date of this AD.

(l) Credit for Previous Actions

If the inspections of the main wing spars required by paragraph (h) of this AD were done before the effective date of this AD at 12,000 hours TIS or greater in accordance with Piper Service Bulletin No. 1345, dated March 27, 2020; or Piper Service Bulletin 1345A, dated September 17, 2021, then you may take credit for these inspections.

(m) Special Flight Permit

A special flight permit may be issued in accordance with 14 CFR 21.197 and 21.199 to permit a one-time, non-revenue ferry flight to a location where the airplane can be inspected. This ferry flight must be performed with only essential flight crew. This AD prohibits a special flight permit if any inspection reveals a crack in the main wing spar.

(n) Alternative Methods of Compliance (AMOCs)

(1) The Manager, East Certification 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 East Certification Branch, send it to the attention of the person identified in paragraph (o)(1) 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.

(o) Additional Information

(1) For more information about this AD, contact Fred Caplan, Aviation Safety Engineer, FAA, East Certification Branch, FAA, 1701 Columbia Avenue, College Park, GA 30337; phone: (404) 474-5507; email: 9-ASO-ATLACO-ADs@faa.gov.

(2) Piper material identified in this AD that is not incorporated by reference is available at the address specified in paragraph (p)(3) of this AD.

(3) FAA Advisory Circular 65-31B, "Training, Qualification, and Certification of Nondestructive Inspection Personnel," dated February 24, 2014, may be found at [drs.faa.gov](https://www.faa.gov/drs.faa.gov).

(p) Material Incorporated by Reference

(1) The Director of the Federal Register approved the incorporation by reference (IBR) 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) Piper Service Bulletin No. 1412, dated May 7, 2024.

(ii) [Reserved].

(3) For Piper material identified in this AD, contact Piper Aircraft, Inc., 2926 Piper Drive, Vero Beach, FL 32960; phone: (772) 567-4361; email: customerservice@piper.com; website: [piper.com](https://www.piper.com).

(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.

Inspection Results Form

Email completed form to:
9-ASO-ATLCOS-Reporting@faa.gov
and
customer.service@piper.com

Or mail to: Federal Aviation Administration
East Certification Branch
1701 Columbia Avenue
College Park, GA 30337

SUBJECT line: Docket No. FAA-2024-2143

Include photos if applicable

Aircraft Model No.: PA-	Serial Number:
Aircraft Total Hours Time-In-Service (TIS):	Registration Number:
Inspection Results	
LH Wing Spar Fwd Accepted ☐ Rejected ☐	RH Wing Spar Fwd Accepted ☐ Rejected ☐
LH Wing Spar Aft Accepted ☐ Rejected ☐	RH Wing Spar Aft Accepted ☐ Rejected ☐
Inspector Comments	

Inspector Information

Name (print): _____ Signature: _____

Certificate No.: _____ Date: _____

Issued on September 10, 2024.

Victor Wicklund,

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

[FR Doc. 2024–21209 Filed 9–18–24; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[REG–118269–23]

RIN 1545–BR19

Section 30C Alternative Fuel Vehicle Refueling Property Credit

AGENCY: Internal Revenue Service (IRS),
Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document contains proposed regulations regarding the Federal income tax credit under the Inflation Reduction Act of 2022 for certain costs relating to qualified alternative fuel vehicle refueling property that is placed in service within a low-income community or within a non-urban census tract. These proposed regulations would affect eligible taxpayers who place qualified property into service during a taxable year.

DATES: Written or electronic comments and requests for a public hearing must be received by November 18, 2024.

ADDRESSES: Commenters are strongly encouraged to submit public comments electronically via the Federal eRulemaking Portal at <https://www.regulations.gov> (indicate IRS and REG–118269–23) by following the online instructions for submitting comments. Requests for a public hearing must be submitted as prescribed in the “Comments and Requests for a Public Hearing” section. Once submitted to the Federal eRulemaking Portal, comments cannot be edited or withdrawn. The Department of the Treasury (Treasury Department) and the IRS will publish for public availability any comments submitted to the IRS’s public docket. Send paper submissions to: CC:PA:01:PR (REG–118269–23), Room 5203, Internal Revenue Service, P.O. Box 7604, Ben Franklin Station, Washington, DC 20044.

FOR FURTHER INFORMATION CONTACT:

Concerning the proposed regulations, contact Kevin I. Babitz or Whitney E. Brady of Office of Associate Chief Counsel (Passthroughs & Special Industries) at (202) 317–6853 (not a toll-free number); concerning submissions of

comments and requests for a public hearing, Publications and Regulations Section at (202) 317–6901 (not a toll-free number) or by email to publichearings@irs.gov (preferred).

SUPPLEMENTARY INFORMATION:

Authority

This document contains proposed amendments to the Income Tax Regulations (26 CFR part 1) under sections 30C, 48, 48E, 6417, and 6418 of the Internal Revenue Code (Code) issued by the Secretary of the Treasury or her delegate (Secretary) under the authority granted under sections 30C(e)(5), (g)(4), and (h), 45(b)(12), 48(a)(16), 48E(i), 6417(h), 6418(g) and (h), and 7805(a) of the Code (proposed regulations).

Section 30C includes three specific delegations of regulatory authority. First, 30C(h) provides a general grant of regulatory authority for section 30C as a whole, stating, “[t]he Secretary shall prescribe such regulations as necessary to carry out the provisions of this section.” Second, section 30C(g)(4) provides a specific delegation of authority related to the prevailing wage and registered apprenticeship (PWA) requirements: “The Secretary shall issue such regulations or other guidance as the Secretary determines necessary to carry out the purposes of this subsection, including regulations or other guidance that provides for requirements for recordkeeping or information reporting for purposes of administering the requirements of this subsection.” Third, section 30C(e)(5) provides a specific delegation of authority by cross-reference to provide recapture rules similar to those under former section 179A (described in part III.A. of the Background section and part IV.A. of the Explanation of Provisions section) as authorized by former section 179A(e)(4).

Sections 45(b)(12) and 48(a)(16) provide specific delegations of authority with respect to the requirements of section 45(b), including the PWA requirements of section 45(b)(7) and (8) that sections 48(a)(10) and (11) and 48E(d)(3) and (4) refer to, each stating, “[t]he Secretary shall issue such regulations or other guidance as the Secretary determines necessary to carry out the purposes of this subsection, including regulations or other guidance which provides for requirements for recordkeeping or information reporting for purposes of administering the requirements of this subsection.” Section 48E(i) provides a specific delegation of authority with respect to the requirements of section 48E, including the PWA requirements of section 48E(d)(3) and (4), stating, that

“[n]ot later than January 1, 2025, the Secretary shall issue guidance regarding implementation of this section.”

Sections 6417(h) and 6418(h) provide specific delegations of authority with respect to the elective payment election rules of section 6417 and the transfer of certain credits under section 6418, each stating, in part, that “[t]he Secretary shall issue such regulations or other guidance as may be necessary to carry out the purposes of this section” Finally, section 7805(a) authorizes the Secretary to prescribe all needful rules and regulations for the enforcement of the Code.

Background

I. Overview

Section 30C of the Code allows a credit (section 30C credit) against the tax imposed by chapter 1 of the Code (chapter 1) with respect to each item of qualified alternative fuel vehicle refueling property that a taxpayer places in service. The section 30C credit is determined and allowed with respect to the taxable year in which the taxpayer places the item of property in service.

Section 30C was originally enacted by section 1342(a) of the Energy Policy Act of 2005, Public Law 109–58, 119 Stat. 594, 1049 (Aug. 8, 2005), to provide a credit for the cost of qualified alternative fuel vehicle refueling property. Section 30C has been amended several times since its enactment, most recently by section 13404 of Public Law 117–169, 136 Stat. 1818, 1966 (August 16, 2022), commonly known as the Inflation Reduction Act of 2022 (IRA). As amended by the IRA, section 30C allows taxpayers to claim a credit for up to 30 percent of the cost of qualified alternative fuel vehicle refueling property placed in service after December 31, 2022, and on or before December 31, 2032.

The amount of the section 30C credit is treated as a personal credit or a general business credit depending on the character of the property that the taxpayer places in service. In general, the section 30C credit is a nonrefundable personal credit allowed under subpart B of part IV of subchapter A of chapter 1. However, the amount of the section 30C credit that is attributable to property that is of a character subject to an allowance for depreciation (depreciable property) is treated under section 30C(d)(1) as a current year business credit under section 38(b) of the Code instead of being allowed under section 30C(a).

II. Credit Amount and Limitation

For property placed in service after December 31, 2022, and on or before December 31, 2032, section 30C(a) provides a credit equal to 6 percent of the cost of any qualified alternative fuel vehicle refueling property that the taxpayer places in service during the year, if the property is depreciable property. However, for depreciable property that is placed in service as part of a qualified alternative fuel vehicle refueling project that satisfies the prevailing wage and apprenticeship requirements (discussed further in part V of this Background section), the amount of the section 30C credit is multiplied by five. For property that is not subject to depreciation, section 30C(a) allows a 30 percent credit for any property placed in service during the taxable year, with no requirement to satisfy any prevailing wage and apprenticeship requirements.

The section 30C credit with respect to any single item of qualified alternative fuel vehicle refueling property placed in service by the taxpayer during the taxable year is limited to \$100,000 in the case of depreciable property, and \$1,000 in any other case. Before the IRA's amendments to section 30C became applicable, prior law limited the section 30C credit, on a per location basis, to \$30,000 in the case of depreciable property and to \$1,000 in the case of any other property. Section 13404 of the IRA modified the limitation on the section 30C credit so that it now applies with respect to any single item of qualified alternative fuel vehicle refueling property instead of with respect to all qualified alternative fuel vehicle refueling property at a location.

Under section 30C(e)(1), taxpayers who claim a section 30C credit are required to reduce the basis of any property for which the section 30C credit is allowable by the amount of the credit allowed (without regard to the rules of section 30C(d)). If a taxpayer elects not to claim the credit, then no section 30C credit is allowed, whether under section 30C(a) or section 38, and no basis reduction is required. *See* section 30C(e)(4).

No section 30C credit is allowable for the portion of the cost of any property taken into account under section 179. Section 30C(e)(3).

III. Qualified Alternative Fuel Vehicle Refueling Property

A. In General

Section 30C(c) defines “qualified alternative fuel vehicle refueling property” by reference to section 179A

of the Code, with some modifications. (Section 30C(e)(6) clarifies that for purposes of section 30C, any references to “section 179A” are to section 179A as in effect immediately before its repeal by section 221(a)(34)(A) of the Tax Increase Prevention Act of 2014, enacted as Division A of Public Law 113–295, 128 Stat. 4010, 4042 (December 19, 2014), which is referred to as “former section 179A” in this preamble.) Following the definition in former section 179A, therefore, qualified alternative fuel vehicle refueling property generally includes any depreciable property (not including a building and its structural components), the original use of which begins with the taxpayer, and that is (1) for the storage or dispensing of a clean-burning fuel into the fuel tank of a motor vehicle propelled by such fuel, but only if the storage or dispensing of the fuel is at the point where such fuel is delivered into the fuel tank of the motor vehicle, or (2) for the recharging of motor vehicles propelled by electricity, but only if the property is located at the point where the motor vehicles are recharged. *See* former section 179A(d). Notwithstanding former section 179A's general requirement that the property be depreciable, section 30C allows a taxpayer to claim a credit for qualified alternative fuel vehicle refueling property that is not depreciable property, provided that the property is installed at the taxpayer's principal residence (within the meaning of section 121 of the Code). *See* section 30C(c)(1)(A) and former section 179A(d)(1).

For purposes of section 30C, “clean-burning fuels” includes only (1) any fuel at least 85 percent of the volume of which consists of one or more of the following: ethanol, natural gas, compressed natural gas, liquified natural gas, liquified petroleum gas, or hydrogen; (2) any mixture that consists of two or more of the following: biodiesel (as defined in section 40A(d)(1) of the Code), diesel fuel (as defined in section 4083(a)(3) of the Code), or kerosene, and at least 20 percent of the volume of which consists of biodiesel determined without regard to any kerosene in such mixture; (3) electricity; or (4) any transportation fuel (as defined in section 45Z(d)(5) of the Code) that is produced after December 31, 2024.

Section 30C does not provide a general definition of “motor vehicle.” However, former section 179A(e)(2) defined motor vehicle to mean any vehicle that is manufactured primarily for use on public streets, roads, and highways (not including a vehicle

operated exclusively on a rail or by rails) and that has at least four wheels. Further, section 30C(f) explicitly allows the credit for depreciable property to recharge two- and three-wheeled motor vehicles manufactured primarily for use on public streets, roads, or highways that are propelled by electricity. Section 30C(f)(1)(A) requires that the depreciable property “meets the requirements of subsection (a)(2),” but there is no subsection (a)(2) in the statute.

Section 30C(c)(2) provides that qualified alternative fuel vehicle refueling property does not exclude otherwise eligible property that both is capable of charging the battery of a motor vehicle propelled by electricity and also allows discharging electricity from such battery to an electric load external to the motor vehicle.

B. Eligible Census Tracts

Section 30C, as amended by the IRA, requires that property be placed in service in an eligible census tract in order to qualify for the credit. An eligible census tract is any population census tract that either is a low-income community under section 45D(e) of the Code or is not an urban area (non-urban area). *See* section 30C(c)(3)(B). The Census Bureau defines a “population census tract” as a small-area geographic division of a county or statistically equivalent entity defined for the tabulation and presentation of data from the decennial census and selected other statistical programs. Population census tracts are comprised of “census blocks,” and a census block is the smallest geographic area for which the Census Bureau collects and tabulates decennial census data. The Census Bureau assigns to each population census tract, including census tracts in U.S. territories, a unique 11-digit census tract Geographic Identifier (GEOID). Each 11-digit census tract GEOID is comprised of a 2-digit state GEOID, 3-digit county GEOID, and 6-digit census tract GEOID.

1. Low-Income Community Census Tracts

Section 30C(c)(3)(B)(i)(I) includes as an eligible census tract any population census tract that is described in section 45D(e), which defines the term “low-income community” for purposes of the new markets tax credit (NMTTC). As a general rule, section 45D(e)(1) defines a low-income community as any population census tract for which the poverty rate is at least 20 percent. The statute also provides more specific ways that a tract can constitute a low-income community. Section 45D(e)(1) provides that a tract not located within a

metropolitan area constitutes a low-income community if the median family income for such tract does not exceed 80 percent of statewide median family income. Similarly, a tract located within a metropolitan area is a low-income community if the median family income for such tract does not exceed 80 percent of the greater of the statewide median family income or the metropolitan area's median family income. Section 45D(e)(2) provides that certain targeted populations (within the meaning of section 103(20) of the Riegle Community Development and Regulatory Improvement Act of 1994 (12 U.S.C. 4702(20)) may be treated as low-income communities. Section 45D(e)(3) describes the appropriate areas not within population census tracts that are used to determine poverty rates and median family income. Section 45D(e)(4) describes certain population census tracts with a population of less than 2,000 that are treated as a low-income community for purposes of the NMTC. Finally, section 45D(e)(5) describes population census tracts located within a high migration rural county.

Following the guidelines in section 45D(e), the Community Development Financial Institutions Fund (CDFI Fund) designates population census tracts as low-income communities for purposes of the NMTC. The CDFI Fund determines these population census tracts based in part on American Community Survey (ACS) 5-year estimates, which are published by the Census Bureau. The CDFI Fund updates its NMTC determination of "low-income community" census tracts approximately every five years based on the updated ACS 5-year estimates. The last update occurred on September 1, 2023, when the NMTC low-income community census tracts were updated to be based on the 2016–2020 ACS 5-year estimates (2016–2020 NMTC tracts), which use the 2020 delineation of census tract boundaries (2020 census tract boundaries). Prior to September 1, 2023, the NMTC low-income community census tracts were based on 2011–2015 ACS 5-year estimates (2011–2015 NMTC tracts), which use the 2015 delineation of census tract boundaries (2015 census tract boundaries). The next update is expected to occur in 2028.

When there is an update, the CDFI Fund provides a one-year transition period during which taxpayers may look to either of the 5-year census tracts. Therefore, between September 1, 2023, and August 31, 2024, taxpayers can look to either the 2011–2015 NMTC or the 2016–2020 NMTC tracts to determine which population census tracts are low-

income communities for the NMTC (and, by extension for section 30C purposes). On or after September 1, 2024, taxpayers must look to the 2016–2020 NMTC tracts to determine which population census tracts are low-income communities for the NMTC.

2. Non-Urban Area

Pursuant to section 30C(c)(3)(B)(i)(II), an eligible census tract includes a non-urban area. Section 30C(c)(3)(B)(ii), defines "urban area" as a population census tract that has been designated as an urban area by the Secretary of Commerce in the most recent decennial census. However, as of the 2020 Census (that is, the most recent decennial census as of the publication of this document), the Census Bureau defines urban areas on the basis of census blocks and not on the basis of population census tracts. The Census Bureau determines urban areas based on how densely developed a territory is, and to what extent the territory encompasses residential, commercial, and other non-residential urban land uses. The Census Bureau delineates urban areas after each decennial census.

3. Census Tracts in U.S. Territories

Section 30C(e)(3) provides generally that property used outside the United States does not qualify for the section 30C credit by excluding property referred to in section 50(b)(1) of the Code, which provides generally that property used predominantly outside the United States does not qualify for a credit to which section 50 applies. However, section 50(b)(1)(B) provides an exception for certain categories of property described in section 168(g)(4) of the Code. Section 168(g)(4) describes, among other things, property owned by a domestic corporation or by a United States citizen (other than a citizen entitled to the benefits of section 931 or section 933) and that is used predominantly in a territory (also referred to as a possession) of the United States by such a corporation or such a citizen, or by a corporation created or organized in, or under the law of, a territory of the United States. Accordingly, because section 30C(e)(3), by reason of sections 50(b)(1)(B) and 168(g)(4), would allow for qualified alternative fuel vehicle refueling property to be used by certain taxpayers predominantly in a territory of the United States, eligible census tracts include low-income community census tracts and non-urban census tracts located in a territory of the United States.

IV. Property Used by a Tax-Exempt or Government Entity

Section 30C(e)(2) provides that in the case of any qualified alternative fuel vehicle refueling property the use of which is described in section 50(b)(3) (generally, use by tax-exempt organizations) or (b)(4) (generally, use by the United States or a government entity or foreign persons or entities) and that is not subject to a lease, the person who sold such property to the person or entity using such property is treated as the taxpayer that placed such property in service, but only if the seller clearly discloses to the tax-exempt or government entity in a document the amount of any credit allowable under section 30C(a) with respect to such property (determined without regard to section 30C(d) (treating the credit as a credit listed in section 38(b) or as a personal credit)). For purposes of section 30C(d), property to which section 30C(e)(2) applies is treated as of a character subject to an allowance for depreciation.

V. Prevailing Wage and Registered Apprenticeship Requirements

The IRA amended several sections of the Code, including section 30C, to provide increased credit amounts for taxpayers who satisfy certain requirements, including an increased credit amount for satisfying prevailing wage and registered apprenticeship (PWA) requirements. This same increased credit amount is available under certain sections of the Code, including section 30C, if beginning of construction occurs before January 29, 2023 (BOC Exception).¹

For properties placed in service after December 31, 2022, the section 30C credit is equal to 6 percent for depreciable property. If a taxpayer satisfies the PWA requirements in section 30C(g)(2) and (3) or meets the BOC Exception with respect to a qualified alternative fuel vehicle refueling project, then the credit determined under section 30C(a) for any qualified alternative fuel vehicle refueling property that is depreciable property and that is part of such project is multiplied by five. For purposes of the PWA requirements, section

¹ On November 30, 2022, the Treasury Department and the IRS published Notice 2022–61 in the *Federal Register* (87 FR 73580, corrected in 87 FR 75141 (Dec. 7, 2022)), providing guidance with respect to the PWA requirements in section 45(b)(7) and (8), including initial guidance for determining the beginning of construction under section 45 and other credits and the beginning of installation under section 179D. The final PWA regulations published in the *Federal Register* (89 FR 53184) (part III of the Background section) provide further detail on the BOC Exception.

30C(g)(1)(B) defines a “qualified alternative fuel vehicle refueling project” as a project consisting of one or more properties that are part of a single project. Section 30C(g)(2)(A) requires the taxpayer to ensure that any laborers and mechanics employed by the taxpayer or any contractor or subcontractor in the construction of any qualified alternative fuel vehicle refueling property that is part of a qualified alternative fuel vehicle refueling project are paid wages at rates not less than prevailing rates. Under section 30C(g)(3), rules similar to the rules in section 45(b)(8) apply regarding the apprenticeship requirements.

On June 25, 2024, the Treasury Department and the IRS published final regulations in the **Federal Register** (89 FR 53184) that govern the increased credit or deduction amount available for taxpayers satisfying the PWA requirements that the IRA established with respect to several credits, including the section 30C credit (final PWA regulations). Specifically for the section 30C credit, the final PWA regulations provided clarifications to the applicable scope of the PWA requirements.

VI. Coordination With Sections 6417 and 6418

Section 6417 allows an applicable entity (as defined in section 6417(d)(1)(A), generally including tax-exempt and government entities, Indian Tribal governments, and Alaska Native Corporations, among others) to make an election to be treated as making a payment against the tax imposed by subtitle A of the Code for the taxable year with respect to which an applicable credit (as defined in section 6417(b)) was determined equal to the amount of the applicable credit. Section 6417(b)(1) includes the amount of a section 30C credit, to the extent treated under section 30C(d)(1) as a general business credit under section 38, as an applicable credit.

Section 6418 permits an eligible taxpayer (defined in section 6418(f)(2) as a taxpayer not described in section 6417(d)(1)(A)) to make an election to transfer all or a portion of an eligible credit (defined in section 6418(f)(1)), determined with respect to such taxpayer for any taxable year to an unrelated taxpayer (within the meaning of section 267(b) or 707(b)(1)). Section 6418(f)(1)(A)(i) includes the amount of a section 30C credit, to the extent treated under section 30C(d)(1) as a general business credit under section 38, as an eligible credit.

VII. Prior Guidance, Request for Comments, and Other Documents Relating to the Alternative Fuel Vehicle Refueling Property Credit

A. Notice 2007–43

On May 29, 2007, the Treasury Department and the IRS published Notice 2007–43, 2007–22 I.R.B. 1318, which provided interim guidance on the then-recently enacted section 30C. This notice provided specific guidance relating to the computation of the section 30C credit and the treatment for purposes of the credit of converted and dual-use refueling property.

B. Notice 2022–56

On November 21, 2022, the Treasury Department and the IRS published Notice 2022–56, 2022–47 I.R.B. 480. This notice requested general comments on issues arising under section 30C, as amended by the IRA, as well as specific comments concerning: (1) depreciable property; (2) the definition of a “single item”; (3) bidirectional charging equipment; (4) eligible census tracts; (5) recapture; and (6) miscellaneous topics. The Treasury Department and the IRS received 135 comments from industry participants, environmental groups, individual consumers, and other stakeholders. The Treasury Department and the IRS appreciate the commenters’ interest and engagement on these issues. These comments have been considered carefully in the preparation of these proposed regulations.

C. Notice 2024–20

On February 12, 2024, the Treasury Department and the IRS published Notice 2024–20, 2024–7 I.R.B. 668, to provide guidance on eligible census tracts for the section 30C credit and to announce the intent to propose regulations for the credit. This notice describes relevant census concepts, provides background and definitions for low-income communities and non-urban census tracts, and explains the census tract boundaries that apply for the relevant census tract determinations. The notice also provides taxpayers with a list of eligible census tracts in advance of the 2023 filing season and explains how taxpayers can identify the 11-digit census tract identifier for a location where a property is placed in service.

Explanation of Provisions

I. 30C Property, Recharging Property, Refueling Property

Proposed § 1.30C–1(a) would provide a general overview of the proposed section 30C regulations. Proposed § 1.30C–1(b) would provide definitions

that would apply for purposes of section 30C and the 30C regulations.

The proposed regulations use the term “30C property” to describe property that is eligible for the section 30C credit. As proposed, the term 30C property would generally be synonymous with the statutory phrase “qualified alternative fuel vehicle refueling property.” Proposed § 1.30C–1(b)(1) would define 30C property to include any property (other than real property and a building and its structural components) that is comprised of components that are functionally interdependent for “refueling property” or “recharging property” and, if applicable, an integral part of the refueling property or recharging property. For purposes of the proposed regulations, refueling property would mean property for the storage and dispensing of a qualified alternative fuel into the fuel tank of a motor vehicle propelled by such fuel, but only if the storage or dispensing of the fuel is at the point where such fuel is delivered into the fuel tank of the motor vehicle. Proposed § 1.30C–1(b)(1)(i)(A); *see also* proposed § 1.30C–1(b)(16)(i). Similarly, “recharging property” would mean property for the recharging of a motor vehicle propelled by electricity, but only if the property is located at the point where the motor vehicle is recharged. Proposed § 1.30C–1(b)(1)(i)(B); *see also* proposed § 1.30C–1(b)(16)(ii).

Proposed § 1.30C–1(b)(14) would provide that components are “functionally interdependent” if the placing in service of each component is dependent upon the placing in service of each of the other components in order to refuel or recharge a motor vehicle. Proposed § 1.30C–1(b)(15) would further provide that property is an “integral part” of a refueling or recharging property if it is used directly in the intended function of the refueling property or recharging property and is essential to the completeness of this intended function, meets all of the requirements for 30C property described in proposed § 1.30C–1(b)(1)(iii), is owned by the taxpayer that owns the refueling property or recharging property, and is specifically designed to be integrated with the refueling property or recharging property with which it is associated.

Proposed § 1.30C–1(b)(1)(iii) would provide a list of additional requirements that any eligible property must meet to be 30C property. First, the property must either be of a character subject to an allowance for depreciation or installed on property that is used as the principal residence of the taxpayer (within the meaning of section 121).

Second, the property's original use must begin with the taxpayer. Proposed § 1.30C–1(b)(18) would provide that “original use” has the same meaning as in § 1.48–2(b)(7). Finally, the property must be placed in service in an eligible census tract (*see* discussion of eligible census tracts in part II.E of this Explanation of Provisions section).

II. General Rules

A. Amount of Credit

Proposed § 1.30C–2(a)(1) would provide that section 30C(a) allows a taxpayer to claim as a credit against the tax imposed by chapter 1 an amount equal to a percentage of the cost of any 30C property placed in service by the taxpayer during the taxable year, subject to certain dollar-amount limitations described in section 30C(b) and proposed § 1.30C–2(a)(4).

Consistent with section 30C(a), proposed § 1.30C–2(a)(2)(i) would provide that in the case of depreciable property, section 30C(a) allows as a credit against tax an amount equal to 6 percent of the cost of any 30C property placed in service by the taxpayer during the taxable year. Under proposed § 1.30C–2(a)(2)(ii), the section 30C credit for the cost of any 30C property placed in service as part of a project that meets the PWA requirements is multiplied by 5. Property placed in service by certain tax-exempt organizations and governmental units described in section 50(b)(3) and (4) of the Code is treated as property of a character subject to an allowance for depreciation for purposes of calculating the section 30C credit. *See* sections 30C(e)(2) and 6417(d)(2) and § 1.6417–2(c). Proposed § 1.30C–2(a)(2)(iii) would provide that in the case of property of a character not subject to an allowance for depreciation, section 30C(a) allows as a credit against tax an amount equal 30 percent of the cost of any 30C property placed in service by the taxpayer during the taxable year provided that such property is installed on property that is used as the taxpayer's principal residence (within the meaning of section 121). Consistent with section 30C(b), proposed § 1.30C–2(a)(4) would limit the section 30C credit with respect to any single item of 30C property placed in service by the taxpayer during the taxable year to \$100,000 for depreciable property and \$1,000 for non-depreciable property.

If the business use of the property is 50 percent or less, proposed § 1.30C–2(a)(3) would provide rules for apportioning the section 30C credit between business use and personal use. If the business use is more than 50

percent, then the section 30C credit would be treated under the proposed regulations only as a general business credit under section 30C(d)(1) (and subject to the \$100,000 limitation). If the business use of the 30C property is 50 percent or less, then the property would be considered “apportioned-use property” under the proposed regulations and the taxpayer's section 30C credit for that taxable year for that 30C property would be apportioned in accordance with the taxpayer's use of the property between the general business credit under section 30C(d)(1) and the personal credit allowed under section 30C(a) pursuant to section 30C(d)(2). To be within these apportionment rules, the proposed regulations would provide that the 30C property must be installed at the taxpayer's personal residence to qualify for the personal credit, but also be used for business use. For example, these proposed rules would apply to a taxpayer who operates a delivery service and installs an electric vehicle charger at her personal residence, which she uses to charge both her personal vehicle and her delivery vehicle.

If 30C property is apportioned-use property, proposed § 1.30C–2(a)(4)(ii) would provide that the dollar-amount limitation must be apportioned in the same manner as the taxpayer's credit under section 30C. For example, in the case of 30C property the business use of which is 40 percent of a taxpayer's total use of the property for the taxable year in which the property is placed in service, the portion treated as a general business credit under section 30C(d)(1) cannot exceed \$40,000 (\$100,000 multiplied by 40 percent), and the portion treated as a section 30C credit allowed under section 30C(a) cannot exceed \$600 (\$1,000 multiplied by 60 percent).

B. Single Item of Property and Calculating the Section 30C Credit

As discussed in part II of the Background section of this preamble, one major change that the IRA made to section 30C was to allow the credit per single item of property, rather than per location. Thus, proposed § 1.30C–2(b)(1) would provide that taxpayers may claim a section 30C credit if they place in service at least one single item of 30C property during the taxable year.

Section 30C does not define “single item of property.” In Notice 2022–56, the Treasury Department and the IRS asked for comments on how to define a “single item of property.” Many commenters suggested that, for purposes of electric vehicle chargers, a “single item” should be defined as each

charging port and that the item also should include functionally interdependent property as well as other property that commenters deemed necessary for the installation and use of the charger. The proposed regulations largely adopt these comments.

1. Definition of Single Item of 30C Property

For purposes of calculating the section 30C credit, proposed § 1.30C–2(b)(1) would define a single item of 30C property as each charging port for recharging property, each fuel dispenser for refueling property, or each qualified alternative fuel storage property or electrical energy storage property.

For purposes of the proposed regulations, a charging port would mean the system within a charger that charges one motor vehicle. Under proposed § 1.30C–1(b)(6), a charging port may have multiple connectors, but it can provide power at its rated electrical output to charge only one motor vehicle through one connector at a time. Some chargers may have more than one port, in which case proposed § 1.30C–2(b)(2)(ii) would provide that the cost of the charger would need to be allocated among the number of ports for purposes of determining the credit. The Treasury Department and the IRS agree with the commenters that allowing the credit based on the number of motor vehicles that could be charged simultaneously at the port's rated electrical output is appropriate based on the IRA amendments to section 30C to provide a credit limit per single item of property, rather than a broader term such as per charging property or per location, and consistent with one purpose of the IRA to expand incentives for taxpayers to transition to clean vehicles.

The proposed regulations would define a fuel dispenser as the unit through which fuel is dispensed into the fuel tank of a motor vehicle if such unit is capable of fueling at or above the dispenser's minimum rate of fueling and has at least one hose and nozzle. Proposed § 1.30C–1(b)(12) would provide that a dispenser may optionally include a meter, valve, controller, and enclosure. These proposed regulations would use these definitions of “fuel dispenser” for refueling property and “charging port” for recharging property with the goal to similarly situate the accounting of credits among the eligible alternative fuels with consideration of their refueling technologies and station designs.

Proposed § 1.30C–1(b)(25) would define two types of storage property: qualified alternative fuel storage

property and electrical energy storage property. Under proposed § 1.30C–1(b)(25)(ii), “qualified alternative fuel storage property” would mean property used for the storage of such qualified alternative fuel. Under proposed § 1.30C–1(b)(20), qualified alternative fuel would generally refer to all clean-burning fuels (as defined in proposed § 1.30C–1(b)(7)) except electricity. Proposed § 1.30C–1(b)(25)(iii) would define “electrical energy storage property” to mean property that receives, stores, and delivers energy for conversion to electricity. Under proposed § 1.30C–1(b)(25), both types of storage property would be required to be located at the point where the motor vehicle is refueled or recharged. Proposed § 1.30C–1(b)(16) would provide that this requirement is generally satisfied if the storage property is located at the same or an immediately adjacent physical address as the location where the fuel is delivered into the fuel tank of the motor vehicle or where the motor vehicle is recharged.

Former section 179A(d)(3)(A), adopted by reference into section 30C(c), uses the language “for the storage or dispensing of a clean-burning fuel into the fuel tank of a motor vehicle propelled by such fuel” in its definition of qualified clean-fuel vehicle refueling property, indicating that clean-burning fuel storage property is a separate item of qualified clean-fuel vehicle refueling property. Former section 179A(d)(3)(B) uses the language “for the recharging of motor vehicles propelled by electricity” as a separate prong of this same definition, indicating that electrical energy storage property is not a separate item of qualified clean-fuel vehicle refueling property. However, former section 179A(e)(1) includes electricity within the definition of clean-burning fuels, such that electric vehicle refueling property could be eligible property under either former section 179A(d)(3)(A) (where storage is specifically mentioned) or (B) (where storage is not specifically mentioned). These proposed regulations would provide that the cost of electrical energy storage property that is used for charging motor vehicles is creditable as a separate item of property under section 30C. Electrical energy storage can be used for electric vehicle charging to smooth costs and to minimize the impact on the electrical grid by taking the energy from the grid during non-peak hours when energy is cheaper and storing the energy for use during higher cost peak hours. Thus, electrical energy storage can be a critical part of electric

vehicle recharging infrastructure. Further, treating all types of storage as a separate item of property is consistent with the language of former section 179A(d). Finally, allowing electrical energy storage property as a separate item of property treats storage property consistently across various types of clean-burning fuel.

These proposed regulations would also modify proposed §§ 1.48–9 and 1.48E–2 to provide that energy storage technology does not include energy storage property for which the taxpayer claims a credit under section 30C. Energy storage technology may be eligible for an investment credit under sections 48 and 48E, subject to certain limitations. However, sections 48 and 48E exclude from the definition of energy storage technology property primarily used in the transportation of goods or individuals and not for the production of electricity. *See* sections 48(c)(6)(A) and 48E(c)(2). The section 48 proposed regulations did not propose a rule interpreting this exclusion but requested comments on its scope.² Commenters to the section 48 proposed regulations requested that batteries and other energy storage technology that may be used to charge or recharge electric vehicles be eligible for the section 48 credit because it may be more valuable than the section 30C credit in certain cases; however, commenters did not request that the same property be eligible for both sections 48 and 30C. The Treasury Department and the IRS agree that Congress did not intend to allow multiple credits for investments in the same energy storage property associated with vehicle recharging or refueling, as evidenced by the sections 48 and 48E exclusion for property primarily used in the transportation of goods or individuals and not for the production of electricity. Property for which a section 30C credit is claimed is property primarily used in the transportation of goods or individuals and not for the production of electricity, because the section 30C credit is limited to property “for the storage or dispensing of a clean-burning fuel into the fuel tank of a motor vehicle propelled by such fuel” or “for the recharging of motor vehicles propelled by electricity.” *See* sections 30C(c)(1) and 179A(d)(3). Accordingly, the proposed regulations would clarify that energy storage property for which a section 30C credit is claimed is property

primarily used in the transportation of goods or individuals and not for the production of electricity, and, therefore, is not energy storage technology for purposes of sections 48 and 48E. However, energy storage property for which a section 30C credit is not claimed, could be credit-eligible energy storage technology under sections 48 and 48E if it meets the requirements under those provisions.

2. Associated Property and Calculating the Credit

Under proposed § 1.30C–2(b)(1), the amount of the section 30C credit would include the cost of functionally interdependent property and, if applicable, any property that is an integral part of refueling or recharging property that is part of the 30C property placed in service by the taxpayer during the year (associated property). These costs would be included in the section 30C credit for a single item to the extent that they are directly attributable and traceable to that particular single item of 30C property. The cost of associated property that is directly attributable and traceable to more than one item of 30C property would be allocated among the relevant items based on the cost of each single item of 30C property. In no case would the total cost of the associated property divided among different items of 30C property exceed 100 percent of the cost of the associated property.

Proposed § 1.30C–2(b)(3) would provide that the section 30C credit is the lesser of the “tentative section 30C credit,” or the \$100,000 or \$1,000 limit (as appropriate). The tentative section 30C credit for each single item of 30C property would be the sum of the cost of the single item of 30C property, the cost of any associated property directly attributable and traceable to the single item of 30C property, and the cost of a ratable share of allocated associated property, multiplied by the applicable credit rate (6 percent or 30 percent).

C. Bidirectional Charging Equipment

Notice 2022–56 requested comments on the factors and definitions that should be considered in developing guidance for bidirectional charging equipment (that is, property that is capable of charging the battery of an electric vehicle and also allows the discharging of electricity from such battery to an electric load external to such motor vehicle). *See* section 30C(c)(2). Many of the comments suggested that the regulations provide that all costs, including any costs for bidirectional equipment contained within the motor vehicle (onboard equipment) be creditable.

² On November 22, 2023, the Treasury Department and the IRS published in the *Federal Register* (88 FR 82188) the proposed rule “Definition of Energy Property and Rules Applicable to the Energy Credit” under section 48 (section 48 proposed regulations).

The IRA amendments clarify that a charger that otherwise meets the requirements of 30C property is not excluded simply because the charger also allows discharging of electricity from the motor vehicle's battery, but the IRA amendments do not expand the section 30C credit in the manner suggested by commenters. In particular, section 30C(c)(2) uses the language "shall not fail to be treated," suggesting a clarification rather than a significant expansion of the credit. In addition, the Code contains separate tax credits for electric vehicles, including credits targeted to the electric vehicle battery. See sections 25E, 30D, and 45W. Thus, proposed § 1.30C-1(b)(16)(ii) would exclude from the definition of recharging property components that are located within a motor vehicle and are necessary for the propulsion of that vehicle, including onboard equipment.

D. Property for the Refueling of Certain Two- and Three-Wheeled Vehicles

Section 30C(f) provides additional special rules for electric charging stations for certain vehicles with two or three wheels. Section 30C(f)(1) provides that the term "qualified alternative fuel vehicle refueling property" includes property described in section 30C(c) for the recharging of a motor vehicle described in section 30C(f)(2), but only if such property meets the requirements of section 30C(a)(2) and is of a character subject to depreciation. However, section 30C(a)(2) does not exist. The Treasury Department and the IRS view this as a clerical error and, as a result, will apply section 30C(f)(1) without giving effect to section 30C(f)(1)(A). Thus, proposed § 1.30C-2(b)(5) would provide that 30C property also includes depreciable property that is for the recharging of a two- or three-wheeled electric vehicle because there are no requirements of section 30C(a)(2) under current law.

E. Eligible Census Tracts

Consistent with section 30C(c)(3)(B), proposed § 1.30C-2(c)(1) would provide that 30C property must be placed in service in an eligible census tract to qualify for the section 30C credit. Eligible census tracts include any population census tract that qualifies as a low-income community census tract or that is a non-urban census tract.

1. Low-Income Census Tracts

Proposed § 1.30C-2(c)(2)(i) would provide that a population census tract is an eligible "low-income community census tract" for purposes of the section 30C credit if the population census tract meets the requirements of the NMTC

under section 45D(e)(1), which requires that the poverty rate for such tract is at least 20 percent, or in the case of a tract not located within a metropolitan area, the median family income for such tract does not exceed 80 percent of statewide median family income, or in the case of a tract located within a metropolitan area, the median family income for such tract does not exceed 80 percent of the greater of statewide median family income or the metropolitan area median family income. Proposed § 1.30C-2(c)(2)(ii) would provide that census tracts located within a high migration rural county, as defined under section 45D(e)(5), are low-income community census tracts if the median family income for the tract does not exceed 85 percent of statewide median family income.

Based on the ACS 5-year low-income community data, census tracts as described under section 45D(e)(1) can be identified and they are published by the CDFI Fund. Additionally, the CDFI Fund has published, beginning with the 2016–2020 NMTC tracts, the census tracts that qualify as low-income census tracts because the census tracts are located in high migration rural counties as described under section 45D(e)(5). However, after consultation with the CDFI Fund, the Treasury Department and the IRS cannot identify with verifiable accuracy the population census tracts that currently meet the requirements of section 45D(e)(2) and (4). Accordingly, the Treasury Department and the IRS request comments on whether and how the population census tracts named under section 45D(e)(2) and (4) could be identified accurately to qualify as eligible census tracts for the credit under 30C. The areas described in section 45D(e)(3) are not population census tracts as required by section 30C(c)(3)(B)(i), and therefore do not qualify as eligible census tracts for purposes of the section 30C credit.

2. Non-Urban Area

Proposed § 1.30C-2(c)(3) would provide that "non-urban census tract" means any population census tract in which at least 10 percent of the census blocks are not designated as urban areas. As the Secretary of Commerce and Census Bureau no longer identify census tracts as urban or non-urban, the Treasury Department, in consultation with the Census Bureau, determined a percentage of census blocks within a census tract to determine if a census tract is not an urban area under section 30C(c)(3)(B)(ii). The Treasury Department and IRS received comments on this issue in response to Notice

2022–56. The threshold of 10 percent of census blocks being not an urban area to determine if a census tract is a non-urban area census tract is within the range of percentages suggested by commenters.

3. Determination of Eligible Census Tracts

Proposed § 1.30C-2(c)(4) would provide that the IRS will periodically publish lists of specific census tracts that are low-income census tracts or non-urban census tracts along with instructions on how taxpayers may determine their census tract identifying numbers. Census tract data and boundaries are expected to be updated prior to January 1, 2033, when the section 30C credit is planned to expire. When census tract data changes, the IRS will publish updated lists of the eligible census tracts that qualify as low-income communities or non-urban areas, and the 11-digit census tract GEOIDs associated with each census tract based on the applicable census data.

4. Request for Comments

There is a variety of equipment available to recharge electric vehicles. Some are installed at a fixed location (that is, stationary) and may be mounted upon concrete pads or installed as fixtures on the walls of buildings. Some recharging equipment are mobile; however, the degree to which such equipment are mobile varies greatly depending on their use and purpose. Mobile chargers may be transported to allow for the dispensing of electricity closer to where a vehicle is parked, in contrast to having to drive a vehicle to stationary equipment. Mobile chargers may be physically connected to a source of electricity at a physical address or, conversely, receive electricity from a battery that is temporarily separated from a physical address.

The requirement under section 30C(c)(3) that property must be placed in service in an eligible census tract to qualify for the section 30C credit suggests that the property must also be used in the eligible census tract. However, depending on its design and purpose, mobile equipment may not always be used in the eligible census tract in which it was placed in service. The Treasury Department and the IRS request comments on how mobile equipment could satisfy the geographic requirement that 30C property must be placed in service in an eligible census tract, and request comments on any related rules that should be adopted, particularly with respect to any administrative requirements to ensure

only qualifying mobile equipment is credited.

III. Prevailing Wage and Registered Apprenticeship Requirements

The proposed regulations would supplement the final PWA regulations in § 1.30C–3 to further define “qualified alternative fuel vehicle refueling project” (30C project) for purposes of satisfying the PWA requirements. Proposed § 1.30C–3(b)(2) would provide that multiple 30C properties will be treated as a single 30C project if the items of property are constructed and operated on a contiguous piece of land, owned by a single taxpayer (subject to the related party rule), placed in service in a single taxable year, and one or more of the following factors is present: (1) the properties are described in one or more common environmental or other regulatory permits; (2) the properties are constructed pursuant to a single master construction contract; or (3) the construction of the properties is financed pursuant to the same loan agreement. Under the related party rule in proposed § 1.30C–3(b)(3), related taxpayers are treated as one taxpayer in determining whether multiple items of 30C property are treated as a single project. For these purposes, related taxpayers are treated as a single taxpayer if they are members of a group of trades or businesses that are under common control (as defined in § 1.52–1(b)). Proposed § 1.30C–3(b)(3).

The proposed regulations would limit a 30C project to encompass only the items of property that are placed in service within the same year because 30C is an annual credit. This approach is consistent with the fact that the section 30C credit is available only in the year the property is placed in service, even if costs related to the property are incurred in earlier years.

Additionally, the proposed regulations would clarify that if a seller of 30C property, the use of which is described in section 50(b)(3) or (4) (generally tax-exempt entities, government entities, and foreign persons and entities), is treated as the taxpayer that placed such property in service under section 30C(e)(2), the seller is the taxpayer required to comply with the PWA recordkeeping requirements. Proposed § 1.30C–3(c). See part IV.B of this Explanation of Provisions for additional discussion of cases in which a seller may be treated as the taxpayer that placed 30C property in service under section 30C(e)(2). This clarification is consistent with § 1.45–12, which provides that a taxpayer claiming or transferring (under section 6418) an increased credit must maintain

and preserve records sufficient to establish compliance with the statutory requirements. Further, unlike a transferee under section 6418, a person who sells 30C property, the use of which is described in section 50(b)(3) or (4), would generally have access to, and control over, the relevant records.

The proposed regulations would also conform the terminology used in the final PWA regulations in § 1.30C–3(a) and (b) to the terminology used in these proposed regulations. The proposed regulations do not modify any of the rules in the final PWA regulations other than proposed § 1.30C–3, and the Treasury Department and the IRS are not reopening the comment period on the final PWA regulations generally.

IV. Special Rules

A. Recapture

Section 30C(e)(5) provides that recapture rules similar to the rules of former section 179A(e)(4) apply; however, former section 179A(e)(4) merely granted authority to provide recapture rules, stating, “The Secretary shall, by regulations, provide for recapturing the benefit of any deduction allowable under subsection (a) with respect to any property which ceases to be property eligible for such deduction.” Accordingly, as noted previously in the Authority section, the Treasury Department and the IRS understand section 30C(e)(5) to be a delegation of authority to the Secretary, by cross-reference to former section 179A(e)(4), to provide recapture rules under section 30C.

The Secretary exercised the authority under former section 179A(e)(4) in issuing former § 1.179A–1 (removed by TD 9849 on March 11, 2019). Proposed § 1.30C–4(b) uses the rules of former § 1.179A–1 as a starting point (in particular, what constitutes a recapture event), with appropriate modifications (for example, to account for apportioned use property and property used by tax-exempt or government entities, neither of which were at issue in former section 179A or the regulations thereunder). In general, proposed § 1.30C–4(b) would require taxpayers to recapture the benefit of any section 30C credit allowed with respect to any property that ceases to be property eligible for such credit. If a recapture event occurs with respect to a taxpayer’s 30C property, then the taxpayer must include the recapture amount in taxable income for the taxable year in which the recapture event occurs. Proposed § 1.30C–4(b)(1).

Proposed § 1.30C–4(b)(2) would provide that a recapture event generally

occurs if, within three years of the property being placed in service: (1) the taxpayer claiming the section 30C credit modifies the property such that the property no longer qualifies as 30C property; (2) unless the property is subject to section 6417(d)(2)(B), a depreciable property ceases to be used predominantly in a trade or business (meaning that 50 percent or more of the use of the property in a taxable year is for use other than in a trade or business); (3) if the property is apportioned-use property, the property completely ceases to be used in a trade or business, but continues to be used for personal use; or (4) the taxpayer sells or disposes of the 30C property and the taxpayer knows or has reason to know that the property will cease to qualify as 30C property for one of the reasons listed in (1) or (2) of this paragraph. Except as provided in (4), a sale or other disposition (including a disposition by reason of an accident or other casualty) of 30C property is not a recapture event. Proposed § 1.30C–4(b)(3) would clarify that property is not subject to the recapture provisions solely because it is placed in service in a location that subsequently ceases to be in a qualified census tract. Thus, a change in the identification of eligible census tracts alone would not require a taxpayer to recapture the section 30C credit.

Proposed § 1.30C–4(b) would also provide a formula for determining the amount of the recapture and adjustments to basis following a recapture event.

The Treasury Department and the IRS request comments on how the recapture rules should apply where the person who sells 30C property to a tax-exempt or government entity is treated as the taxpayer placing the 30C property in service, including any notifications that should be required.

B. Property Used by a Tax-Exempt or Government Entity

Section 30C(e)(2) allows a person who sells 30C property that is used in a manner described in section 50(b)(3) or (4) (generally property used by tax-exempt organizations, government entities, or foreign persons or entities), to be eligible for the section 30C credit, but only if the seller clearly discloses in a document the amount of any such credit allowable. Use of this rule typically results in a lower upfront cost to a tax-exempt or government entity for the 30C property, while allowing the seller to claim the section 30C credit.

Section 6417, added by the IRA, provides a benefit to applicable entities (defined in section 6417(d)(1)(A) and § 1.6417–1(c)), which include certain

tax-exempt and government entities that are described in section 50(b)(3) or (4). Section 6417 allows applicable entities to make an election to be treated as making a payment of tax in the amount of certain applicable credits, including the section 30C credit, which results in a refund equal to the amount of the applicable credits if such entity has no other tax liability. Section 6417(d)(2)(A) requires an entity making an election to determine an applicable credit without regard to section 50(b)(3) or (b)(4)(A)(i), effectively turning those sections off for purposes of calculating an applicable credit. Although section 30C refers to section 50(b)(3) and (4) in section 30C(e)(2) to describe property used in a certain manner by certain persons, the section 30C credit is always determined without regard to section 50.³ However, for 30C property used by tax-exempt and government entities (that is, property the use of which is described in section 50(b)(3) or (4)), these proposed regulations would treat such 30C property as not being used in a manner described in section 50(b)(3) or (4) if the tax-exempt or government entity makes an elective payment election under section 6417.

Congress appears to have provided tax-exempt and government entities the ability to choose whether a reduced purchase price that may result under section 30C(e)(2) or an elective payment election under section 6417 is more beneficial. To facilitate that choice, and consistent with section 6417(d)(2)(A), proposed § 1.30C–4(c)(2) would treat the use of 30C property by a tax-exempt or government entity as not being described in section 50(b)(3) or (4), and therefore not available for the seller to be treated as the taxpayer placing the 30C property in service, if such entity notifies the seller in writing of its intent to make the section 6417 election.

The section 30C credit is only allowed once per 30C property. Thus, if the tax-exempt or government entity notifies the seller of its intent to make an elective payment election pursuant to section 6417(a) with respect to the section 30C credit, the seller cannot claim any credit allowable under section 30C(a) with respect to such property.

The Treasury Department and the IRS request comments on whether this approach is practical for entities described in section 50(b)(3) and (b)(4)(A)(i) and for those who sell them 30C property. The Treasury Department

and the IRS also request comments on the notification process described above, including the timing of such notifications and whether transition rules may be necessary for projects for which contracts have already been signed.

C. Dual-Use Property

Notice 2007–43 provided rules for the application of the section 30C credit to dual-use property, generally meaning property that is used for a creditable purpose and a non-creditable purpose. The proposed regulations would generally incorporate the dual-use rules from the notice, with some modifications to account for subsequent amendments to section 30C (such as the inclusion of transportation fuel as defined in section 45Z(d)(5)).

Proposed § 1.30C–4(d) would provide separate rules for (1) dual-use property that is used for dispensing or storing both qualified alternative fuel and conventional fuel, (2) dual-use property that is used to store qualified alternative fuel that is dispensed into the fuel tank of a motor vehicle and to store fuel that is transported to other locations, and (3) dual-use property that is used to store or transmit electricity for recharging a motor vehicle and for other, non-creditable, purposes. In each case, the creditable portion of the cost of such property is limited to the increase in the cost of the dual-use property over the cost of equivalent property used only for the non-creditable use. For example, if a taxpayer owns a fuel tank that is used to store fuel that is used to refuel motor vehicles at the point where the motor vehicles are refueled, but is also used to store fuel that the taxpayer transports to other locations, then the cost of the fuel tank is taken into account only to the extent the cost exceeds the cost of a tank used only to store fuel transported to other locations. The Treasury Department and the IRS are aware that in some cases, this will result in the dual-use property's cost not being creditable under section 30C. However, the Treasury Department and the IRS are of the view that Notice 2007–43 has provided a workable and administrable rule for most of the existence of the section 30C credit to date.

V. Proposed Amendments to Regulations Under Other Code Sections

The proposed regulations would also make minor conforming changes to proposed §§ 1.48–9 and 1.48E–2, as well as to §§ 1.6417–6 and 1.6418–5 to comport with the proposed section 30C regulations.

Effect on Other Documents

Notice 2007–43, 2007–22 I.R.B. 1318, is withdrawn.

Proposed Applicability Dates

Except as otherwise provided, these regulations are proposed to apply to property placed in service in taxable years ending after the date of publication of the Treasury Decision adopting these rules as final rules in the **Federal Register**.

Special Analyses

I. Regulatory Planning and Review

Pursuant to the Memorandum of Agreement, Review of Treasury Regulations under Executive Order 12866 (June 9, 2023), tax regulatory actions issued by the IRS are not subject to the requirements of section 6 of Executive Order 12866, as amended. Therefore, a regulatory impact assessment is not required.

II. Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520) (PRA) generally requires that a Federal agency obtain the approval of the Office of Management and Budget (OMB) before collecting information from the public, whether such collection of information is mandatory, voluntary, or required to obtain or retain a benefit. A Federal agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid control number assigned by the OMB.

The collections of information in these proposed regulations contain reporting and recordkeeping requirements. The recordkeeping requirements mentioned within these proposed regulations are considered general tax records under § 1.6001–1(e). These records are required for the IRS to validate that taxpayers have met the regulatory requirements and are entitled to a credit under section 30C. For PRA purposes, general tax records are already approved by OMB under 1545–0047 for tax-exempt organizations and government entities; 1545–0074 for individuals; and under 1545–0123 for business entities.

These proposed regulations mention requirements to claim the credit in § 1.30C–2(e), using Form 8911, *Alternative Fuel Vehicle Refueling Property Credit* (or successor form as the Secretary prescribes). This form is approved under 1545–0047 for tax-exempt organizations and governmental entities; 1545–0074 for individuals; and 1545–0123 for business entities. These proposed regulations are not changing

³ Section 50(b) provides that no credit “shall be determined under this subpart” for certain property. Section 50(b) is in subpart E of part IV of subchapter A of chapter 1. Section 30C is in subpart B of part IV of subchapter A of chapter 1.

or creating new collection requirements not already approved by OMB. These proposed regulations also mention recapture procedures as detailed in § 1.30C-4(b). These recapture procedures are also performed using Form 8911, *Alternative Fuel Vehicle Refueling Property Credit* (or successor form as the Secretary prescribes). This form is approved under 1545-0047 for tax-exempt organizations and governmental entities; 1545-0074 for individuals; and 1545-0123 for business entities. These proposed regulations are not changing or creating new collection requirements not already approved by OMB.

These proposed regulations also include third-party disclosures if a tax-exempt or government entity makes an election under section 6417 to be treated as making a payment against the tax. This third-party disclosure and its associated burden will be included in form and instructions for Form 8911 (or successor form as the Secretary prescribes) and will be submitted to OMB under 1545-0047, 1545-0074, and 1545-0123 in accordance with the PRA procedures under 5 CFR 1320.10.

With respect to the PWA provisions in § 1.30C-3, these requirements are approved under 1545-2315. With respect to the elective pay provisions in § 1.30C-4(c)(2), there is no form associated with this collection, but will be collected in the portal only and is approved under 1545-2310. These proposed regulations are not changing or creating new collection requirements not already approved by OMB.

III. Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) (RFA) imposes certain requirements with respect to Federal rules that are subject to the notice and comment requirements of section 553(b) of the Administrative Procedure Act (5 U.S.C. 551 *et seq.*) and that are likely to have a significant economic impact on a substantial number of small entities. Unless an agency determines that a proposal is not likely to have a significant economic impact on a substantial number of small entities, section 603 of the RFA requires the agency to present an initial regulatory flexibility analysis (IRFA) of the proposed rule.

Pursuant to the RFA, the Secretary hereby certifies that these proposed regulations will not have a significant economic impact on a substantial number of small entities within the meaning of section 601(6) of the Regulatory Flexibility Act. Pursuant to section 7805(f), this notice of proposed rulemaking has been submitted to the

Chief Counsel for the Office of Advocacy of the Small Business Administration for comment on their impact on small business.

The RFA directs agencies to provide a description of and, if feasible, an estimate of, the number of small entities that may be affected by the proposed rules, if adopted. Section 30C and these proposed regulations may affect a variety of different entities across multiple industries, including individuals, tax-exempt entities, small businesses, partnerships, and large businesses. Although there is uncertainty as to the exact number of small businesses within this group, the current estimated number of respondents to these proposed rules is 4,000 small business entities, based on a review of filing information since 2019 and extrapolations into the future.

Small business entities to claim the section 30C credit must satisfy reporting requirements that are the same as those faced by individuals accessing the section 30C credit. Taxpayers will continue to file Form 8911, *Alternative Fuel Vehicle Refueling Property Credit* (or successor form as the Secretary prescribes), as was the case for the section 30C credit prior to amendments made by the IRA and prior to the publication of these proposed regulations. The estimated burden for individual and business taxpayers filing this form is approved under OMB control number 1545-0074 and 1545-0123.

Although the Treasury Department and IRS estimate that 4,000 small business entities will claim the credit under section 30C in a given year, the proposed regulations will not have a significant economic impact on such entities. The proposed regulations do not impose any additional burden on taxpayers outside of what is provided by the statute. For example, the IRA modified section 30C(c)(3) to require property to be located in eligible census tracts. These proposed regulations provide guidance regarding low-income areas, non-urban areas, and the determination of eligible census tracts, but do not impose any additional requirements beyond what is set forth in the statute that would give rise to significant economic impacts on small business entities. Additionally, these proposed regulations provide rules regarding recapture of the credit, but recapture is provided for in section 30C(e)(5), and these proposed rules merely provide the framework for the statutorily required recapture.

The Treasury Department and IRS have determined that the continued requirement to file a Form 8911,

Alternative Fuel Vehicle Refueling Property Credit (or successor form as the Secretary prescribes), is unlikely to involve significant administrative costs beyond what was previously required.

Accordingly, the Secretary certifies that these proposed regulations will not have a significant economic impact on a substantial number of small entities. The Treasury Department and the IRS request comments that provide data, other evidence, or models that provide insight on this issue.

IV. Unfunded Mandates Reform Act

Section 202 of the Unfunded Mandates Reform Act of 1995 requires that agencies assess anticipated costs and benefits and take certain other actions before issuing a final rule that includes any Federal mandate that may result in expenditures in any one year by a State, local, or Tribal government, in the aggregate, or by the private sector, of \$100 million in 1995 dollars, updated annually for inflation. This proposed rule does not include any Federal mandate that may result in expenditures by State, local, or Tribal governments, or by the private sector in excess of that threshold.

V. Executive Order 13132: Federalism

Executive Order 13132 (Federalism) prohibits an agency (to the extent practicable and permitted by law) from promulgating any regulation that has federalism implications, unless the agency meets the consultation and funding requirements of section 6 of the Executive order, if the rule either imposes substantial, direct compliance costs on State and local governments, and is not required by statute, or preempts State law. This proposed rule does not have federalism implications and does not impose substantial direct compliance costs on State and local governments or preempt State law within the meaning of the Executive order.

Comments and Requests for a Public Hearing

Before these proposed regulations are adopted as final regulations, consideration will be given to any comments that are submitted timely to the IRS as prescribed in this preamble under the **ADDRESSES** heading.

The Treasury Department and the IRS request comments on all aspects of the proposed regulations. Any comments submitted will be made available at <https://www.regulations.gov> or upon request.

A public hearing will be scheduled if requested in writing by any person who timely submits electronic or written

comments. Requests for a public hearing are also encouraged to be made electronically. If a public hearing is scheduled, notice of the date and time for the public hearing will be published in the **Federal Register**.

Statement of Availability of IRS Documents

The IRS Revenue Procedures, Notices, and other guidance cited in this preamble are published in the *Internal Revenue Bulletin* and is available from the Superintendent of Documents, U.S. Government Publishing Office, Washington, DC 20402, or by visiting the IRS website at <https://www.irs.gov>.

Drafting Information

The principal author of the proposed regulations is the Office of Associate Chief Counsel (Passthroughs & Special Industries). However, other personnel from the Treasury Department and the IRS participated in the development of the proposed regulations.

List of Subjects in 26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

Proposed Amendments to the Regulations

Accordingly, the Treasury Department and the IRS propose to amend 26 CFR part 1 as follows:

PART 1—Income Taxes

■ **Paragraph 1.** The authority citation for part 1 is amended by:

■ 1. Adding entries for §§ 1.30C–1 and 1.30C–2 in numerical order;

■ 2. Revising the entry for § 1.30C–3;

and

■ 3. Adding entries for §§ 1.30C–4, 1.48–9(e)(10), and 1.48E–2(g)(6) in numerical order.

The additions and revisions read in part as follows:

Authority: 26 U.S.C. 7805 * * *

* * * * *

Section 1.30C–1 also issued under 26 U.S.C. 30C(h).

Section 1.30C–2 also issued under 26 U.S.C. 30C(h).

Section 1.30C–3 also issued under 26 U.S.C. 30C(g)(4) and (h).

Section 1.30C–4 also issued under 26 U.S.C. 30C(e)(5) and (h).

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Section 1.48–9(e)(10) also issued under 26 U.S.C. 48(a)(16).

* * * * *

Section 1.48E–2(g)(6) also issued under 26 U.S.C. 48E(i).

* * * * *

■ **Par. 2.** Sections 1.30C–0 through 1.30C–2 are added to read as follows:

* * * * *

1.30C–0 Table of contents.

1.30C–1 Credit for alternative fuel vehicle refueling property; Definitions.

1.30C–2 General rules.

* * * * *

§ 1.30C–0 Table of contents.

This section lists the captions contained in §§ 1.30C–1 through 1.30C–4.

§ 1.30C–1 Credit for alternative fuel vehicle refueling property; Definitions.

- (a) In general.
- (b) Definitions.
 - (1) 30C property.
 - (i) Applicable property.
 - (ii) Property integral to refueling property or recharging property.
 - (iii) Other requirements.
 - (2) 45Z transportation fuel.
 - (3) Building and structural components.
 - (4) Census block.
 - (5) Charger.
 - (6) Charging port.
 - (7) Clean burning fuel.
 - (8) Connector.
 - (9) Conventional fuel.
 - (10) Conventional refueling property.
 - (11) Electric vehicle.
 - (12) Fuel dispenser.
 - (13) Fuel tank.
 - (14) Functionally interdependent.
 - (15) Integral part.
 - (16) Located at the point.
 - (i) Refueling property.
 - (ii) Recharging property.
 - (17) Motor vehicle.
 - (i) In general.
 - (ii) 2 or 3-wheeled motor vehicle.
 - (18) Original use.
 - (19) Population census tract.
 - (20) Qualified alternative fuel.
 - (21) Qualifying biodiesel mixture.
 - (22) Section 30C credit.
 - (23) Section 30C regulations.
 - (24) Statutory references.
 - (i) Chapter 1.
 - (ii) Code.
 - (25) Storage property.
 - (i) In general.
 - (ii) Qualified alternative fuel storage property.
 - (iii) Electrical energy storage property.
 - (c) Applicability date.

§ 1.30C–2 General rules.

- (a) Amount of credit.
 - (1) In general.
 - (2) Applicable percentages.
 - (i) Property of a character subject to an allowance for depreciation.
 - (ii) Projects meeting the prevailing wage and apprenticeship requirements.
 - (iii) Property not subject to an allowance for depreciation.
 - (3) Apportionment of section 30C credit between business and personal use.
 - (i) Business use portion.
 - (ii) Personal use portion.
 - (4) Dollar-amount limitations.
 - (i) In general.
 - (ii) Apportioned-use property.
 - (b) 30C property rules.
 - (1) Single item of 30C property.
 - (2) Associated property.
 - (3) Calculating the section 30C credit.
 - (4) Special rule for bidirectional charging equipment.
 - (5) Property for the refueling of certain two- and three-wheeled motor vehicles.
 - (6) Placed in service.
 - (i) Depreciable property.
 - (ii) Non-depreciable property.
 - (c) Eligible census tracts.
 - (1) Geographic requirement.
 - (2) Low-income community census tract.
 - (i) In general.
 - (ii) Modification for high migration rural counties.
 - (3) Non-urban census tract.
 - (4) Determination of eligibility of specific census tracts.
 - (d) Reduction in basis.
 - (e) Examples.
 - (1) Example 1.
 - (i) Facts.
 - (ii) Analysis.
 - (A) 30C property.
 - (B) Calculation of the credit.
 - (2) Example 2.
 - (i) Facts.
 - (ii) Analysis.
 - (3) Example 3.
 - (i) Facts.
 - (ii) Analysis.
 - (4) Example 4.
 - (i) Facts.
 - (ii) Analysis.
 - (A) 30C property.
 - (B) Calculation of the credit.
 - (5) Example 5.
 - (i) Facts.
 - (ii) Analysis.
 - (A) 30C property.
 - (B) Calculation of the credit.
 - (6) Example 6.
 - (i) Facts.
 - (ii) Analysis.
 - (7) Example 7.
 - (i) Facts.
 - (ii) Analysis.
 - (A) 30C property.
 - (B) Calculation of the credit.
 - (8) Example 8.
 - (i) Facts.
 - (ii) Analysis.
 - (9) Example 9.
 - (i) Facts.
 - (ii) Analysis.
 - (A) 30C property.
 - (B) Calculation of the credit.
 - (10) Example 10.
 - (i) Facts.
 - (ii) Analysis.
 - (A) 30C property.
 - (B) Calculation of the credit.
 - (11) Example 11.
 - (i) Facts.
 - (ii) Analysis.
 - (12) Example 12.
 - (i) Facts.
 - (ii) Analysis.
 - (A) 30C property.
 - (B) Calculation of the credit.
- (13) Example 13.
 - (i) Facts.
 - (ii) Analysis.
- (A) 30C property.
- (B) Calculation of the credit.
- (14) Example 14.

- (i) Facts.
- (ii) Analysis.
- (A) 30C property.
- (B) Calculation of the credit.
- (15) Example 15.
- (i) Facts.
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- (f) Claim requirements.
- (g) Applicability date.

§ 1.30C-3 Rules relating to the increased credit amount for prevailing wage and apprenticeship.

- (a) In general.
- (b) 30C project requirements.
- (1) In general.
- (2) Determination of a project.
- (3) Related taxpayers.
- (i) Definition.
- (ii) Related taxpayer rule.
- (c) Coordination with 30C(e)(2) and

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- (d) Examples.
- (1) Example 1.
- (i) Facts.
- (ii) Analysis.
- (2) Example 2.
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- (e) Applicability date.

§ 1.30C-4 Special rules.

- (a) No credit allowable in certain circumstance.
- (1) Property used outside the United States.
- (2) Property placed in service in a United States territory.
- (3) Section 179.
- (b) Recapture.
- (1) In general.
- (2) Recapture event.
- (3) Property placed in service in a location that ceases to be in a qualified census tract.
- (4) Recapture amount.
- (i) In general.
- (ii) Special rule for apportioned-use property.
- (5) Basis adjustment.
- (c) Property used by a tax-exempt or governmental entity.
- (1) In general.
- (2) Interaction with section 6417.
- (d) Dual-use property.
- (1) Dual use property used for dispensing or storing qualified alternative fuel and conventional fuel.
- (2) Qualified alternative fuel storage.
- (3) Dual use property used to store or transmit electricity for charging a motor vehicle and for other purposes.
- (4) Example.
- (i) Facts.
- (ii) Analysis.
- (e) Applicability date.

§ 1.30C-1 Credit for alternative fuel vehicle refueling property; Definitions.

(a) *In general.* The section 30C regulations (as defined in paragraph (b)(23) of this section) apply for purposes of determining the availability and amount of any credit that is allowed to a taxpayer by section 30C(a) of the Code (as defined in paragraph (b)(24)(ii) of this section) with respect to any 30C property (as defined in paragraph (b)(1)

of this section) placed in service by the taxpayer during the taxable year. Paragraph (b) of this section provides definitions of terms for purposes of applying section 30C and the section 30C regulations. *See* § 1.30C-2 for general rules for determining the amount of the allowed section 30C credit. *See* § 1.30C-3 for rules relating to the increased section 30C credit amount for satisfying prevailing wage and apprenticeship requirements. *See* § 1.30C-4 for special rules.

(b) *Definitions.* The definitions in this section apply for purposes of section 30C and the section 30C regulations.

(1) *30C property.* 30C property is any applicable property described in paragraph (b)(1)(i) or (ii) of this section that also meets the requirements of paragraph (b)(1)(iii) of this section.

(i) *Applicable property.* Applicable property is any property (other than real property and a building and its structural components) that is comprised of components that are functionally interdependent—

(A) For the storage or dispensing of a qualified alternative fuel into the fuel tank of a motor vehicle propelled by such fuel, but only if the storage or dispensing of the fuel is located at the point where such fuel is delivered into the fuel tank of the motor vehicle (refueling property); or

(B) For the recharging of motor vehicles propelled by electricity, but only if the property is located at the point where the motor vehicles are recharged (recharging property).

(ii) *Property integral to refueling property or recharging property.* If applicable, the term *applicable property* also includes property the purpose of which is described in paragraph (b)(1)(i)(A) or (B) of this section that is an integral part of refueling property or recharging property.

(iii) *Other requirements.* To be 30C property, any applicable property must also meet the following requirements—

(A) The property is of a character subject to an allowance for depreciation, or installed on property that is used as the principal residence of the taxpayer (within the meaning of section 121 of the Code);

(B) The original use of the property begins with the taxpayer; and

(C) The property is placed in service (as defined in § 1.30C-2(b)(6)) in an eligible census tract as described in § 1.30C-2(c).

(2) *45Z transportation fuel.* 45Z transportation fuel means any transportation fuel (as defined in section 45Z(d)(5) of the Code) produced after December 31, 2024.

(3) *Building and structural components.* Building and structural components has the same meaning as in § 1.48-1(e).

(4) *Census block.* Census block means the smallest geographic area for which the Census Bureau collects and tabulates decennial census data.

(5) *Charger.* Charger means a device with one or more charging ports and connectors for charging electric vehicles.

(6) *Charging port.* Charging port means the system within a charger that charges one motor vehicle. A charging port may have multiple connectors, but it can provide power at the port's rated electrical output to charge only one motor vehicle through one connector at a time.

(7) *Clean burning fuel.* Clean burning fuel means—

- (i) Any qualified alternative fuel; or
- (ii) Electricity.

(8) *Connector.* Connector means the device that attaches an electric vehicle to a charging port to transfer electricity.

(9) *Conventional fuel.* Conventional fuel means any fuel that is not a clean burning fuel. Conventional fuel includes diesel fuel that is not in a qualifying biodiesel mixture and gasoline.

(10) *Conventional refueling property.* Conventional refueling property means property that is used to dispense or store only conventional fuel.

(11) *Electric vehicle.* Electric vehicle means a motor vehicle that is either partially or fully powered by electric power received from an external power source.

(12) *Fuel dispenser.* Fuel dispenser means, in the case of refueling property, the unit through which fuel is dispensed into the fuel tank of a motor vehicle, if such unit is capable of fueling at or above the dispenser's minimum rate of fueling and has at least one hose and nozzle, and optionally a meter, valve, controller, and enclosure.

(13) *Fuel tank.* Fuel tank means, in the case of a motor vehicle propelled by qualified alternative fuel, the tank that supplies fuel to the propulsion engine of the motor vehicle or, in the case of a fuel cell electric vehicle, the tank that supplies fuel to the fuel cell of the motor vehicle.

(14) *Functionally interdependent.* Components are *functionally interdependent* if the placing in service of each component is dependent upon the placing in service of each of the other components in order to refuel or recharge a motor vehicle.

(15) *Integral part.* Property is an *integral part* of a refueling or recharging property if it is used directly in the intended function of the refueling

property or recharging property and is essential to the completeness of the intended function, meets all of the requirements for 30C property described in paragraph (b)(1)(iii) of this section, is owned by the taxpayer that owns the refueling property or recharging property, and is specifically designed to be integrated with the refueling property or recharging property with which it is associated.

(16) *Located at the point*—(i) *Refueling property*. For purposes of determining whether property is considered refueling property, and therefore 30C property, *located at the point* means the point where fuel is delivered into the fuel tank of the motor vehicle. Property will be considered located at the point where fuel is delivered into the fuel tank of the motor vehicle if such property is located at the same or immediately adjacent physical address as such fuel delivery point.

(ii) *Recharging property*. For purposes of determining whether property is considered recharging property, and therefore 30C property, *located at the point* means the point where the motor vehicles are recharged. Property will be considered located at the point where the motor vehicles are recharged if it is located at the same or immediately adjacent physical address as such recharging point. Property that is a component of a motor vehicle and is necessary for the propulsion of that vehicle is considered part of the vehicle rather than recharging property and is therefore not 30C property.

(17) *Motor vehicle*—(i) *In general*. *Motor vehicle* means any vehicle that has at least 4 wheels and is manufactured primarily for use on public streets, roads, and highways (not including a vehicle operated exclusively on a rail or rails).

(ii) *2- or 3-wheeled motor vehicle*. For purposes of § 1.30C–2(c)(5), *motor vehicle* also includes any vehicle that has 2 or 3 wheels, is manufactured primarily for use on public streets, roads, or highways (not including a vehicle operated exclusively on a rail or rails), and is propelled by electricity.

(18) *Original use*. *Original use* has the same meaning as in § 1.48–2(b)(7).

(19) *Population census tract*. *Population census tract* means the small-area geographic divisions of a county or statistically equivalent entity defined for the tabulation and presentation of data from the decennial census and selected other statistical programs, as defined by the U.S. Bureau of the Census (Census Bureau). Population census tracts are comprised of census blocks. The Census Bureau assigns to each population census tract

a unique 11-digit census tract Geographic Identifier (GEOID). An 11-digit census tract GEOID is a GEOID (a numeric identifier associated with a geographic area) defined by the Census Bureau and comprised of a 2-digit State GEOID, 3-digit county GEOID, and 6-digit census tract GEOID. The 11-digit census tract GEOID provides a unique identifier for each population census tract in the United States, including tracts in the U.S. territories. The 11-digit census tract GEOIDs may vary for any individual latitude/longitude point based on different census tract boundary delineation dates over time.

(20) *Qualified alternative fuel*. *Qualified alternative fuel* is a fuel meeting one of the following conditions—

(i) At least 85 percent of its volume consists of one or more of the following: ethanol, natural gas, compressed natural gas, liquefied natural gas, liquefied petroleum gas, or hydrogen;

(ii) It is a qualifying biodiesel mixture; or

(iii) It is 45Z transportation fuel.

(21) *Qualifying biodiesel mixture*. *Qualifying biodiesel mixture* means a mixture of biodiesel (as defined in section 40A(d)(1) of the Code) and diesel fuel (as defined in section 4083(a)(3) of the Code) if such mixture contains at least 20 percent biodiesel. For this purpose, any kerosene in a mixture—

(i) Is disregarded in determining whether the mixture is a mixture of biodiesel and diesel fuel; and

(ii) Is taken into account in determining whether the mixture contains at least 20 percent biodiesel.

(22) *Section 30C credit*. The term *section 30C credit* means the credit allowed by section 30C(a) to a taxpayer to claim against the tax imposed by chapter 1 (as defined in paragraph (b)(24)(i) of this section) of an amount equal to a percentage of the cost of 30C property placed in service by the taxpayer during the taxable year, subject to limitations described in section 30C(b) and the section 30C regulations.

(23) *Section 30C regulations*. The term *section 30C regulations* means this section and §§ 1.30C–2 through 1.30C–4.

(24) *Statutory references*—(i) *Chapter 1*. The term *chapter 1* means chapter 1 of the Code.

(ii) *Code*. The term *Code* means the Internal Revenue Code.

(25) *Storage property*—(i) *In general*. *Storage property* means qualified alternative fuel storage property and electrical energy storage property.

(ii) *Qualified alternative fuel storage property*. *Qualified alternative fuel*

storage property means property used for the storage of qualified alternative fuel, but only if such storage property is located at the point where the motor vehicles are refueled. For example, in the case of hydrogen energy storage property, such property may include but is not limited to a hydrogen compressor and associated storage tank and an underground storage facility and associated compressors.

(iii) *Electrical energy storage property*. *Electrical energy storage property* means property that receives, stores, and delivers energy for conversion to electricity, but only if such storage property is located at the point where the motor vehicles are recharged. For example, electrical energy storage property may include but is not limited to rechargeable electrochemical batteries of all types (such as lithium ion, vanadium flow, sodium sulfur, and lead-acid).

(c) *Applicability date*. This section applies to property placed in service in taxable years ending after [date of publication of final regulations in the **Federal Register**].

§ 1.30C–2 General rules.

(a) *Amount of credit*—(1) *In general*. Section 30C(a) of the Code allows a taxpayer to claim as a credit against the tax imposed by chapter 1 an amount equal to a percentage of the cost of 30C property placed in service by the taxpayer during the taxable year, subject to certain dollar-amount limitations described in section 30C(b) and paragraph (a)(4) of this section.

(2) *Applicable percentages*—(i) *Property of a character subject to an allowance for depreciation*. In the case of property of a character subject to an allowance for depreciation, the section 30C credit is an amount equal to 6 percent of the cost of any 30C property placed in service by the taxpayer during the taxable year. For 30C property placed in service by certain tax-exempt organizations and governmental units described in section 50(b)(3) and (4) of the Code, see sections 30C(e)(2) and 6417(d)(2) of the Code and § 1.6417–2(c).

(ii) *Projects meeting the prevailing wage and apprenticeship (PWA) requirements*. In the case of any 30C project (as described in § 1.30C–3(b)(2)) that satisfies the prevailing wage and registered apprenticeship requirements of section 30C(g) and § 1.30C–3 (PWA requirements), the section 30C credit for the cost of any 30C property in such project placed in service by the taxpayer during the taxable year is multiplied by 5.

(iii) *Property not subject to an allowance for depreciation.* In the case of property of a character not subject to an allowance for depreciation, the section 30C credit is an amount equal to 30 percent of the cost of any 30C property placed in service by the taxpayer during the taxable year provided that such property is installed on property that is used as the taxpayer's principal residence (within the meaning of section 121 of the Code).

(3) *Apportionment of section 30C credit between business and personal use.* In the case of depreciable 30C property installed at the taxpayer's principal residence, the business use of which is more than 50 percent of a taxpayer's total use of the property for the taxable year in which the property is placed in service, the taxpayer's section 30C credit for that taxable year with respect to that 30C property is treated as a general business credit under section 30C(d)(1) and paragraph (a)(2)(i) of this section (and not allowed under section 30C(a) or paragraph (a)(2)(iii) of this section). If the business use of such 30C property is 50 percent or less of a taxpayer's total use of the property for the taxable year in which the property is placed in service (apportioned-use property), the taxpayer's section 30C credit for that taxable year with respect to that property must be apportioned as provided in paragraphs (a)(3)(i) and (ii) of this section:

(i) *Business use portion.* The portion of the section 30C credit corresponding to the percentage of the taxpayer's business use of the 30C property is treated as a general business credit under section 30C(d)(1) and paragraph (a)(2)(i) of this section (and not allowed under section 30C(a) or paragraph (a)(2)(iii) of this section).

(ii) *Personal use portion.* The portion of the section 30C credit corresponding to the percentage of the taxpayer's personal use of the 30C property is treated as a section 30C credit allowed under section 30C(a) pursuant to section 30C(d)(2) and paragraph (a)(2)(iii) of this section.

(4) *Dollar-amount limitations—(i) In general.* The section 30C credit allowed with respect to any single item of 30C property placed in service by the taxpayer during the taxable year cannot exceed—

(A) \$100,000 in the case of any such item of property of a character subject to an allowance for depreciation; and

(B) \$1,000 in any other case.

(ii) *Apportioned-use property.* In the case of apportioned-use property described in paragraph (a)(3) of this section, the dollar-amount limitation

must be apportioned in the same manner as the taxpayer's section 30C credit. For example, in the case of 30C property the business use of which is 40 percent of a taxpayer's total use of the property for the taxable year in which the property is placed in service: the portion treated as a general business credit under section 30C(d)(1) cannot exceed \$40,000 (\$100,000 multiplied by 40 percent), and the portion treated as a section 30C credit allowed under section 30C(a) cannot exceed \$600 (\$1,000 multiplied by 60 percent).

(b) *30C property rules—(1) Single item of 30C property.* A taxpayer may claim the section 30C credit with respect to 30C property if the taxpayer places in service at least one single item of 30C property as described in paragraph (b)(6) of this section, any other components associated with the item that are functionally interdependent, and, if applicable, any integral part property associated with the item. For purposes of calculating the section 30C credit, a single item of 30C property is—

(i) Each charging port for recharging property;

(ii) Each fuel dispenser for refueling property; or

(iii) Each storage property (for this purpose, a storage system comprised of multiple storage tanks, such as a cascade system, is treated as a single storage property).

(2) *Associated property.* If functionally interdependent property and, if applicable, integral part property that is a part of the 30C property is placed in service by a taxpayer in a taxable year and is associated with one or more single items of 30C property (associated property), then such associated property must be allocated as follows:

(i) If associated property is directly attributable and traceable to a single item of 30C property, then the cost of such associated property is allocated to such single item of 30C property.

(ii) If associated property is directly attributable and traceable to more than one single item of 30C property, then the cost of such associated property is allocated to such single item of 30C property based on the cost of each single item of 30C property. The total cost of such associated property divided among the 30C properties cannot exceed 100 percent of the cost of such associated property.

(3) *Calculating the section 30C credit.* The section 30C credit for each single item of 30C property is the lesser of the tentative section 30C credit for that single item or the dollar-amount limitations in paragraph (a)(4) of this section for that single item. The

tentative section 30C credit for each single item of 30C property equals:

(i) The applicable percentage; multiplied by

(ii) The sum of—

(A) The cost of the single item of 30C property;

(B) The cost of associated property that is directly attributable and traceable to the single item of 30C property (as described in paragraph (b)(2)(i) of this section); and

(C) The cost of the ratable share of associated property (as described in paragraph (b)(2)(ii) of this section).

(4) *Special rule for bidirectional charging equipment.* Property will not fail to be treated as 30C property solely because such property is capable of charging the battery of a motor vehicle propelled by electricity and allows discharging electricity from such battery to an electric load external to such motor vehicle.

(5) *Property for the refueling of certain two- and three-wheeled motor vehicles.* 30C property also includes property of a character subject to an allowance for depreciation that is for the recharging of a motor vehicle described in § 1.30C-1(b)(17)(ii).

(6) *Placed in service—(i) Depreciable property.* 30C property that is depreciable property is considered placed in service in the earlier of the following taxable years:

(A) The taxable year in which, under the taxpayer's depreciation practice, the period for depreciation with respect to such property begins; or

(B) The taxable year in which such property is placed in a condition or state of readiness and availability for a specifically assigned function, whether in a trade or business or in the production of income.

(ii) *Non-depreciable property.* 30C property that is non-depreciable property is considered placed in service when it is installed at the principal residence of the taxpayer and is operational.

(c) *Eligible census tracts—(1) Geographic requirement.* To qualify for the section 30C credit, 30C property must be placed in service in an eligible census tract. Eligible census tracts include any population census tract that qualifies as a low-income community census tract or that is a non-urban census tract.

(2) *Low-income community census tract—(i) In general.* A population census tract is an eligible *low-income community census tract* for purposes of the section 30C credit if the population census tract meets the requirements of section 45D(e)(1) of the Code (relating to the new markets tax credit), which

requires that the poverty rate for such tract is at least 20 percent, or in the case of a tract not located within a metropolitan area, the median family income for such tract does not exceed 80 percent of statewide median family income, or in the case of a tract located within a metropolitan area, the median family income for such tract does not exceed 80 percent of the greater of statewide median family income or the metropolitan area median family income.

(ii) *Modification for high migration rural counties.* In the case of a census tract located within a high migration rural county, as defined under section 45D(e)(5) of the Code, such census tract is a low-income community if the median family income for such tract does not exceed 85 percent of statewide median family income.

(3) *Non-urban census tract.* For purposes of the section 30C credit, a non-urban census tract is any population census tract in which at least 10 percent of the census blocks are not designated as urban areas by the Census Bureau.

(4) *Determination of eligibility of specific census tracts.* The Internal Revenue Service (IRS) will periodically publish lists of specific census tracts that meet the criteria in paragraph (c)(1) of this section along with instructions on how taxpayers may determine their census tract identifying numbers in the **Federal Register** or Internal Revenue Bulletin (see § 601.601 of this chapter).

(d) *Reduction in basis.* The basis of any property for which a credit is allowable under section 30C(a) must be reduced by the amount of the credit so allowed (determined without regard to section 30C(d)).

(e) *Examples.* The following examples illustrate the rules of this section.

(1) *Example 1—(i) Facts.* A installs a free-standing garage at A's principal residence, which costs \$25,000. A installs electric vehicle supply equipment (EVSE), which costs \$1,500 and consists of an AC Level 2 charger, charging port, and connector. A also installs a wall mount to support the charging port, which costs \$500. The wall mount is specifically designed to be integrated with the EVSE. Finally, A adds a new electric panel and installs conduit/wiring, which together costs \$1,000, to connect the charging port to the electrical service line. The new electric panel and conduit/wiring are used exclusively to service the charging port and are required to make the charging port operational. All property is owned by A and is not subject to an allowance for depreciation. All costs include labor costs. The property is

placed in service at the time it is installed. A's principal residence is located in an eligible census tract as described in paragraph (c) of this section.

(ii) *Analysis—(A) 30C property.* The charger, charging port, connector, wall mount, electric panel, and conduit/wiring are 30C property under § 1.30C-1(b)(1). The charger, connector, and conduit/wiring are functionally interdependent with the charging port (and all of these properties together constitute recharging property under § 1.30C-1(b)(1)(i)(B)). The electric panel and wall mount are an integral part of the recharging property under § 1.30C-1(b)(1)(ii) and (b)(15). The charger, charging port, connector, wall mount, electrical panel, and conduit/wiring meet the other requirements of § 1.30C-1(b)(1)(iii) because the property is installed at A's principal residence, the original use of the property begins with A, and the property is placed in service (as defined in paragraph (b)(6) of this section) in an eligible census tract as described in paragraph (c) of this section. The garage is not 30C property because any building or its structural components are excluded from the definition of 30C property under § 1.30C-1(b)(1)(i), and therefore cannot qualify as functionally interdependent with the charging port nor as an integral part of the recharging property.

(B) *Calculation of the credit.* Under paragraph (b)(1)(i) of this section, the charging port is the item of 30C property for purposes of calculating the credit. Further, under paragraph (b)(2) of this section, the charger (excluding the charging port), connector, wall mount, electrical panel, and conduit/wiring are all directly attributable and traceable associated property with respect to the charging port. Under paragraph (b)(3) of this section, the tentative section 30C credit is the sum of the cost of a single item of 30C property (charging port) and the cost of directly attributable and traceable associated property, multiplied by the applicable percentage (30%). Here, the cost of the charging port is included in the cost of the EVSE (with the charger and connector), and because the charger includes only a single port, the entire \$1,500 is taken into account as either the item of 30C property or as directly attributable and traceable associated property. Thus, the tentative section 30C credit under paragraph (b)(3) of this section is \$3,000 (\$1,500 for the charger + \$500 for the wall mount + \$1,000 for the panel and wiring) multiplied by the applicable percentage (30%), which equals \$900. Because \$900 is less than the \$1,000 limit in paragraph (a)(4)(i)(B) of this

section, the final section 30C credit is also \$900.

(2) *Example 2—(i) Facts.* The facts are the same as paragraph (e)(1) of this section (*Example 1*), except that the total cost of all directly attributable and traceable associated property other than the charger (excluding the charging port) is \$3,500.

(ii) *Analysis.* Under paragraph (b)(3) of this section, the tentative section 30C credit is the sum of the cost of a single item of 30C property (charging port) and the cost of directly attributable and traceable associated property, multiplied by the applicable percentage (30%). As in paragraph (e)(1) of this section (*Example 1*), the cost of the charging port is included in the cost of the EVSE (with the charger and connector), and because the charger includes only a single port, the entire \$1,500 is taken into account as either the item of 30C property or as directly attributable and traceable associated property. Thus, the tentative section 30C credit under paragraph (b)(3) of this section is \$5,000 (\$1,500 for the charger + \$3,500 for all directly attributable and traceable associated property) multiplied by the applicable percentage (30%), which equals \$1,500. Because \$1,500 is greater than the \$1,000 limit in paragraph (a)(4)(i)(B) of this section, the final section 30C credit is \$1,000.

(3) *Example 3—(i) Facts.* The facts are the same as paragraph (e)(2) of this section (*Example 2*), except that A operates a delivery service and installs the EVSE at her personal residence that she uses to charge both her personal vehicle and her delivery vehicle. Her business use of the EVSE is 40%. The PWA requirements are not satisfied.

(ii) *Analysis.* (A) As in paragraph (e)(2) of this section (*Example 2*), the cost of the charging port is included in the cost of the EVSE (with the charger and connector), and because the charger includes only a single port, the entire \$1,500 is taken into account as either the item of 30C property or as directly attributable and traceable associated property. Under paragraph (a)(3) of this section, the 30C property is apportioned-use property. As a result, under paragraph (a)(4)(ii) of this section, the dollar-amount limitation must be apportioned in the same manner as the taxpayer's section 30C credit.

(B) Under paragraph (b)(3) of this section, the tentative section 30C credit for the personal use portion of the 30C property is the sum of the cost of a single item of 30C property (charging port) and the cost of directly attributable and traceable associated property, multiplied by the personal use portion (60%), and then multiplied by the

applicable percentage (30%). The tentative section 30C credit under paragraph (b)(3) of this section is \$5,000 (\$1,500 for the charger + \$3,500 for all directly attributable and traceable associated property) multiplied by the personal use portion (60%), and then multiplied by the applicable percentage (30%), which equals \$900. Because \$900 is greater than the \$600 limit in paragraph (a)(4)(ii) of this section (\$1,000 × 60%), the final section 30C credit for the personal use portion is \$600.

(C) Under paragraph (b)(3) of this section, the tentative section 30C credit for the business use portion of the 30C property is the sum of the cost of a single item of 30C property (charging port) and the cost of directly attributable and traceable associated property, multiplied by the business-use portion (40%), and then multiplied by the applicable percentage (6%). The tentative section 30C credit under paragraph (b)(3) of this section is \$5,000 (\$1,500 for the charger + \$3,500 for all directly attributable and traceable associated property) multiplied by the business-use portion (40%), and then multiplied by the applicable percentage (6%), which equals \$120. Because \$120 is less than the \$40,000 limit in paragraph (a)(4)(ii) of this section (\$100,000 × 40%), the final section 30C credit for the business-use portion is \$120.

(4) *Example 4—(i) Facts.* B is a business entity that owns a fleet of medium-duty electric delivery vans. To recharge its electric delivery vans, B installs several properties at the same physical address in the same taxable year. First, B installs 20 direct current fast chargers (DCFCs), that have 2 charging ports each for a total of 40 charging ports. Each DCFC costs \$30,000. B also installs a pedestal to support each DCFC, which cost \$1,000 each. B additionally installs an electric panel and conduit/wiring, which together cost \$50,000, to connect the DCFCs to the electrical service line. Finally, B installs a smart charge management system for \$25,000, which is used to control the amount of power dispensed by the DCFCs to meet B's charging needs and prevent equipment overloads. The electric panel and conduit/wiring are used exclusively to service the DCFCs and are necessary to install to make each charging port operational. All property is owned by B. All costs include labor costs. Each of the above properties is property of a character subject to depreciation and is placed in service at the time it is installed. The physical address where B installs these properties is located in an

eligible census tract as described in paragraph (c) of this section.

(ii) *Analysis—(A) 30C property.* The DCFCs, pedestals, electric panel, conduit/wiring, and the smart charge management system all constitute 30C property under § 1.30C-1(b)(1). Each DCFC and each pedestal is functionally interdependent with the respective charging ports with which they are associated and the conduit/wiring property is functionally interdependent with the entire class of charging ports (and these properties together constitute recharging property under § 1.30C-1(b)(1)(i)(B)) and the electric panel and the smart charge management system constitute integral parts of the entire class of charging ports under § 1.30C-1(b)(1)(ii) and (b)(15). The DCFCs, pedestals, the electrical panel, conduit/wiring, and the smart charge management system all meet the other requirements of § 1.30C-1(b)(1)(iii) because the properties are each subject to an allowance for depreciation, the original use of the properties begins with B, and the properties are placed in service (as described in paragraph (b)(6) of this section) in an eligible census tract as described in paragraph (c) of this section.

(B) *Calculation of the credit.* (1) Under paragraph (b)(1)(i) of this section, each charging port constitutes a separate item of 30C property for purposes of calculating the credit. Additionally, under paragraph (b)(2)(i) of this section, each charger (excluding its respective ports) and each pedestal, electrical panel, and the conduit/wiring are all associated property that is directly attributable to and traceable with respect to their respective charging ports. Further, the electric panel, the conduit/wiring, and the smart charge management system are associated property directly attributable and traceable to more than one single item of 30C property, as described in paragraph (b)(2)(ii) of this section, because they are not directly attributable and traceable to any single charging port.

(2) Under paragraph (b)(3) of this section, B's tentative section 30C credit for each single item of 30C property (each charging port) is the sum of the cost of that single item of 30C property (each charging port), the cost of directly attributable and traceable associated property, and the ratable share of the cost of other associated property multiplied by the applicable percentage as described in paragraph (a)(2) of this section (6% or 30%, depending on whether the PWA requirements are satisfied).

(3) Because each DCFC charger costs \$30,000 and each has 2 charging ports, the cost of each port is \$15,000 (\$30,000 ÷ 2). Additionally, because each pedestal supports a charger with 2 ports and costs \$1,000, the cost attributable to each port is \$500 (\$1,000 ÷ 2). The costs of the electric panel and the conduit/wiring are allocated ratably based on the cost per charging port (\$50,000 ÷ 40 = \$1,250). Similarly, the cost of the smart charge management system is also allocated ratably based on the cost per charging port (\$25,000 ÷ 40 = \$625).

(4) B should therefore calculate a separate section 30C credit for each single item of 30C property (that is, each of the 40 charging ports) by adding the cost of the charging port (\$15,000) to the cost (\$500) of directly attributable and traceable associated property (respective pedestal) and to the ratable shares (\$1250 + \$625) of the two functionally interdependent and integral part properties (panel, including its conduit/wiring, and the smart charge management system). The sum of these costs is \$17,375 for each charging port.

(5) If B does not meet the PWA requirements, B's tentative section 30C credit for each charging port is \$17,375 multiplied by the applicable percentage (6% under paragraph (b)(3)(i) of this section), which equals \$1,042.50. Because \$1,042.50 is less than the \$100,000 credit limit for depreciable property under paragraph (a)(4)(i)(A) of this section, the final section 30C credit for each charging port is also \$1,042.50. B's total section 30C credit is \$41,700, the sum of the section 30C credit for each charging port that B placed in service (\$1,042.50 × 40) in the taxable year.

(6) If B meets the PWA requirements, B's tentative section 30C credit for each charging port is \$17,375 multiplied by the increased applicable percentage (30%) under paragraph (b)(3)(i) of this section, which equals \$5,212.50. Because \$5,212.50 is less than the \$100,000 credit limit for depreciable property under paragraph (a)(4)(i)(A) of this section, the final section 30C credit for each charging port is also \$5,212.50. B's total section 30C credit is \$208,500, the sum of the section 30C credit for each charging port that B placed in service (\$5,212.50 × 40) during the taxable year. The fact that this total credit exceeds the \$100,000 limit is not relevant because section 30C(b)(1) and paragraph (a)(4)(i)(A) of this section provide that the \$100,000 limit applies on a per-item basis and not as an aggregate limit.

(5) *Example 5—(i) Facts.* The facts are the same as paragraph (e)(4) of this section (*Example 4*), except that B

places in service the electric panel, conduit/wiring, smart charge management system, and 10 DCFCs in Year 1. In Year 2, B then installs and places in service the other 10 DCFCs.

(ii) *Analysis*—(A) *30C property*. Under paragraph (a) of this section, the amount of the credit, generally, is determined based on a percentage of the cost of 30C property placed in service, as defined under paragraph (b)(6) of this section, by a taxpayer during a taxable year. In this example, B has placed in service 10 DCFCs, and certain integral part property and property that is functionally interdependent to all 20 DCFCs in one tax year, while placing in service 10 more DCFCs in a different tax year. B will, therefore, include the electric panel, conduit/wiring, smart charge management system, and 10 pedestals and 20 ports (that is, the 10 DCFCs placed in service in year 1) in calculating the Year 1 section 30C credit. In Year 2, B will only include in calculating B's total section 30C credit, the 10 pedestals and 20 ports installed in year 2.

(B) *Calculation of the credit*. (1) For year 1 the cost of each DCFC charger is still \$30,000 and the cost of each port is still \$15,000. Additionally, the cost for the pedestals attributable to each port is still \$500. The costs of the electric panel and the conduit/wiring are allocated ratably based on the cost per charging port placed in service in the same taxable year ($\$50,000 \div 20 = \$2,500$). Similarly, the cost of the smart charge management system is also allocated ratably based on the cost per charging port placed in service in the same taxable year ($\$25,000 \div 20 = \$1,250$). The cost for each single item in Year 1 includes the cost of each port (\$15,000), the ratable share of the cost of the pedestal (\$500), the ratable share of the cost of the electric panel and conduit/wiring (\$2,500) and the ratable share of the cost of the smart charge management system (\$1,250). The sum of these costs for a single item of 30C property in year 1 is \$19,250. If B did not meet the PWA requirements, B's tentative section 30C credit for each charging port is \$19,250 multiplied by the 6% applicable rate, which equals \$1,155 per single item of 30C property for Year 1. In total, B's section 30C credit for Year 1 would be \$23,100 ($\$1,155 \times 20$). If B does meet the PWA requirements, B's tentative section 30C credit for each port is \$5,775, which is the \$19,250 cost per single item multiplied by the 30% applicable rate. In total, if B meets the PWA requirements, B's section 30C credit for Year 1 would be \$115,500 ($\$5,775 \times 20$). The fact that this total credit exceeds the

\$100,000 limit is not relevant because section 30C(b)(1) and paragraph (a)(4)(i)(A) of this section provide that the \$100,000 limit applies on a per-item basis and not as an aggregate limit.

(2) For Year 2, the cost of each port would still be \$15,000 and the cost for the pedestals attributable to each port is still \$500. The integral part property was already placed in service in Year 1, and therefore, the cost associated with that property is not allocated to the Year 2 property. Therefore, in Year 2, if B does not meet the PWA requirements, B's section 30C credit for each single item is \$930 ($\$15,500 \times 6\%$), and the amount of B's total Year 2 section 30C credit is \$18,600 ($\$930 \times 20$). If B meets the PWA requirements, B's section 30C credit for each single item is \$4,650 ($\$15,500 \times 30\%$), and B's total Year 2 section 30C credit is \$93,000 ($\$4,650 \times 20$).

(6) *Example 6*—(i) *Facts*. The facts are the same as paragraph (e)(4) of this section (*Example 4*), except that B begins construction and incurs \$100,000 of costs related to the installation of the chargers in Year 1, but no property is placed in service until Year 2.

(ii) *Analysis*. There is no section 30C credit for Year 1 because no 30C property has been placed in service. The 30C property is placed in service in Year 2. In Year 2, the section 30C credit is the same as the Year 1 credit in paragraph (e)(4) of this section (*Example 4*).

(7) *Example 7*—(i) *Facts*. The facts are the same as paragraph (e)(4) of this section (*Example 4*), except that instead of installing 20 DCFCs, B installs 10 DCFCs, with 2 charging ports each, and 10 AC Level 2 chargers (AC chargers), also with 2 charging ports each. Each AC Level 2 charger costs \$10,000. Each DCFC charger still costs \$30,000. B also installs a pedestal to support each AC charger, which costs \$1,000 each.

(ii) *Analysis*—(A) *30C property*. The analysis for the DCFCs pedestals, electric panel, conduit/wiring, and smart charge management system is the same as in *Example 4* of this paragraph (e). Additionally, the AC chargers also constitute 30C property under § 1.30C–1(b)(1). Each AC charger and each pedestal is functionally interdependent with the respective charging ports with which they are associated (and these properties together constitute recharging property under § 1.30C–1(b)(1)(i)(B)) and the electric panel, the conduit/wiring property, and the smart charge management system constitute integral parts of all of the DCFC ports and AC charger charging ports under § 1.30C–1(b)(1)(ii) and (b)(15). The AC chargers also meet the other requirements of

§ 1.30C–1(b)(1)(iii) because they are subject to an allowance for depreciation, the original use of the properties begins with B, and are placed in service (as defined in paragraph (b)(6) of this section) in an eligible census tract as described in paragraph (c) of this section.

(B) *Calculation of the credit*. (1) Under paragraph (b)(1)(i) of this section, each of the 20 DCFC charging ports and each of the 20 AC charger charging ports constitutes a separate item of 30C property for purposes of calculating the credit. Additionally, under paragraph (b)(2)(i) of this section, each charger (excluding its respective ports) and each pedestal, electrical panel, and the conduit/wiring are all associated property that is directly attributable to and traceable associated property with respect to their respective charging ports. Further, the electric panel, the conduit/wiring, and the smart charge management system are associated property directly attributable and traceable to more than one single item of 30C property, as described in paragraph (b)(2)(ii) of this section, because they are not directly attributable and traceable to any single charging port.

(2) Under paragraph (b)(3) of this section, B's tentative section 30C credit for each single item of 30C property (each charging port) is the sum of the cost of that single item of 30C property (each charging port), the cost of directly attributable and traceable associated property, and the ratable share of the cost of other associated property multiplied by the applicable percentage as described in paragraph (a)(2) of this section (6% or 30%, depending on whether the PWA requirements are satisfied).

(3) B should therefore calculate a separate section 30C credit for each single item of 30C property (that is, each of the 20 DCFC charging ports and each of the 20 AC charger charging ports). Because each of the 10 DCFCs costs \$30,000 and each has 2 charging ports, the cost of each DCFC port is \$15,000 ($\$30,000 \div 2$). Similarly, because each of the 10 AC chargers costs \$10,000 and each has 2 charging ports, the cost of each AC charger charging port is \$5,000 ($\$10,000 \div 2$). To calculate the credit, B should add the cost of the charging port (\$15,000 for the DCFC ports and \$5,000 for the AC charger charging ports) to the allocable costs of the associated properties. Because each pedestal costs \$1,000 and supports a single charger that has 2 ports, the cost attributable to each port (both the DCFC and AC charger charging ports) is \$500 ($\$1,000 \div 2$). With respect to the properties

whose costs are not directly attributable and traceable to any single port, B must allocate their costs according to each port's ratable share of B's total cost for the 40 ports. Because the 20 DCFC ports cost a total of \$300,000 ($20 \times \$15,000$) and the 20 AC charger charging ports cost only \$100,000 in total ($20 \times \$5,000$), B should allocate 75% of these costs to the 20 DCFC ports and 25% of these costs to the AC charger charging ports. Therefore, $\$1,875 ((\$50,000 \times 75\%) \div 20)$ of the cost of the electric panel and conduit/wiring is attributable to each of the 20 DCFC charging ports, and $\$625 ((\$50,000 \times 25\%) \div 20)$ is attributable to each of the 20 AC charger ports. Similarly, the cost of the smart charge management system is allocated in the same ratio, with $\$937.50 ((\$25,000 \times 75\%) \div 20)$ allocated to each DCFC port, and $\$312.50 ((\$25,000 \times 25\%) \div 20)$ to each AC charger charging port.

(4) Accordingly, If B does not meet the PWA requirements, B's tentative section 30C credit for each DCFC port is $\$18,312.50 (\$15,000 + \$500 + \$1875 + \$937.50)$ multiplied by the 6% applicable rate, which equals $\$1,098.75$, and the section 30C credit for each AC charger charging port is $\$6,437.50 (\$5,000 + \$500 + \$625 + \$312.50)$ multiplied by the 6% applicable rate, which equals $\$386.25$. Because both $\$1,098.75$ and $\$386.25$ are less than the $\$100,000$ credit limit for depreciable property under paragraph (a)(4)(i)(A) of this section, the final section 30C credit for each DCFC port is also $\$1,098.75$, and the final section 30C credit for each AC charger charging port is also $\$386.25$. B's total section 30C credit is $\$29,700 (\$21,975 + \$7,725)$, the sum of the section 30C credit for each charging port that B placed in service ($\$1,098.75 \times 20$) + ($\$386.25 \times 20$) in the taxable year.

(5) If B meets the PWA requirements, B's tentative section 30C credit for each DCFC port is $\$18,312.50$ multiplied by the increased applicable percentage (30%) under paragraph (b)(3)(i) of this section, which equals $\$5,493.75$, and its tentative section 30C credit for each AC charger charging port is $\$6,437.50$ multiplied by 30%, or $\$1,931.25$. Because both $\$5,493.75$ and $\$1,931.25$ are less than the $\$100,000$ credit limit for depreciable property under paragraph (a)(4)(i)(A) of this section, the final section 30C credit for each DCFC port is also $\$5,493.75$ and the final section 30C credit for each AC charger charging port is also $\$1,931.25$. B's total section 30C credit is $\$148,500$, the sum of the section 30C credit for the 20 DCFC ports that B placed in service ($\$5,493.75 \times 20 = \$109,875$) plus the sum of the section 30C credit for the 20

AC charger charging ports that B placed in service ($\$1,931.25 \times 20 = \$38,625$) during the taxable year. The fact that this total credit exceeds the $\$100,000$ limit is not relevant because section 30C(b)(1) and paragraph (a)(4)(i)(A) of this section provide that the $\$100,000$ limit applies on a per-item basis and not as an aggregate limit.

(8) *Example 8—(i) Facts.* The facts are the same as paragraph (e)(4) of this section (*Example 4*), except that B spends $\$100,000$ improving the land (for example, grading the land, installing a drainage system, and installing a paved surface). B also spends $\$15,000$ on fees related to permitting improvements to the land. Finally, B spends $\$5,000$ on "EV parking only" signs and striping on the pavement needed for the EV to access the charger.

(ii) *Analysis.* The costs for improving the land, associated permitting fees, and signs and striping are not 30C property because such costs are not functionally interdependent with the chargers or an integral part of the chargers. See § 1.30C-1(b)(14) and (15). Therefore, the costs that B incurred to improve the land, to add the signage, and to stripe the pavement would not change the amount of the section 30C credit that B may claim.

(9) *Example 9—(i) Facts.* The facts are the same as paragraph (e)(4) of this section (*Example 4*), except that B also installs and places in service a battery energy storage system as a backup source of electricity during power outages and to moderate electricity pricing. The battery energy storage system receives, stores, and delivers energy for conversion to electricity, and is located on the same or immediately adjacent physical address as the chargers and charging ports. The battery storage system is only used to support the chargers and does not provide electricity for any other purpose. The battery energy storage system costs $\$20,000$.

(ii) *Analysis—(A) 30C property.* The battery energy storage system constitutes 30C property under § 1.30C-1(b)(1)(i)(B) because it is for the recharging of motor vehicles, (specifically, it is an electrical energy storage property described in § 1.30C-1(25)(iii)), and it is located at the point where motor vehicles are recharged under § 1.30C-1(b)(16)(ii) because its located on the same or immediately adjacent physical address as B's chargers.

(B) *Calculation of the credit.* (1) The battery energy storage system is a single item of 30C property under paragraph (b)(1)(iii) of this section, and it constitutes a separate single item of 30C

property from B's charging ports and the properties associated with the charging ports. Therefore, B should calculate the section 30C credit for the battery storage system separately from its credit arising from its costs for these other properties. B also should not allocate the cost of the battery energy storage system among the charging ports.

(2) Accordingly, if B does not meet the PWA requirements, B's tentative section 30C credit for the battery energy storage system is $\$1,200 (\$20,000 \times 6\%)$. Because this $\$1,200$ amount is less than the $\$100,000$ credit limit for depreciable property under paragraph (a)(4)(i)(A) of this section, the final section 30C credit for the battery energy storage system is also $\$1,200$. If B meets the PWA requirements, B's tentative section 30C credit for the battery energy storage system is $\$6,000 (\$20,000 \times 30\%)$. Because this $\$6,000$ amount is less than the $\$100,000$ credit limit for depreciable property under paragraph (a)(4)(i)(A) of this section, the final section 30C credit for the battery energy storage system is also $\$6,000$. It would not be relevant if B claimed $\$100,000$ or more in section 30C credits for other items of 30C property because section 30C(b)(1) and paragraph (a)(4)(i)(A) of this section provide that the $\$100,000$ limit applies on a per-item basis and not as an aggregate limit.

(3) If B claims a section 30C credit for the battery energy storage system, this would render such storage property to be primarily used in the transportation of goods or individuals and not for the production of electricity. As a result, the property would not satisfy the requirements under section 48 or 48E.

(10) *Example 10—(i) Facts.* The facts are the same as paragraph (e)(4) of this section (*Example 4*), except that B participates in a local electric company incentive program. The electric company installs the electric panel, conduit/wiring, and load management system, for which the electric company retains ownership.

(ii) *Analysis—(A) 30C property.* The DCFCs, pedestals, electric panel, conduit/wiring, and the smart charge management system all constitute 30C property, as explained in the analysis under paragraph (e)(4) of this section (*Example 4*). However, B does not own the electric panel, conduit/wiring, and load management system, and, as a result, may not include the cost of that property in calculating B's section 30C credit. B would only calculate the credit based on the 30C property the taxpayer owns, which is the DCFCs and pedestals. The electric company that owns the electric panel, conduit/wiring, and load management system cannot

claim a section 30C credit for such property because it does not own the charging ports and therefore does not own a single item of 30C property, which is necessary to claim a section 30C credit. See paragraph (b)(1) of this section.

(B) *Calculation of the credit.* (1) Under paragraph (b)(3) of this section, B's tentative section 30C credit for each single item of 30C property (each charging port) is the sum of the cost of that single item of 30C property (each charging port), the cost of directly attributable and traceable associated property, and the ratable share of the cost of other associated property multiplied by the applicable percentage as described in paragraph (a)(2) of this section (6% or 30%, depending on whether the PWA requirements are satisfied).

(2) To calculate the credit for each single item of 30C property (each of the 40 charging ports) B would add the cost of each charging port (\$15,000 (\$30,000 ÷ 2)) to the cost (\$500 (\$1,000 ÷ 2)) of directly attributable and traceable associated property (that is, the respective pedestal). The sum of these costs is \$15,500 for each charging port. If B does not meet the PWA requirements, B's tentative section 30C credit for each charging port is \$15,500 multiplied by the applicable percentage (6% under paragraph (b)(3)(i) of this section), which equals \$930 per single item. Because this \$930 amount is less than the \$100,000 credit limit for depreciable property under paragraph (a)(4)(i)(A) of this section, the final section 30C credit for each charging port is \$930. The total section 30C credit for B, if B does not meet the PWA requirements is \$37,200 (\$930 × 40).

(3) If B meets the PWA requirements, B's tentative section 30C credit for each charging port is \$15,500 multiplied by the increased applicable percentage (30%), which equals \$4,650 per single item. B's total section 30C credit, in this example, is \$186,000 (\$4,650 × 40). The fact that this total credit exceeds the \$100,000 limit is not relevant because section 30C(b)(1) and paragraph (a)(4)(i)(A) of this section provide that the \$100,000 limit applies on a per-item basis and not as an aggregate limit.

(11) *Example 11—(i) Facts.* The facts are the same as paragraph (e)(4) of this section (*Example 4*), except that B engages with a local utility company providing charging services that installs the 30C property described in paragraph (e)(4) (*Example 4*) at the same physical address in the same taxable year at the utility company's expense, for which the utility company retains ownership.

(ii) *Analysis.* As the owner of the 30C property, the local utility company, and not B, would be eligible for a section 30C credit for such property, assuming all other statutory and regulatory requirements are met. The remainder of the analysis is the same as set forth in paragraph (e)(4) of this section (*Example 4*).

(12) *Example 12—(i) Facts.* C owns a gasoline station. C decides to add retail hydrogen fueling capability to its existing gasoline station to facilitate the refueling of hydrogen fuel cell vehicles. C installs a bulk hydrogen storage tank (\$900,000), cryogenic pumps (\$5,000,000), evaporators associated with bulk storage (\$700,000), cascade storage system (\$1,300,000), electrical supply equipment used only for the hydrogen equipment (\$150,000), a high-conductivity concrete pad (necessary to prevent static discharge during fueling), firewalls, and piping (collectively, \$550,000) and two hydrogen dispensers (\$160,000 each) which include the dispensing control valves, connection hoses, hydrogen meters, and nozzles. All property is owned by C and is located at the point of refueling, meaning it is at the same or immediately adjacent physical address. All costs include labor costs. The property is property of a character subject to depreciation. All property is placed in service in the year it is installed, in an eligible census tract as described in paragraph (c) of this section.

(ii) *Analysis—(A) 30C property.* The bulk hydrogen storage tank, cryogenic pumps, evaporators, cascade storage system, electrical supply equipment, high-conductivity concrete pad, firewalls, piping, and two hydrogen dispensers are 30C property under § 1.30C-1(b)(1). The cryogenic pumps and electrical supply equipment are functionally interdependent with the cascade high-pressure storage tank under § 1.30C-1(b)(1)(i)(A) and (b)(14). The high-conductivity concrete pad, firewalls, and piping are functionally interdependent property with the dispensers, also under § 1.30C-1(b)(1)(i)(A) and (b)(14). Collectively, this property is refueling property under § 1.30C-1(b)(1)(i)(A). The evaporators are an integral part associated with the bulk hydrogen storage tank under § 1.30C-1(b)(1)(i)(B) and (b)(15). The hydrogen storage system, cryogenic pumps, evaporators, cascade storage system, electrical supply equipment, high-conductivity concrete pad, firewalls, piping, and two hydrogen fuel dispensers meet the other requirements of § 1.30C-1(b)(1)(iii) because the properties are each subject to an allowance for depreciation, the original

use of the properties begins with C, and the properties are placed in service in an eligible census tract as described in paragraph (c) of this section.

(B) *Calculation of the credit.* (1) The bulk hydrogen storage tank system and the cascade high-pressure storage system are each qualified alternative fuel storage property and each is a single item of 30C property under § 1.30C-1(b)(1) and paragraph (b)(1) of this section. Although the cascade high-pressure storage system is comprised of multiple storage tanks, the system is treated as a single item of alternative fuel storage property. The dispensers are each single items of 30C property pursuant to § 1.30C-1(b)(1) and paragraph (b)(1) of this section.

(2) Under paragraph (b)(3) of this section, the tentative section 30C credit for the bulk hydrogen storage tank is the sum of the cost of the bulk hydrogen storage tank plus the cost of the evaporators (that is, the only associated property that is directly attributable and traceable to the bulk hydrogen storage tank), multiplied by the applicable percentage (6% or 30%, depending on whether the PWA requirements are satisfied) pursuant to section 30C(a). Therefore, the tentative section 30C credit for the bulk hydrogen storage tank is \$96,000 $((\$900,000 + \$700,000) \times 6\%)$ if the PWA requirements are not met, or \$480,000 $((\$900,000 + \$700,000) \times 30\%)$ if the PWA requirements are met. Under paragraph (b)(3) of this section, the section 30C credit for the bulk hydrogen storage tank, after applying the \$100,000 limitation in paragraph (a)(4)(i)(A) of this section, is \$96,000 if the PWA requirements are not met, or \$100,000 if the PWA requirements are met.

(3) Under paragraph (b)(3) of this section, the costs taken into account in calculating the tentative section 30C credit for the cascade high-pressure storage system include the costs of any associated property that is directly attributable and traceable to the cascade high-pressure storage system, or a ratable share of the costs if the associated property if it is directly attributable and traceable to more than one item of property. The functionally interdependent property associated with the cascade high-pressure storage tank (that is, the cryogenic pumps and electrical supply equipment) is directly attributable and traceable to the cascade high-pressure storage system and no other item of property. Therefore, the tentative section 30C credit for the cascade high-pressure storage system is the sum of the costs of the cascade storage system and cryogenic pumps, and electrical supply equipment $(\$1,300,000 + \$5,000,000 + \$150,000)$,

multiplied by the applicable percentage (6% or 30%, depending on whether the PWA requirements are satisfied). Therefore, the tentative section 30C credit for the cascade high-pressure storage system is \$387,000 $((\$1,300,000 + \$5,000,000 + \$150,000) \times 6\%)$ if the PWA requirements are not met, or \$1,935,000 $((\$1,300,000 + \$5,000,000 + \$150,000) \times 30\%)$ if the PWA requirements are met. Under paragraph (b)(3) of this section, the section 30C credit for the cascade high-pressure storage system, after applying the \$100,000 limitation in paragraph (a)(4)(i)(A) of this section, is \$100,000 if the PWA requirements are not met, or \$100,000 if the PWA requirements are met.

(4) The high-conductivity concrete pad, firewalls, and piping are functionally interdependent with the fuel dispensers; thus, the high-conductivity concrete pad, firewalls, and piping are associated property under paragraph (b)(2) of this section with respect to the dispensers. Because the high-conductivity concrete pad, firewalls, and piping are directly attributable and traceable to both fuel dispensers and no other single item of 30C property, half of the costs are allocated to each dispenser under paragraph (b)(2)(ii) of this section. Therefore, under paragraph (b)(3) of this section, the tentative section 30C credit for each fuel dispenser is the sum of the cost of each of the hydrogen dispenser and half the cost of the high-conductivity concrete pad, firewalls, and piping are multiplied by the applicable percentage (6% or 30%, depending on whether the PWA requirements are satisfied). Therefore, the tentative section 30C credit for each fuel dispenser is \$26,100 $(\$160,000 + (\$550,000 \div 2) \times 6\%)$ if the PWA requirements are not met, or \$130,500 $(\$160,000 + (\$550,000 \div 2) \times 30\%)$ if the PWA requirements are met. Under paragraph (b)(3) of this section, the final section 30C credit for each fuel dispenser, after applying the \$100,000 limitation in paragraph (a)(4)(i)(A) of this section, is \$26,100 if the PWA requirements are not met, or \$100,000 if the PWA requirements are met.

(5) If C does not meet the PWA requirements, C's total section 30C credit for the year is \$96,000 for the bulk hydrogen storage tank, plus \$100,000 for the cascade high-pressure storage tank, plus \$26,100 for each fuel dispenser, for a total of \$248,200. If C meets the PWA requirements, C's total section 30C credit for the year is \$100,000 for the bulk hydrogen storage tank, plus \$100,000 for the cascade high-pressure storage tank, plus \$100,000 for each fuel dispenser, for a

total of \$400,000. The fact that this total credit exceeds the \$100,000 limit is not relevant because section 30C(b)(1) and paragraph (a)(4)(i)(A) of this section provide that the \$100,000 limit applies on a per-item basis and is not an aggregate limit.

(13) *Example 13*—(i) *Facts*. G installs a time-fuel compressed natural gas (CNG) station to refuel its fleet of heavy-duty CNG trucks at a central lot near its warehouse. The station has 10 fuel dispensers. From the existing utility gas meter, G installs a gas line, dryer, filter, and gas compressor, which costs \$300,000. The gas compressor flows to buffer storage, which costs \$100,000. The buffer storage flows through a temperature compensation unit, which costs \$50,000, before flowing through to the dispensers, which dispense the CNG. Each fuel dispenser is capable of fueling at or above the dispenser's minimum rate of fueling, and has one hose and nozzle, which costs \$10,000 per fuel dispenser. All property is owned by G and is located at the point of refueling, meaning it is on the same or immediately adjacent physical address. All costs include labor costs. The address where G installs these properties is located in an eligible census tract as described in paragraph (c) of this section.

(ii) *Analysis*—(A) *30C property*. The gas line, dryer, filter, gas compressor, buffer storage, temperature compensation unit, and fuel dispensers are 30C property pursuant to § 1.30C-1(b)(1) and paragraph (b)(1) of this section. The gas line, dryer, filter, gas compressor, and temperature compensation unit are functionally interdependent with the dispensers pursuant to § 1.30C-1(b)(14). Together, these items of property constitute refueling property under § 1.30C-1(b)(1)(i)(A). Each fuel dispenser, the gas line, dryer, filter, gas compressor, buffer storage, and temperature compensation unit, all meet the other requirements of § 1.30C-1(b)(1)(iii) because the properties are each subject to an allowance for depreciation, the original use of the properties begins with G, and the properties are placed in service (as described in paragraph (b)(6) of this section) in an eligible census tract as described in paragraph (c) of this section.

(B) *Calculation of the credit*. (1) Each fuel dispenser is a single item of 30C property pursuant to paragraph (b)(1)(ii) of this section and § 1.30C-1(b)(12). The gas line, dryer, filter, gas compressor, and temperature compensation unit are each associated property pursuant to paragraph (b)(2) of this section, and their cost is allocated ratably to each

dispenser $((\$300,000 + \$50,000) \div 10 = \$35,000)$. The buffer storage is a single item of 30C property pursuant to § 1.30C-1(b)(1) and paragraph (b)(1) of this section.

(2) If G does not meet the PWA requirements, under paragraph (b)(3)(i) of this section, the tentative section 30C credit for each fuel dispenser is the sum of the cost of that single item of 30C property (that is, the fuel dispenser) (\$10,000) and the ratable share of the cost of other associated property (\$35,000) multiplied by the applicable percentage (6%), or \$2,700, $((\$10,000 + \$35,000) \times 6\% = \$2,700)$. The tentative section 30C credit for the cost of the buffer storage is the cost of the buffer storage multiplied by the applicable percentage (6%) or \$6,000 $(\$100,000 \times 6\% = \$6,000)$. Under paragraph (b)(3) of this section, after applying the \$100,000 limitation in paragraph (a)(4)(i)(A) of this section, if the PWA requirements are not met, the final section 30C credit for each fuel dispenser is \$2,700 and the final section 30C credit for the buffer storage is \$6,000. The total section 30C credit is \$33,000 $((\$2,700 \times 10) + \$6,000)$.

(3) If G meets the PWA requirements, the tentative section 30C credit under paragraph (b)(3) of this section for each dispenser is \$13,500, $((\$10,000 + \$35,000) \times 30\% = \$13,500)$. The tentative section 30C credit for the buffer storage is \$30,000 $(\$100,000 \times 30\% = \$30,000)$. Under paragraph (b)(3) of this section, after applying the \$100,000 limitation in paragraph (a)(4)(i)(A) of this section, if the PWA requirements are met, the final section 30C credit for each fuel dispenser is \$13,500 and the final section 30C credit for the buffer storage is \$30,000. The total section 30C credit is \$165,000 $((\$13,500 \times 10) + \$30,000)$. The fact that this total credit exceeds the \$100,000 limit is not relevant because the \$100,000 limit applies on a per-item basis and is not an aggregate limit.

(14) *Example 14*—(i) *Facts*. The facts are the same as paragraph (e)(13) of this section (*Example 13*), except that G also installs a local utility line (\$400,000) and gas utility meter (\$5,000) to service its CNG refueling station. The portion of cost of the local utility line on the same or immediately adjacent physical address as the CNG dispensers is \$100,000. The gas utility meter is also on the same or immediately adjacent physical address as the CNG dispensers. All property is owned by G. All costs include labor costs. Each of the above properties is property of a character subject to depreciation and is placed in service at the time it is installed. The physical address where G installs a

portion of the local utility line and gas utility meter is located in an eligible census tract as described in paragraph (c) of this section.

(ii) *Analysis*—(A) *30C property*. The portion of the local utility line that is on the same or immediately adjacent physical address as the CNG dispensers and gas utility meter are 30C property pursuant to §§ 1.30C–1(b)(1) and paragraph (b)(1) of this section. The portion of the local utility line that is on the same or immediately adjacent physical address as the CNG dispensers is located at the point of refueling under § 1.30–1(b)(16). (The remaining portion is not located at the point of refueling and is therefore not 30C property.) The gas meter is also located at the point of refueling under § 1.30–1(b)(16) because it is on the same or immediately adjacent physical address as the CNG dispensers. Further, the portion of the local utility line that is on the same or immediately adjacent physical address as the CNG dispensers and the gas meter constitute integral part property with respect to the fuel dispensers under § 1.30C–1(b)(15). Together with the gas line, dryer, filter, gas compressor, and temperature compensation unit, the utility line and the gas meter are refueling property under § 1.30C–1(b)(1)(i)(A).

(B) *Calculation of the credit*. (1) Each fuel dispenser is a single item of 30C property pursuant to paragraph (b)(1)(ii) of this section and § 1.30C–1(b)(12). The local utility line and gas utility meter are each associated property pursuant to paragraph (b)(2) of this section. Their costs are allocated ratably to each dispenser $((\$100,000 + \$5,000) \div 10 = \$10,500)$ under paragraph (b)(2)(ii) of this section.

(2) If G does not meet the PWA requirements, under paragraph (b)(3) of this section, the tentative section 30C credit for each fuel dispenser is the sum of the dispenser, the ratable cost of the gas line, dryer, filter, the gas compressor and temperature compensation unit, and the ratable share of the local utility line and gas utility meter, multiplied by the applicable percentage (6%), or $\$3,330$, $((\$10,000 + \$35,000 + \$10,500) \times 6\% = \$3,330)$. The tentative section 30C credit for the cost of the buffer storage is $\$6,000$ $(\$100,000 \times 6\% = \$6,000)$. Under paragraph (b)(3) of this section, after applying the \$100,000 limitation in paragraph (a)(4)(i)(A) of this section, if the PWA requirements are not met, the final section 30C credit for each fuel dispenser is $\$3,330$ and the final section 30C credit for the buffer storage is $\$6,000$. The total section 30C credit is $\$39,330$ $((\$3,330 \times 10) + \$6,000)$.

(3) If G meets the PWA requirements, the tentative section 30C credit for each dispenser is $\$16,650$, $((\$10,000 + \$35,000 + \$10,500) \times 30\% = \$16,650)$. The tentative section 30C credit for the cost of the buffer storage is $\$30,000$ $(\$100,000 \times 30\% = \$30,000)$. Under paragraph (b)(3) of this section, after applying the \$100,000 limitation in paragraph (a)(4)(i)(A) of this section, if the PWA requirements are met, the final section 30C credit for each fuel dispenser is $\$16,650$ and the final section 30C credit for the buffer storage is $\$30,000$. The total section 30C credit is $\$196,500$ $((\$16,650 \times 10) + \$30,000)$. The fact that this total credit exceeds the \$100,000 limit is not relevant because the \$100,000 limit applies on a per-item basis and is not an aggregate limit.

(15) *Example 15*—(i) *Facts*. W installs a refueling station that is used to refuel forklift trucks with qualified alternative fuel.

(ii) *Analysis*. The refueling station is not 30C property under § 1.30C–1(b)(1) and paragraph (b)(1) of this section. Section 1.30C–1(b)(1)(i)(A) requires that 30C property must be used to store or dispense qualified alternative fuel at the point where the fuel is dispensed into the fuel tank of a “motor vehicle.” Although a forklift truck occasionally may be operated on public roads, it is manufactured primarily for hauling loads in factories, warehouses, and other similar settings, and not for use on public streets, roads, and highways. Therefore, a forklift truck is not a “motor vehicle” for purposes of the section 30C credit under § 1.30C–1(b)(17).

(f) *Claim requirements*. A taxpayer claiming the section 30C credit must attach a Form 8911, *Alternative Fuel Vehicle Refueling Property Credit*, or any successor form required by the IRS, completed in accordance with the form instructions, and file it with the return on which the section 30C credit is claimed.

(g) *Applicability date*. This section applies to property placed in service in taxable years ending after [date of publication of final regulations in the **Federal Register**].

■ **Par. 3.** Section 1.30C–3 is revised to read as follows:

§ 1.30C–3 Rules relating to the increased credit amount for prevailing wage and apprenticeship.

(a) *In general*. If any qualified alternative fuel vehicle refueling project (as defined by section 30C(g)(1)(B)) (30C project) placed in service during the taxable year satisfies the requirements in paragraph (b) of this section, the credit determined under section 30C(a)

for any 30C property of a character subject to an allowance for depreciation that is part of such 30C project is multiplied by five.

(b) *30C project requirements*—(1) *In general*. A 30C project satisfies the requirements of this paragraph (b) if it is one of the following—

(i) A project the construction of which began prior to January 29, 2023; or

(ii) A project that meets the prevailing wage requirements of section 45(b)(7) of the Code and § 1.45–7, the apprenticeship requirements of section 45(b)(8) and § 1.45–8, and the recordkeeping and reporting requirements of § 1.45–12, all with respect to the construction of any 30C property within the meaning of section 30C and the section 30C regulations before such 30C property is placed in service.

(2) *Determination of a project*.

Multiple 30C properties will be treated as a single 30C project if the items of property are constructed and operated on a contiguous piece of land, owned by a single taxpayer (subject to the related taxpayer rule provided in paragraph (b)(3) of this section), placed in service in a single taxable year, and one or more of the following factors is present:

(i) The properties are described in one or more common environmental or other regulatory permits;

(ii) The properties are constructed pursuant to a single master construction contract; or

(iii) The construction of the properties is financed pursuant to the same loan agreement.

(3) *Related taxpayers*—(i) *Definition*. For purposes of this section, the term *related taxpayers* means members of a group of trades or businesses that are under common control (as defined in § 1.52–1(b)).

(ii) *Related taxpayer rule*. For purposes of this section, related taxpayers are treated as one taxpayer in determining whether multiple properties are treated as a 30C project with respect to which a section 30C credit may be determined.

(c) *Coordination with 30C(e)(2) and § 1.30C–4(c)*. If a person who sells 30C property, the use of which is described in section 50(b)(3) or (4) and which is not subject to a lease, is treated as the taxpayer that placed such property in service under section 30C(e)(2), such person will be treated as the taxpayer responsible for satisfying the recordkeeping and reporting requirements of § 1.45–12.

(d) *Examples*. The following examples illustrate the rules of this section.

(1) *Example 1*—(i) *Facts*. D owns and operates electric charging stations. In

Year 1, D places in service five chargers, each with one charging port, on Parcel 1. In the same year, D also places in service three chargers, each with one charging port, on Parcel 2. Parcel 1 and Parcel 2 are a mile apart from each other. D submits a single environmental permit covering both charging stations and obtains financing pursuant to the same loan agreement. D meets the requirements of section 30C(g) and this section (that is, the PWA requirements) for the chargers installed on Parcel 1 but does not meet the PWA requirements for the chargers installed on Parcel 2. The chargers installed on Parcel 1 and Parcel 2 are depreciable property and meet all other requirements to be 30C property.

(ii) *Analysis.* Under paragraph (b)(2) of this section, the chargers placed in service on Parcel 1 are treated as a separate 30C project from the chargers placed in service on Parcel 2 because the properties are not on contiguous piece of land. Therefore, under § 1.30C-2(a)(2)(ii), D is eligible for a credit of 30 percent of the cost of the five chargers placed in service on Parcel 1, but only 6 percent of the cost of the three chargers placed in service on Parcel 2 under § 1.30C-2(a)(2)(i).

(2) *Example 2—(i) Facts.* The facts are the same as paragraph (d)(1) of this section (*Example 1*), except that Parcel 1 and Parcel 2 are contiguous pieces of land.

(ii) *Analysis.* Under paragraph (b)(2) of this section, the chargers installed on Parcel 1 and Parcel 2 are treated as a single 30C project because they are constructed on a contiguous piece of land, are owned, and operated by a single taxpayer, placed in service by a single taxpayer in a single year, described in a common environmental permit, and financed pursuant to the same loan agreement. Therefore, because D did not meet the PWA requirements with respect to the chargers placed in service in parcel 2, D is eligible for only the 6 percent credit for both the parcel 1 and parcel 2 property under § 1.30C-2(a)(2)(i).

(e) *Applicability date.* This section applies to property placed in service in taxable years ending after [date of publication of final regulations in the **Federal Register**].

■ **Par. 4.** Section 1.30C-4 is added to read as follows:

§ 1.30C-4 Special rules.

(a) *No credit allowable in certain circumstance—(1) Property used outside the United States.* Except as provided in paragraph (a)(2) of this section, pursuant to sections 30C(e)(3) and 50(b)(1) of the Code, no section 30C credit is allowable with respect to any property placed in

service for use predominantly outside the United States.

(2) *Property placed in service in a United States territory.* Pursuant to sections 30C(e)(3), 50(b)(1) and 168(g)(4)(G) of the Code, paragraph (a)(1) of this section does not apply to 30C property that is owned by a domestic corporation or by a United States citizen (other than a citizen entitled to the benefits of section 931 or 933 of the Code) and that is used predominantly in a territory of the United States by such a corporation or such a citizen, or by a corporation created or organized in, or under the law of, a territory of the United States.

(3) *Section 179.* No section 30C credit is allowable with respect to the portion of the cost of any property taken into account under section 179 of the Code.

(b) *Recapture—(1) In general.* The rules in this paragraph (b) provide for recapturing the benefit of any allowable section 30C credit with respect to any property that ceases to be property eligible for such credit. If a recapture event occurs with respect to a taxpayer's 30C property, the taxpayer must include the recapture amount in taxable income under chapter 1 of the Code for the taxable year in which the recapture event occurs (recapture year).

(2) *Recapture event.* A recapture event occurs if, within three years of the property being placed in service—

(i) The taxpayer claiming the section 30C credit modifies the property such that the property no longer qualifies as 30C property;

(ii) Unless the property is subject to section 6417(d)(2)(B) of the Code, the depreciable property (other than apportioned-use property) ceases to be used predominantly in a trade or business (that is, 50 percent or more of the use of the 30C property in a taxable year is for use other than in a trade or business);

(iii) For apportioned-use property, the 30C property completely ceases to be used in a trade or business, but

continues to be used for personal use; or

(iv) The taxpayer claiming the section 30C credit sells or disposes of the 30C property and the taxpayer knows or has reason to know that the property will be used in a manner described in paragraph (b)(2)(i) or (ii) of this section. Any other sale or disposition (including a disposition by reason of an accident or other casualty) of 30C property is not a recapture event.

(3) *Property placed in service in a location that ceases to be in a qualified census tract.* 30C property is not subject to the recapture provisions of this paragraph (b) solely because it is placed in service in a location that

subsequently ceases to be in a qualified census tract.

(4) *Recapture amount—(i) In general.* The recapture amount is generally equal to the benefit of the section 30C credit allowable multiplied by a fraction, the numerator of which is three minus the number of years prior to, but not including, the recapture year, and the denominator of which is three.

(ii) *Special rule for apportioned-use property.* For purposes of the calculation described in paragraph (b)(4)(i) of this section with respect to apportioned-use property, the benefit of the section 30C credit is equal to the difference between the credit claimed by the taxpayer and the credit that would have been allowed if the apportioned-use property were used solely for personal use under § 1.30C-2(a)(2)(iii) (as limited by § 1.30C-2(a)(4)(i)(B)).

(5) *Basis adjustment.* As of the first day of the recapture year, the basis of the 30C property is increased by the recapture amount. For 30C property that is of a character that is subject to an allowance for depreciation, including property subject to section 6417(d)(2)(B), this increase in basis is recoverable over its remaining recovery period beginning as of the first day of the taxable year in which the recapture event occurs.

(c) *Property used by a tax-exempt or governmental entity—(1) In general.* Except as provided in paragraph (c)(2) of this section, if a person sells 30C property, the use of which is described in section 50(b)(3) or (4) (generally, property used by certain tax-exempt organizations, governmental entities, or foreign persons or entities), such person or entity purchasing the property uses the property as described in section 50(b)(3) or (4), the property is not subject to a lease, and the seller clearly discloses to the person or entity using such property in a document the amount of any credit allowable under section 30C(a) with respect to such property (determined without regard to section 30C(d)) and that the seller intends to claim such credit, then the seller is treated as the taxpayer that placed such property in service. For purposes of section 30C(d), property to which this paragraph (c)(1) applies will be treated as of a character subject to an allowance for depreciation.

(2) *Interaction with section 6417.* If the person or entity using 30C property in a manner that would otherwise be considered as described in section 50(b)(3) or (4) notifies the seller in writing of an intent to make an elective payment election pursuant to section 6417(a) with respect to the section 30C

credit, then the use of the 30C property is treated as not being described in section 50(b)(3) or (4) for purposes of paragraph (c)(1) of this section. As a result, paragraph (c)(1) will not apply, meaning that the seller will not be treated as having placed the 30C property in service and cannot claim any credit allowable under section 30C(a) with respect to such property. The section 30C credit will only be allowed to one taxpayer for the same 30C property.

(d) *Dual-use property*—(1) *Dual use property used for dispensing or storing qualified alternative fuel and conventional fuel.* In the case of dual-use property that is used to store and/or dispense both qualified alternative fuel and conventional fuel, the cost of the dual-use property is taken into account in computing a taxpayer's section 30C credit only to the extent such cost exceeds the cost of an equivalent conventional refueling property. For purposes of this paragraph (d)(1), equivalent conventional refueling property is conventional refueling property that is not used to store and/or dispense qualified alternative fuel but is otherwise comparable to the dual-use property and can store and/or dispense the same amount of conventional fuel as the dual-use property.

(2) *Qualified alternative fuel storage.* In the case of dual-use property that is used both to store qualified alternative fuel that is dispensed into the fuel tanks of motor vehicles at the location of the storage facility and to store fuel that is transported to other locations, the cost of the dual-use property is taken into account in computing a taxpayer's section 30C credit only to the extent such cost exceeds the cost of a storage facility that is equivalent to the dual-use property except that it is used for the sole purpose of storing qualified alternative fuel that is transported to other locations and can store the same amount of qualified alternative fuel as the dual-use property stores for transport to other locations.

(3) *Dual use property used to store or transmit electricity for charging a motor vehicle and for other purposes.* In the case of dual-use property that is used to store or transmit electricity both to charge a motor vehicle and for purposes other than charging a motor vehicle, the cost of the dual-use property is taken into account in computing the section 30C credit only to the extent such cost exceeds the cost of equivalent property used for purposes other than charging a motor vehicle.

(4) *Example*—(i) *Facts.* X, a qualified alternative fuel wholesaler and retailer, owns and operates retail qualified

alternative fuel filling stations. X maintains a regional hub where it stores qualified alternative fuel that it transports to its retail filling stations, using tanker trucks, for sale to customers. In 2024, X places in service a new storage tank to store qualified alternative fuel and a new fuel dispenser at its regional hub. X uses the new fuel dispenser to fill the fuel tanks of its tanker trucks (meaning it uses the fuel to power the tanker trucks in addition to transporting the fuel to retail locations). Because the amount of fuel used to power the tanker trucks is minimal compared to the fuel transported to the retail locations, the storage tank has the same capacity as the tank that would have been used for the sole purpose of storing the qualified alternative fuel that is supplied to X's customers. X's regional hub is in a non-urban area census tract as described in § 1.30C–2(c)(3).

(ii) *Analysis.* The storage tank and dispenser are 30C property within the meaning of § 1.30C–1(b)(1). Specifically, they are refueling property within the meaning of § 1.30C–1(b)(1)(i)(A) because they are used to store and dispense qualified alternative fuel into the fuel tanks of X's fuel tanker trucks. Additionally, the storage tank and dispenser meet the other requirements under § 1.30C–1(b)(1)(iii) because they are of a character subject to an allowance for depreciation (because X uses them in its trade or business), the original use of the property began with X, and X placed the property in service in an eligible census tract. However, the storage tank is dual-use property described in paragraph (d)(2) of this section because it is used both to store qualified alternative fuel that is dispensed into the fuel tanks of motor vehicles at the location of the storage facility (that is, the fuel used to power the tanker trucks) and to store fuel that is transported to other locations. Under paragraph (d)(2), the cost of the storage tank is taken into account in computing the section 30C credit only to the extent that cost exceeds the cost of the storage tank that would have been used for the sole purpose of storing the qualified alternative fuel that is transported to X's retail filling stations. Because no increase in the capacity of the storage tank is needed, none of the storage tank's cost is taken into account in computing the amount of the section 30C credit.

(e) *Applicability date.* This section applies to property placed in service in taxable years ending after [date of publication of final regulations in the **Federal Register**].

■ **Par. 5.** Section 1.48–9, as proposed to be revised at 88 FR 82188 (November 22, 2023), is further amended by adding paragraph (e)(10)(vi) to read as follows:

§ 1.48–9 Definition of energy property.

* * * * *

(e) * * *

(10) * * *

(vi) *Property primarily used in the transportation of goods or individuals and not for the production of electricity.* Energy storage property is primarily used in the transportation of goods or individuals and not for the production of electricity, and therefore is not energy storage technology eligible for the section 48 credit, if a credit is claimed under section 30C for such property.

* * * * *

■ **Par. 6.** Section 1.48E–0, as proposed to be added at 89 FR 47792 (June 3, 2024), is further amended by adding an entry for § 1.48E–2(g)(6)(iv), in numerical order, to read as follows:

§ 1.48E–0 Table of contents.

* * * * *

§ 1.48E–2 *Qualified investments in qualified facilities and EST for purposes of section 48E.*

* * * * *

(g) * * *

(6) * * *

(iv) *Property primarily used in the transportation of goods or individuals and not for the production of electricity.*

* * * * *

■ **Par. 7.** Section 1.48E–2, as proposed to be added at 89 FR 47792 (June 3, 2024), is further amended by adding paragraph (g)(6)(iv) to read as follows:

§ 1.48E–2 Qualified investments in qualified facilities and EST for purposes of section 48E.

* * * * *

(g) * * *

(6) * * *

(iv) *Property primarily used in the transportation of goods or individuals and not for the production of electricity.* Energy storage property is primarily used in the transportation of goods or individuals and not for the production of electricity, and therefore is not EST eligible for the section 48E credit, if a credit is claimed under section 30C for such property.

* * * * *

■ **Par. 8.** Section 1.6417–0 is amended by revising the entry for § 1.6417–6(e) to read as follows:

§ 1.6417–0 Table of contents.

* * * * *

§ 1.6417–6 *Special rules.*

* * * * *

(e) *Applicability dates.*

■ **Par. 9.** Section 1.6417–6 is amended by:

- 1. Adding two sentences to the end of paragraph (b)(1).
- 2. Revising paragraph (e).

The addition and revision read as follows:

§ 1.6417–6 Special rules.

* * * * *

(b) * * *

(1) * * * For purposes of this paragraph (b)(1), if an applicable credit is subject to section 50, then section 50 applies without regard to section 50(b)(3) and (b)(4)(A)(i). If another provision of the Code contains a basis reduction and/or recapture provision outside of section 50 that impacts the available credit (such as sections 30C(e), 45Q(f)(4), and 48(a)(10)), then the rules of that provision of the Code and the regulations issued under that provision of the Code apply, except that any applicable credit continues to be determined without regard to section 50(b)(3) and (4)(A)(i) and by treating any property with respect to which such credit is determined as used in a trade or business of the applicable entity, consistent with section 6417(d)(2) and § 1.6417–2(c).

* * * * *

(e) *Applicability dates*—(1) *In general.* Except as provided in paragraph (e)(2) of this section, this section applies to taxable years ending on or after March 11, 2024. For taxable years ending before March 11, 2024, taxpayers, however, may choose to apply the rules of §§ 1.6417–1 through 1.6417–4 and this section, provided the taxpayers apply the rules in their entirety and in a consistent manner.

(2) *Paragraph (b)(1).* The second and third sentences of paragraph (b)(1) of this section apply to property placed in service in taxable years ending after [date of publication of final regulations in the **Federal Register**].

■ **Par. 10.** Section 1.6418–0 is amended under the heading § 1.6418–5 by:

- 1. Redesignating the entries for (g) through (j) as (h) through (k);
- 2. Adding new entry (g); and
- 3. Revising newly redesignated entry (k).

The addition and revision read as follows:

§ 1.6418–0 Table of contents.

* * * * *

§ 1.6418–5 Special rules.

* * * * *

(g) Notification and impact of recapture under section 30C(e)(5).

* * * * *

(k) Applicability dates.

■ **Par. 11.** Section 1.6418–5 is amended by:

- 1. Revising paragraph (c).
- 2. Redesignating paragraphs (g) through (j) as paragraphs (h) through (k), respectively.
- 3. Adding new paragraph (g).
- 4. Revising newly redesignated paragraph (k).

The revision and addition read as follows:

§ 1.6418–5 Special rules.

* * * * *

(c) *Basis reduction rules*—(1) *Section 50(c) basis reduction.* In the case of any transfer election under § 1.6418–2 or § 1.6418–3 with respect to any specified credit portion described in § 1.6418–1(c)(2)(ix) through (xi), section 50(c) will apply to the applicable investment credit property (as defined in section 50(a)(6)(A)) as if such credit was allowed to the eligible taxpayer.

(2) *Section 30C(e)(1) basis reduction.* In the case of any transfer election under § 1.6418–2 or § 1.6418–3 with respect to any specified credit portion described in § 1.6418–1(c)(2)(i), section 30C(e)(1) will apply to the 30C property as defined in § 1.30C–1(b)(1) as if such credit was allowed to the eligible taxpayer.

* * * * *

(g) *Notification and impact of recapture under section 30C(e)(5)*—(1) *In general.* In the case of any election under § 1.6418–2 or § 1.6418–3 with respect to any specified credit portion described in § 1.6418–1(c)(2)(i), if, during any taxable year, a recapture event as described in § 1.30C–4(b)(2) occurs with respect to a 30C property as defined in § 1.30C–1(b)(1) within three years of being placed in service, such eligible taxpayer and the transferee taxpayer must follow the notification process in paragraph (g)(2) of this section with recapture impacting the transferee taxpayer as described in paragraph (g)(3) of this section.

(2) *Notification requirements.* The notification requirements for the eligible taxpayer and the transferee taxpayer are the same as for an eligible taxpayer and transferee taxpayer that must report notice of the occurrence of a recapture event and notice of the recapture amount as described in paragraphs (d)(2)(i) and (ii) of this section, respectively, except that the recapture amount that must be computed is defined in § 1.30C–4(b)(4).

(3) *Impact of recapture*—(i) *Section 30C(e)(5) recapture event.* The transferee taxpayer is responsible for any amount of tax increase under section 30C(e)(5) and § 1.30C–4(b)(4) upon the occurrence of a recapture event under § 1.30C–4(b),

provided that if an eligible taxpayer retains any amount of an eligible credit determined with respect to 30C property directly held by the eligible taxpayer, the amount of the tax increase under section 30C(e)(5) and § 1.30C–4(b)(4) that the eligible taxpayer is responsible for is equal to the recapture amount multiplied by a fraction, the numerator of which is the total credit amount that the eligible taxpayer retained, and the denominator of which is the total credit amount determined for the eligible credit property. The amount of the tax increase under section 30C(e)(5) that the transferee taxpayer is responsible for is equal to the recapture amount multiplied by a fraction, the numerator of which is the specified credit portion transferred to the transferee taxpayer, and the denominator of which is the total credit amount determined for the eligible credit property.

(ii) *Impact of section 30C(e)(5) recapture event on basis of 30C property held by eligible taxpayer.* The eligible taxpayer must increase the basis of the 30C property as defined in § 1.30C–1(b)(1) (as of the first day of the taxable year in which the recapture event occurs) by an amount equal to the recapture amount provided to the eligible taxpayer by the transferee taxpayer under paragraph (g)(2) of this section and the recapture amount on any credit amounts retained by the eligible taxpayer in accordance with section 30C(e)(5) and § 1.30C–4(b).

* * * * *

(k) *Applicability date*—(1) *In general.* Except as provided in paragraph (k)(2) of this section, this section applies to taxable years ending on or after April 30, 2024. For taxable years ending before April 30, 2024, taxpayers, however, may choose to apply the rules of this section and §§ 1.6418–1 through 1.6418–3 provided the taxpayers apply the rules in their entirety and in a consistent manner.

(2) *Paragraphs (c)(2) and (g).* Paragraphs (c)(2) and (g) of this section apply to property placed in service in taxable years ending after [date of publication of final regulations in the **Federal Register**].

Douglas W. O'Donnell,

Deputy Commissioner.

[FR Doc. 2024–20748 Filed 9–18–24; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY**31 CFR Part 1****Privacy Act Exemptions**

AGENCY: Departmental Offices, Department of the Treasury.

ACTION: Proposed rule.

SUMMARY: In accordance with the Privacy Act of 1974, as amended (Privacy Act), the Department of the Treasury (Treasury), Departmental Offices gives notice of a proposed exemption for a new system of records entitled “Department of the Treasury, Departmental Offices .413—Outbound Investment Security Program Notification System” from certain provisions of the Privacy Act. The Outbound Investment Security Program Notification System is being established for information collected in connection with the implementation of the Executive order of August 9, 2023. The exemption is intended to comply with the legal prohibitions against the disclosure of certain kinds of information and to protect certain information maintained in this system of records.

DATES: Written comments must be received by October 21, 2024.

ADDRESSES: Comments may be submitted by any of the following methods:

- *Federal E-rulemaking Portal:* <https://www.regulations.gov>. Follow the instructions for submitting comments. Electronic submission of comments allows the commenter maximum time to prepare and submit a comment and ensures timely receipt.

- *Mail:* U.S. Department of the Treasury, Attention: Meena R. Sharma, Director, Office of Investment Security Policy and International Relations, 1500 Pennsylvania Avenue NW, Washington, DC 20220.

Treasury encourages comments to be submitted via <https://www.regulations.gov>. All comments submitted, including attachments and other supporting material, will be made public, including any personally identifiable or confidential business information that is included in a comment. Therefore, commenters should submit only information that they wish to make publicly available. Commenters who wish to remain anonymous should not include identifying information in their comments.

FOR FURTHER INFORMATION CONTACT: For general questions and questions regarding privacy issues, please contact: Ryan Law, Deputy Assistant Secretary

for Privacy, Transparency, and Records, Department of the Treasury, 1500 Pennsylvania Avenue NW, Washington, DC 20220; telephone: (202) 622–5710.

SUPPLEMENTARY INFORMATION:**Background**

On August 9, 2023, the President issued Executive Order 14105, 88 FR 54867 (the Outbound Order), which declares a national emergency to address the threat to the United States posed by countries of concern, which seek to develop and exploit sensitive technologies or products critical for military, intelligence, surveillance, or cyber-enabled capabilities. Among other things, the Outbound Order directs the Secretary of the Treasury to issue regulations that require U.S. persons to provide notification of information to the Department of the Treasury (Treasury) regarding certain transactions involving a person of a country of concern that is engaged in certain activities involving covered national security technologies and products that may contribute to the threat to the national security of the United States as identified under the Order. The Outbound Order also directs the Secretary of the Treasury to issue regulations that prohibit certain transactions by a U.S. person involving a person of a country of concern that is engaged in certain activities involving covered national security technologies and products that pose a particularly acute national security threat to the United States. The Outbound Order authorizes the Secretary of the Treasury to exempt from applicable prohibitions or notification requirements any transaction or transactions determined to be in the national interest of the United States. On August 9, 2023, Treasury issued an advance notice of proposed rulemaking, 88 FR 54961 (published August 14, 2023), to explain initial considerations and seek public comment on implementation of the Order.

On June 21, 2024, Treasury issued a notice of proposed rulemaking (NPRM) to seek public comment on the proposed rule, 89 FR 55846 (published July 5, 2024). Treasury intends to require U.S. persons to provide notification of certain transactions under its implementing regulations. This information would include relevant details on the U.S. person(s) involved in the transaction as well as information on the transaction and the foreign person(s) involved. These notifications would increase the U.S. Government's visibility into transactions by U.S. persons or their controlled foreign

entities and involving technologies and products relevant to the threat to the national security of the United States due to the policies and actions of countries of concern. These notifications would also be helpful in highlighting aggregate sector trends and related capital flows as well as informing future policy development. Treasury also intends to require any U.S. person seeking a national interest exemption for a particular transaction to submit information to Treasury regarding the scope of that transaction including, as applicable, the information that would be required for a notification under the implementing regulations. These transactions are the subject of this document.

In a systems of records notice published elsewhere in this issue of the **Federal Register**, Treasury's Departmental Offices is proposing to establish a system of records for information collected in connection with the implementation of the Order.

Privacy Act

Treasury, Departmental Offices is hereby giving notice of a proposed rule to exempt the Outbound Investment Security Program Notification System from certain provisions of the Privacy Act pursuant to 5 U.S.C. 552a(k)(1) and (k)(2) and the authority vested in the Secretary of the Treasury by 31 CFR 1.23(c).

Under 5 U.S.C. 552a(k)(1), the head of a Federal agency may promulgate rules to exempt a system of records from certain provisions of 5 U.S.C. 552a if the system of records is subject to the exemption contained in section 552(b)(1) of this title. (Freedom of Information Act, exemption (b)(1) protects from disclosure information that has been deemed classified “under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy” and is “in fact properly classified pursuant to such Executive order.”)

Under 5 U.S.C. 552a(k)(2), the head of a Federal agency may promulgate rules to exempt a system of records from certain provisions of 5 U.S.C. 552a if the system of records contains investigatory materials compiled for law enforcement purposes that are not within the scope of subsection (j)(2) of the Privacy Act (which applies to agencies and components thereof that perform as their principal function any activity pertaining to the enforcement of criminal laws).

To the extent that this system of records contains classified information protected by 5 U.S.C. 552a(k)(1) or investigatory materials compiled for law

enforcement purposes protected by 5 U.S.C. 552a(k)(2), Treasury proposes to exempt the following system of records from various provisions of the Privacy Act:

DO .413—Outbound Investment Security Program Notification System

Under 5 U.S.C. 552a(k)(1) and (k)(2), Treasury proposes that certain records in the above-referenced system of records be exempt from 5 U.S.C. 552a(c)(3), (d)(1) through (4), (e)(1), (e)(4)(G) through (I), and (f) of the Privacy Act. See 31 CFR 1.36.

The following are the reasons why the classified records and investigatory materials contained in the above-referenced system of records may be exempted from various provisions of the Privacy Act pursuant to 5 U.S.C. 552a(k)(1) and (2).

1. 5 U.S.C. 552a(c)(3) requires an agency to make any accounting of disclosures of records required by 5 U.S.C. 552a(c)(1) available to the individual named in the record upon his or her request. Exemption from this requirement is appropriate because release of the accounting of disclosures of the records in this system could alert individuals whether they have been identified as the subject of an analysis related to the national security interests of the United States, to the existence of the analysis, and reveal the interest on the part of Treasury as well as the recipient agency. Disclosure of the accounting would present a serious impediment to efforts to protect national security interests by giving individuals an opportunity to learn whether they have been identified as subjects of a national security-related analysis. As further described in the following paragraph, access to such knowledge would impair Treasury's ability to carry out its mission, since individuals could:

- i. Take steps to avoid analysis;
- ii. Inform associates that a national security analysis is in progress;
- iii. Learn the nature of the national security analysis;
- iv. Learn the scope of the national security analysis;
- v. Begin, continue, or resume conduct that may pose a threat to national security upon inferring they may not be part of a national security analysis because their records were not disclosed; or
- vi. Destroy information relevant to the national security analysis.

2. 5 U.S.C. 552a(d)(1) through (4) grant individuals access to records containing information about them and permit them to request amendment of a record pertaining to them and require the agency either to amend the record or

note the disputed portion of the record and, if the agency refuses to amend the record, to provide a copy of the individual's statement of disagreement with the agency's refusal, to persons or other agencies to whom the record is thereafter disclosed. Exemption from this requirement is appropriate because access to a portion of the records contained in this system of records could inform individuals whether they have been identified as the subject of an analysis related to the national security interests of the United States, to the existence of the analysis and reveal the interest on the part of Treasury or another agency. Access to the records would present a serious impediment to efforts to protect national security interests by permitting the individual who is the subject of a record to learn whether they have been identified as a subject of a national security-related analysis. Access to such knowledge would impair Treasury's ability to carry out its mission, since individuals could take steps to impede the analysis and avoid detection, including the steps described in paragraphs 1.i. through vi. of this section. Amendment of the records would interfere with ongoing analysis and impose an impossible administrative burden. The information contained in the system may also include classified information, the release of which would pose a threat to the national security of the United States. In addition, permitting access and amendment to such information could disclose sensitive security information that could be detrimental to Treasury.

3. 5 U.S.C. 552a(e)(1) requires an agency to maintain in its records only such information about an individual as is relevant and necessary to accomplish a purpose of the agency required to be accomplished by statute or Executive order. Exemption from this requirement is appropriate because what information is relevant and necessary may not always be apparent at the time of collection. In the interests of national security, it is appropriate to include a broad range of information that may aid in identifying and assessing the nature and scope of national security threats to the United States. Additionally, the accuracy of information obtained or introduced occasionally may be unclear, or the information may not be strictly relevant or necessary to a specific analysis. In the interests of national security, it is appropriate to retain all information that may aid in establishing patterns of suspicious activity.

4. 5 U.S.C. 552a(e)(4)(G) through (I) and 5 U.S.C. 552a(f) require an agency to publish the agency procedures

whereby individuals can be notified if the system of records pertains to them, how they can gain access to any record pertaining to them in the system of records and contest its content, and the categories of sources of records in the system. Exemption from these requirements is appropriate because, as noted above, this system is exempt from the access and amendment provisions of subsection (d).

Any records from another Treasury system of records or another Executive Branch agency's system of records for which an exemption is claimed under 5 U.S.C. 552a(j) or (k) that may also be included in this system of records retains the same exempt status as such records have in the system for which such exemption is claimed.

Regulatory Analysis

This proposed rule is not a "significant regulatory action" under Executive Order 12866. Pursuant to the requirements of the Regulatory Flexibility Act (RFA), 5 U.S.C. 601 *et seq.*, it is hereby certified that this proposed rule will not have a significant economic impact on a substantial number of small entities. This proposed rule, issued pursuant to 5 U.S.C. 552a(k), is to exempt certain information maintained by Treasury in the above-referenced systems of records from certain provisions of the Privacy Act. Small entities, as defined in the RFA, are not provided rights under the Privacy Act and are outside the scope of this regulation.

The related information collections have been submitted to the Office of Management and Budget on July 8, 2024 under control number: 202407-1505-002.

List of Subjects in 31 CFR Part 1

Courts, Freedom of information, Government employees, Privacy.

For the reasons stated in the preamble, Treasury proposes to amend 31 CFR part 1 as follows:

PART 1—DISCLOSURE OF RECORDS

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

Authority: 5 U.S.C. 301, 552, 552a, 553; 31 U.S.C. 301, 321; 31 U.S.C. 3717.

- 2. Amend § 1.36 by adding, in alphanumeric order, an entry for "DO .413—Outbound Investment Security Program Notification System" in table 8 to paragraph (e)(1)(ii) and table 11 to paragraph (g)(1)(ii) to read as follows:

§ 1.36 Systems exempt in whole or in part from provisions of the Privacy Act and this part.

* * * * *

(e) * * *

(1) * * *

(ii) * * *

TABLE 8 TO PARAGRAPH (e)(1)(ii)

No.	Name of system
* * * * *	
DO .413	Outbound Investment Security Program Notification System.

* * * * *

(ii) * * *

(g) * * *

(1) * * *

TABLE 11 TO PARAGRAPH (g)(1)(ii)

No.	Name of system
* * * * *	
DO .413	Outbound Investment Security Program Notification System.

* * * * *

Dated: September 12, 2024.

Ryan Law,

*Deputy Assistant Secretary for Privacy,
Transparency, and Records.*

[FR Doc. 2024–21278 Filed 9–18–24; 8:45 am]

BILLING CODE 4810-AK-P

Notices

Federal Register

Vol. 89, No. 182

Thursday, September 19, 2024

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

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

Comments regarding this information collection received by October 21, 2024 will be considered. Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function. An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Food and Nutrition Service

Title: SNAP-Ed Intervention Scoring Tool FNS–885 and Intervention Submission Form FNS–886.

OMB Control Number: 0584–0639.

Summary of Collection: The *SNAP-Ed Strategies and Interventions: An Obesity Prevention Toolkit for States* (SNAP-Ed Toolkit) was developed collaboratively by FNS National and Regional Office SNAP-Ed staff, the National Collaborative on Childhood Obesity Reduction (NCCOR), and the Association of SNAP Nutrition Education Administrators (ASNNA). The SNAP-Ed Toolkit website and resources were recently moved to the SNAP-Ed Connection website to establish SNAP-Ed's online Clearinghouse, which includes evidence-based SNAP-Ed interventions. State agencies can use the evidence-based interventions in the SNAP-Ed Clearinghouse (formerly the SNAP-Ed Toolkit) to locate interventions for their implementation of SNAP-Ed programming.

FNS updated the forms and burden estimates based on consultations with SNAP-Ed State and implementing agency partners, other Federal agencies, and users of the forms. FNS has refined and streamlined the forms, and included additional instructions, questions, or opportunities for response where users, trainers, and FNS partners indicated areas for improvement. FNS has also made wording changes to fix typographical errors and improve readability. Overall, the changes to the forms are focused on form improvements for the end user.

The SNAP-Ed Intervention Submission Form: FNS–886 provides information about the intervention they are submitting for inclusion in the SNAP-Ed Clearinghouse. This information includes intervention materials (such as materials used to develop and test the intervention, evaluation materials, or reports), the intended audience, and the evidence base which illustrates their effectiveness. The FNS–886 captures this information through a combination of multiple-choice boxes and text response areas. Submitters include members of SNAP-Ed State and implementing agencies, researchers from academic institutions and Federal agencies, and non-profit or private

sector nutrition education and physical activity intervention developers.

SNAP-Ed Intervention Scoring Tool Form FNS–885, is used to assess and rate each submission. The reviewers' assessments are collected through a combination of numerical and text entry fields.

Need and Use of the Information: FNS collects the SNAP-Ed Intervention Submission Forms and attachments and provides them to intervention reviewers. Reviewers include FNS staff, staff from other Federal agencies, such as the Centers for Disease Control and Prevention (CDC), researchers from academic institutions, and SNAP-Ed State and implementing agency staff.

The SNAP-Ed Intervention Submission Form, FNS–886 (Appendix C), and the SNAP-Ed Intervention Scoring Tool, FNS–885 (Appendix D), provide a uniform and transparent method for submission, review, and scoring of nutrition education, physical activity promotion, and obesity prevention interventions for inclusion in the SNAP-Ed Clearinghouse. SNAP-Ed State and implementing agencies, nutrition education and public health agencies, and other organizations use these voluntary forms to submit interventions for consideration. The SNAP-Ed Intervention Submission Form and Scoring Tool allows SNAP-Ed implementers and the review committee to determine if the intervention submitted for the SNAP-Ed Clearinghouse is evidence-based and uses one or more of the required approaches. These forms support FNS efforts to increase the selection of interventions available in the SNAP-Ed Clearinghouse, improve innovation in service delivery using interventions which reflect the latest research, and respond directly to agencies submitting interventions (submitters) for the SNAP-Ed Clearinghouse.

Description of Respondents: State, Tribal, For profit and non-profit entities.

Number of Respondents: 50.

Frequency of Responses: Reporting: Occasionally; Annually.

Total Burden Hours: 320.

Rachelle Ragland-Greene,
Departmental Information Collection
Clearance Officer.

[FR Doc. 2024–21403 Filed 9–18–24; 8:45 am]

BILLING CODE 3410–30–P

DEPARTMENT OF AGRICULTURE**Food and Nutrition Service****Agency Information Collection
Activities: Proposed Collection;
Comments Request—Special
Supplemental Nutrition Program for
Women, Infants, and Children (WIC)
Health Outcomes and Participant
Experience (HOPE) Study**

AGENCY: Food and Nutrition Service (FNS), U.S. Department of Agriculture (USDA).

ACTION: 60-Day notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice invites the general public and other public agencies to comment on this proposed information collection for the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) Health Outcomes and Participant Experience (HOPE) Study. This new information collection will provide the U.S. Department of Agriculture, Food and Nutrition Service (FNS) with current information about the population WIC serves, how well WIC services align with participants' needs, and how WIC influences participants' health outcomes. This information will help policymakers and program administrators address service gaps and reduce potential disparities in health outcomes.

DATES: Written comments must be received on or before November 18, 2024.

ADDRESSES: Comments may be sent to the WIC HOPE Study Team, Office of Policy Support, Food and Nutrition Service, USDA, 1320 Braddock Place, Alexandria, VA 22314. Comments may also be submitted via email to sm.fn.wic.hope@usda.gov or by phone at 709-905-2732. Comments will also be accepted through the Federal eRulemaking Portal. Go to <https://www.regulations.gov> and follow the online instructions for submitting comments electronically.

All responses to this notice will be summarized and included in the request for Office of Management and Budget approval. All comments will be a matter of public record.

FOR FURTHER INFORMATION CONTACT:

Requests for additional information on or copies of this information collection should be directed to the WIC HOPE Study Team at sm.fn.wic.hope@usda.gov or the current Contracting Officer Representative for the study, Amanda Reat at Amanda.Reat@usda.gov, 709-905-2732.

SUPPLEMENTARY INFORMATION: Comments are invited on: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden on the proposed collection of information, including the validity of the methodology and assumptions that were used; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Title: WIC Health Outcomes and Participant Experience Study.

Form Number: Not applicable.

OMB Number: 0584-NEW.

Expiration Date: Not yet determined.

Type of Request: New collection.

Abstract:

The Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) provides nutritious supplemental foods, nutrition education and counseling, breastfeeding promotion and support, and referrals to healthcare, social services, and other community providers to pregnant, breastfeeding, and postpartum women, and infants and children up to age 5 who are at nutritional risk and in households with a low income. As a preventive public health nutrition program, WIC aims to improve the feeding practices, diet, and health of participants. The first comprehensive national study assessing WIC participants, the WIC Infant Feeding Practices Study (IFPS), began collecting data in August 1994 and followed infants from birth to age 1.¹ The subsequent and most recent study, the Infant and Toddler Feeding Practices Study-2 (ITFPS-2), began collecting data in 2013 and has followed children from birth through age 9.

WIC has experienced several notable changes since the last major study was launched. WIC currently serves a more diverse population using more modernized service delivery approaches, such as Electronic Benefits Transfer (EBT) cards, online shopping, and virtual visits. WIC has also aligned its nutrition education with the 2020–

2025 *Dietary Guidelines for Americans* (DGA) and invested in new breastfeeding promotion and support resources, like the WIC Breastfeeding Support: *Learn Together. Grow Together.* campaign. Additional substantial program changes are forthcoming. For example, WIC has proposed changes to the WIC food packages to better serve participants' dietary needs and preferences and ensure equitable access to supplemental foods. WIC is also investing in a national strategy to diversify the WIC workforce so it mirrors the diversity of WIC families, culturally sensitive outreach strategies to increase enrollment and retention rates, and technology enhancements to streamline enrollment and provide a modern WIC experience.²

The WIC Health Outcomes and Participant Experience (WIC HOPE) Study will provide the U.S. Department of Agriculture (USDA), Food and Nutrition Service (FNS) with current information about the population WIC serves, how well WIC services align with participants' needs, and how WIC influences participants' health outcomes. This information will help policymakers and program administrators address service gaps and reduce potential disparities in health outcomes.

The five study objectives are: (1) conduct new data collection to update the information in WIC IFPS-1 and WIC ITFPS-2 on the feeding practices and behaviors of WIC infants and children, and compare and contrast findings with previous studies; (2) describe participants' WIC site experiences and engagement with WIC technologies such as text messaging, mobile apps, online appointment scheduling, video calling, online nutrition education, shopping assistance apps, and online shopping tools; (3) assess the extent to which WIC benefits used by participants (including food packages, nutrition education and breastfeeding promotion and support, and referrals) are independently associated with feeding practices, diet, and health over time; (4) describe maternal diet, birth, and health outcomes from the pregnancy and postpartum period throughout the study period; and (5) examine the independent association between duration of WIC participation and diet and health outcomes as well as nutrition security.

¹ Baydar, N., McCann, M., Williams, R., and Vesper, E. (1997). Final report: WIC Infant Feeding Practices Study (for the U.S. Department of Agriculture, Food and Consumer Service). Seattle, WA: Battelle, Centers for Public Health Research and Evaluation. Available at: <https://fns-prod.azureedge.us/sites/default/files/WICIFPS.pdf>.

² U.S. Department of Agriculture, Food and Nutrition Service (USDA, FNS). (2024a, February 13). WIC modernization. Alexandria, VA: Author. Available at: <https://www.fns.usda.gov/wic/modernization>. Retrieved on: February 23, 2024.

WIC HOPE is a prospective cohort study that will follow a nationally representative sample of mother-child dyads who enroll in WIC prenatally or shortly after the child is born through the child's fifth birthday. Pregnant women or caregivers of newborns will be recruited through 80 WIC local agencies sampled from across the country. The study will collect data on participants' experiences with WIC, use of WIC benefits, feeding practices, diet, and health at multiple points.

Because the study child is the focal member of the mother-child dyad, mothers (*i.e.*, caregivers) may change over the course of the study, but the study child will remain the same. Based on data from the ITFPS-2, we anticipate about 96 percent of caregivers will be the child's mother throughout the study. Study participants will be followed for the duration of the study regardless of their continued participation in WIC. Capturing different patterns of WIC participation over time will enable the comparison of study participants with different durations of program exposure. However, because WIC HOPE does not include a randomized comparison group of infants who did not enroll in WIC, the study will examine relationships and associations between program predictors and outcomes rather than establish causality.

Affected Public: Respondent groups identified include: (1) individuals consisting of mother-child dyads (adult WIC participants and their study child); (2) WIC State agencies; (3) WIC local agencies; and (4) WIC sites.

Estimated Number of Respondents: The total estimated number of respondents is 8,825 (8,093 responsive and 1,512 nonresponsive). This includes 81 respondents for the pretest (81 respondents and 0 nonrespondents), composed of 9 WIC participants per data collection instrument. The main study respondents include 8,130 WIC participants, 54 WIC State agency staff,

160 WIC local agency staff, and 400 WIC site staff.

Estimated Number of Responses per Respondent: Based on the estimated 438,325 total annual responses (263,905 responsive and 174,420 nonresponsive) to be made by the 8,825 respondents, the study team expects 50 responses per respondent. See Table 1 for the estimated number of responses per respondent for each type of respondent. The breakout follows:

WIC participants: The estimated number of responses per WIC participant is 51 (32 per respondent and 115 per nonrespondent). For the pretest, 81 WIC participants will be asked to participate in a cognitive interview. For the main study, WIC participants will be asked to respond to one study brochure; complete one screener; one study consent; and one enrollment survey. After enrollment, they will be asked to respond to 14 caregiver surveys and 5 maternal dietary recall interviews, provide study child measurements at 7 points, and provide contact information updates 2 times a year for 3 years. They will also be asked to review upcoming survey notifications, study reminders, child birthday cards, and caregiver birthday greetings.

WIC State agencies: The estimated number of responses per WIC State agency participant is six. The WIC State agencies will be asked to review one email from the Regional Office notifying them of the study selection, attend one informational webinar, review one email from the study to schedule a meeting, participate in one meeting to discuss study implementation, and notify the WIC local agency of their study selection.

WIC local agencies: The estimated number of responses per WIC local agency participant is 12. WIC local agencies will be asked to review one email from the WIC State agency notifying them of the study selection, review the study factsheet, notify their

sites of the study selection, attend one training webinar, communicate with Westat regarding WIC participant recruitment planning and implementation, communicate with sites regarding WIC participant recruitment planning and implementation, and assist with locating study participants.

WIC sites: The estimated number of responses per WIC site participant is 57. WIC sites will be asked to review communications from the WIC local agency regarding the study selection, participate in an informational call, attend a training webinar, communicate with Westat and sites regarding WIC participant recruitment planning and implementation, introduce the study to the WIC participant, complete the referral form, and take length/height and weight measurements of study children.

Estimated Total Annual Responses: The estimated total number of annual responses is 438,325. This includes 263,905 for respondents and 174,420 for nonrespondents.

Estimated Time per Response: The estimated average response time is 6.2 hours for all respondents (6.4 hours for responsive participants and 1.4 hours for nonresponsive participants). The estimated time of response varies from 0.50 minutes (0.008 hours) to 1 hour depending on the respondent group and activity, as shown in Table 1. The average estimated time per response across all respondents is 0.12 hours (equal to 54,308 total annual burden hours for both respondents and nonrespondents) divided by 438,325 (total responses for both respondents and nonrespondents), as shown in Table 1.

Estimated Total Annual Burden on Respondents: The total public reporting burden for this collection of information is estimated at 54,308 hours (annually). See Table 1 for estimated total annual burden for each type of respondent.

BILLING CODE 3410-30-P

Table 1. Total Public Burden

Respondent Category	Type of Respondents	Instruments	Sample Size (a)	Respondents					Non-respondents					Grand Total Annual Responses	Grand Total Burden Estimate (hours)
				Number of Respondents (a)	Frequency of response (annual)	Total Annual responses	Hours per response	Total Annual Burden (hours)	Number of non-respondents (a)	Frequency of response (annual)	Total Annual responses	Hours per response	Total Annual Burden (hours)		
Individuals and Households	Mothers/caregivers of WIC and former WIC children	Pretest	81	81	1.00	81	1.000	81.0	0	3.00	0	0.000	0.0	81	81.0
		Study brochure	8,130	7,398	1.00	7,398	0.050	369.9	732	1.00	732	0.050	36.6	8,130	406.5
		Study invitation (by text or email or letter or in person)	7,398	7,398	1.00	7,398	0.050	369.9	0	1.00	0	0.017	0.0	7,398	369.9
		Screeners reminders (b) (by text or email or letter or phone)	7,398	6,618	2.00	13,236	0.008	110.3	780	6.00	4,680	0.008	39.0	17,916	149.3
		Screeners (web)	7,398	3,659	1.00	3,659	0.083	304.9	702	1.00	702	0.017	11.7	4,361	316.6
		Screeners (telephone or in-person)	7,398	2,959	1.00	2,959	0.117	345.2	78	1.00	78	0.017	1.3	3,037	346.5
		Consent form	5,000	4,500	1.00	4,500	0.083	375.0	500	1.00	500	0.083	41.7	5,000	416.7
		Enrollment survey (web)	4,500	2,700	1.00	2,700	0.200	540.0	0	1.00	0	0.000	0.0	2,700	540.0
		Enrollment survey (telephone or in-person)	4,500	1,800	1.00	1,800	0.250	450.0	0	1.00	0	0.000	0.0	1,800	450.0
		Study welcome packet	4,500	4,500	1.00	4,500	0.117	525.0	0	1.00	0	0.000	0.0	4,500	525.0
		Prenatal survey	3,918	3,330	1.00	3,330	0.500	1,665.0	588	1.00	588	0.017	9.8	3,918	1,674.8
		YR1: Maternal dietary recalls	1,000	900	4.45	4,005	0.500	2,002.5	100	4.50	450	0.017	7.7	4,455	2,010.2
		YR1: Maternal dietary recall survey reminders (b)	1,000	280	6.00	1,680	0.033	56.0	100	18.00	1,800	0.008	15.0	3,480	71.0
		YR1: Maternal dietary recall advance letter and text/email notification (c)	1,000	950	2.00	1,900	0.067	126.7	50	2.00	100	0.000	0.0	2,000	126.7
		YR1: Measurement card - Birth	4,167	3,334	1.00	3,334	0.250	833.4	833	1.00	833	0.050	41.7	4,167	875.1
		YR1: Measurement cards - 6 and 12 months	3,959	2,573	1.90	4,889	0.750	3,666.5	833	1.90	1,583	0.050	79.2	6,472	3,745.7
		YR1: Survey advance letter and text/email notification (c)	4,167	3,542	4.80	17,001	0.067	1,133.4	625	4.80	3,000	0.000	0.0	20,002	1,133.4
		1-month survey	4,167	3,442	1.00	3,442	0.500	1,721.0	725	1.00	725	0.017	12.1	4,167	1,733.1
		3-month survey	4,167	3,525	1.00	3,525	0.500	1,762.5	642	1.00	642	0.017	10.7	4,167	1,773.2
		5-month survey	3,959	3,318	1.00	3,318	0.500	1,659.0	641	1.00	641	0.017	10.7	3,959	1,669.7
		YR1: Measurement reminders (b)	3,959	1,029	3.79	3,901	0.033	130.0	1,386	6.33	8,770	0.017	146.2	12,671	276.2
		7-month survey	3,879	3,193	1.00	3,193	0.500	1,596.5	686	1.00	686	0.017	11.4	3,879	1,607.9

Individuals and Households
Individuals and Households

Mothers/caregivers of WIC and former WIC children
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11-month survey	3,841	2,945	1.00	2,945	0.500	1,472.5	896	1.00	896	0.017	14.9	3,841	1,487.4
YR1: Survey reminders (b)	3,841	1,485	10.95	16,257	0.033	541.9	896	25.56	22,894	0.008	190.8	39,151	732.7
1-year child birthday card	3,841	3,265	1.00	3,265	0.033	108.8	576	1.00	576	0.000	0.0	3,841	108.8
YR1: Mother birthday greeting (email or text)	3,841	3,265	1.00	3,265	0.017	54.4	576	1.00	576	0.000	0.0	3,841	54.4
YR2: Survey advance letter and text/email notification (c)	3,687	3,134	2.92	9,151	0.067	610.1	553	2.92	1,615	0.000	0.0	10,766	610.1
13-month survey	3,687	2,820	1.00	2,820	0.667	1,880.0	867	1.00	867	0.017	14.5	3,687	1,894.5
YR2: Survey reminders (b)	3,687	2,950	2.04	6,017	0.033	200.6	867	20.28	17,584	0.008	146.5	23,601	347.1
13-month 2nd day dietary recall (child)	417	282	1.00	282	0.250	70.5	135	1.00	135	0.017	2.3	417	72.8
YR2: Maternal dietary recall advance letter and text/email notification (c)	1,000	850	1.00	850	0.067	56.7	50	1.00	50	0.000	0.0	900	56.7
YR2: Maternal dietary recalls	1,000	900	1.48	1,332	0.500	666.0	100	1.50	150	0.017	2.6	1,482	668.6
YR2: Maternal dietary recall survey reminders (b)	1,000	280	1.00	280	0.033	9.3	100	6.00	600	0.008	5.0	880	14.3
18-month survey	3,613	2,530	1.00	2,530	0.583	1,475.8	1,083	1.00	1,083	0.000	0.0	3,613	1,475.8
18-month 2nd day dietary recall (child)	417	253	1.00	253	0.250	63.3	164	1.00	164	0.000	0.0	417	63.3
24-month survey	3,469	2,488	1.00	2,488	0.667	1,658.7	981	1.00	981	0.017	16.3	3,469	1,675.0
24-month 2nd dietary recall (child)	417	248	1.00	248	0.250	62.0	169	1.00	169	0.017	2.8	417	64.8
2-year child birthday card	3,469	2,948	1.00	2,948	0.017	49.1	520	1.00	520	0.000	0.0	3,469	49.1
Measurement Card -24 months	3,469	1,734	1.00	1,734	0.750	1,300.8	1,734	1.00	1,734	0.050	86.7	3,469	1,387.5
YR2: Measurement reminders (b)	3,469	694	1.00	694	0.033	23.1	1,734	3.00	5,203	0.008	43.4	5,897	66.5
YR2: Mother birthday greeting (email or text)	3,469	2,948	1.00	2,948	0.008	24.6	520	1.00	520	0.000	0.0	3,469	24.6
YR3: Survey advance letter and text/email notifications (c)	3,365	2,860	1.88	5,377	0.067	358.5	505	1.97	994	0.000	0.0	6,371	358.5
30-month survey	3,365	2,613	1.00	2,613	0.417	1,088.8	752	1.00	752	0.000	0.0	3,365	1,088.8
YR3: Survey reminders (b)	3,365	1,274	1.95	2,485	0.033	82.8	752	8.77	6,593	0.008	54.9	9,077	137.8
3-year child Birthday Card	3,365	2,860	1.00	2,860	0.033	95.3	505	1.00	505	0.000	0.0	3,365	95.3
YR3: Mother birthday greeting (email or text)	3,365	2,860	1.00	2,860	0.017	47.7	505	1.00	505	0.000	0.0	3,365	47.7
36-month survey	3,264	2,571	1.00	2,571	0.667	1,714.0	693	1.00	693	0.000	0.0	3,264	1,714.0
36-month 2nd dietary recall (child)	417	257	1.00	257	0.333	85.7	160	1.00	160	0.017	2.7	417	88.3
Measurement card -36 months	3,264	1,632	1.00	1,632	0.750	1,223.9	1,632	1.00	1,632	0.050	81.6	3,264	1,305.5
YR3: Measurement reminders (b)	3,264	653	1.00	653	0.033	21.8	1,632	3.00	4,896	0.008	40.8	5,548	62.6
YR4: Survey advance letter and text/email notifications (c)	3,166	2,691	1.98	5,328	0.067	355.2	475	1.98	940	0.000	0.0	6,268	355.2
42-month survey	3,166	2,571	1.00	2,571	0.667	1,714.0	595	1.00	595	0.017	9.9	3,166	1,723.9
YR4: Survey reminders (b)	3,166	1,109	3.94	4,370	0.033	145.7	595	26.41	15,710	0.008	130.9	20,080	276.6

Individuals and Households	Mothers/caregivers of WIC and former WIC children	YR4: Maternal dietary recall advance letter and text/email notification (c)	1,000	950	1.00	950	0.067	63.3	50	1.00	50	0.000	0.0	1,000	63.3
		42-month dietary recall (mother)	1,000	900	1.48	1,332	0.500	666.0	100	1.50	150	0.000	0.0	1,482	666.0
		YR4: Maternal dietary recall survey reminders (b)	1,000	280	2.00	560	0.033	18.7	100	6.00	600	0.008	5.0	1,160	23.7
		48-month survey	3,103	2,530	1.00	2,530	0.667	1,686.7	2,024	1.00	2,024	0.000	0.0	4,554	1,686.7
		48-month 2nd dietary recall (child)	417	253	1.00	253	0.333	84.3	164	1.00	164	0.017	2.7	417	87.1
		4-year child birthday card	3,103	2,637	1.00	2,637	0.017	44.0	465	1.00	465	0.000	0.0	3,103	44.0
		YR4: Mother birthday greeting (email or text)	3,103	2,637	1.00	2,637	0.008	22.0	465	1.00	465	0.000	0.0	3,103	22.0
		Measurement Card - 48 months	3,103	1,551	1.00	1,551	0.750	1,163.5	1,551	1.00	1,551	0.050	77.6	3,103	1,241.0
		YR4: Measurement reminders (b)	3,103	621	1.00	621	0.033	20.7	1,551	6.00	9,308	0.008	77.6	9,928	98.2
		YR5: Survey advance letter and text/email notifications (c)	3,040	2,584	1.98	5,117	0.067	341.1	456	1.98	903	0.000	0.0	6,020	341.1
		54-month survey	3,040	2,488	1.00	2,488	0.500	1,244.0	552	1.00	552	0.017	9.2	3,040	1,253.2
		YR5: Survey reminders (b)	3,040	1,050	1.94	2,037	0.033	67.9	552	8.34	4,608	0.017	76.8	6,645	144.7
		60-month survey	2,980	2,488	1.00	2,488	0.667	1,658.7	492	1.00	492	0.000	0.0	2,980	1,658.7
		60-month 2nd dietary recall (child)	417	249	1.00	249	0.333	83.0	168	1.00	168	0.017	2.8	417	85.8
		5-year child birthday card	2,980	2,533	1.00	2,533	0.017	42.2	447	1.00	447	0.000	0.0	2,980	42.2
		YR5: Mother birthday greeting (email or text)	2,980	2,533	1.00	2,533	0.008	21.1	447	1.00	447	0.000	0.0	2,980	21.1
		Measurement Card -60 months	2,980	1,490	1.00	1,490	0.750	1,117.4	1,490	1.00	1,490	0.050	74.5	2,980	1,191.9
		YR5: Measurement reminders (b)	2,980	596	1.00	596	0.033	19.9	1,490	6.00	8,939	0.008	74.5	9,535	94.4
		Contact information updates (child age <12 months)	3,542	1,063	2.00	2,125	0.050	106.3	2,479	2.00	4,959	0.017	82.6	7,084	188.9
		Contact information updates (child age 12 months - 24 months) (d)	3,542	1,063	2.00	2,125	0.050	106.3	2,479	2.00	4,959	0.017	82.6	7,084	188.9
		Contact information updates (child age 2 years - 3 years) (d)	3,542	1,063	2.00	2,125	0.050	106.3	2,479	2.00	4,959	0.017	82.6	7,084	188.9
		Contact information updates (child age 3 years - 4 years) (d)	3,542	1,063	2.00	2,125	0.050	106.3	2,479	2.00	4,959	0.017	82.6	7,084	188.9
		Contact information updates (child age 4 years - 5 years) (d)	3,542	1,063	2.00	2,125	0.050	106.3	2,479	2.00	4,959	0.017	82.6	7,084	188.9
SUBTOTAL OF INDIVIDUALS AND HOUSEHOLDS			8,211	7,479	31.9	238,861	0.006	45,980.9	1,511.7	115.4	174,420	0.012	2,135.1	413,281	48,115.9
State, Local, or Tribal	WIC State Agency (SA)	Introductory Email from RO to SA	27	54	1	54	0.050	2.7	0	0	0	0.000	0.0	54	2.7
		Letter from WIC Director to SA	27	54	1	54	0.050	2.7	0	0	0	0.000	0.0	54	2.7
		Study Factsheet	27	54	1	54	0.083	4.5	0	0	0	0.000	0.0	54	4.5
		Contact initiation email from Westat	27	54	1	54	0.050	2.7	0	0	0	0.000	0.0	54	2.7
		Study webinar	27	54	1	54	1.000	54.0	0	0	0	0.000	0.0	54	54.0

Government	Recruitment planning activities with Westat (e)	27	54	1	54	4.000	216.0	0	0	0	0.000	0.0	54	216.0
	SUBTOTAL OF SA	27	54	6	324	0.000	282.6	0	0	0	0.000	0.0	324	282.6
WIC Local Agency (LA)	Introductory Email from SA to sampled LAs	80	160	1	160	0.050	8.0	0	0	0	0.000	0.0	160	8.0
	Study Factsheet	80	160	1	160	0.083	13.3	0	0	0	0.000	0.0	160	13.3
	Westat Email to local agency	80	160	1	160	0.050	8.0	0	0	0	0.000	0.0	160	8.0
	Westat informational call (e)	80	160	1	160	0.333	53.3	0	0	0	0.000	0.0	160	53.3
	Recruitment planning and implementation activities with Westat (e)	80	160	1	160	4.000	640.0	0	0	0	0.000	0.0	160	640.0
	Recruitment planning and implementation activities with sites (e)	80	160	1	160	12.000	1,920.0	0	0	0	0.000	0.0	160	1,920.0
	Recruitment progress communications with Westat (e)	80	160	1	160	2.000	320.0	0	0	0	0.000	0.0	160	320.0
	Assistance to locate study participants (e)	80	160	5	800	0.050	40.0	0	0	0	0.000	0.0	800	40.0
	SUBTOTAL OF WIC LA	80	160	12	1,920	0.000	3,002.7	0	0	0	0.000	0.0	1,920	3,002.7
	Email from LA to WIC Clinic	400	400	1	400	0.050	20.0	0	0	0	0.000	0.0	400	20.0
	Informational call (e)	400	400	1	400	0.333	133.3	0	0	0	0.000	0.0	400	133.3
	Training webinar	400	800	1	800	0.750	600.0	0	0	0	0.000	0.0	800	600.0
	Recruitment Planning and Implementation activities with Westat	400	800	1	800	0.333	266.7	0	0	0	0.000	0.0	800	266.7
	Recruitment Planning and Implementation activities with Local Agency	400	800	1	800	0.333	266.7	0	0	0	0.000	0.0	800	266.7
	Study Introduction Script	400	400	21	8,400	0.050	420.0	0	0	0	0.000	0.0	8,400	420.0
WIC Clinic	Referral forms	400	400	20	8,000	0.083	666.7	0	0	0	0.000	0.0	8,000	666.7
	Measurement Card	400	400	8	3,200	0.167	533.3	0	0	0	0.000	0.0	3,200	533.3
	SUBTOTAL OF WIC CLINIC	400	400	57	22,800	0.000	2,906.7	0	0	0	0.000	0.0	22,800	2,906.7
TOTAL		8,825	8,093	33	263,905.0	0.198	52,172.8	1,512	115	174,419.9	0.012	2,135.1	438,324.9	54,307.9

- (a) Estimated based on WIC Infant Toddler Feeding Practices Study-2 (ITFPS-2)
- (b) Assumed 80 percent of survey respondents and 60 percent of measurement respondents will complete the task before the reminder protocol starts. The remaining respondents will receive an average of 2 reminders and the non-respondents will receive an average of 6 reminders.
- (c) Assumed 85 percent of participants will review notifications and 15% do not
- (d) Assumed 85 percent of participants reporting a live birth will remain eligible for contact information updates
- (e) No instrument associated with these activities

Tameka Owens,
*Acting Administrator and Assistant
Administrator, Food and Nutrition Service.*
[FR Doc. 2024–21453 Filed 9–18–24; 8:45 am]
BILLING CODE 3410–30–C

DEPARTMENT OF AGRICULTURE

Rural Housing Service

[DOCKET #: RHS–24–NONE–0033]

Notice of Request for Revision of a Currently Approved Information Collection

AGENCY: Rural Housing Service, USDA.

ACTION: Notice; request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Rural Housing Service's (RHS) announces its intention to request a revision for a currently approved information collection in support of the program for the Guaranteed Rural Rental Housing Program, for which approval from the Office of Management and Budget (OMB) will be requested.

DATES: Comments on this Notice must be received by November 18, 2024 to be assured consideration.

FOR FURTHER INFORMATION CONTACT: Adyam Negasi, RD Innovation Center—Regulations Management Division, U.S. Department of Agriculture, 1400 Independence Ave. SW, Washington, DC 20250; Tel: 202–221–9298; Email: Adyam.Negasi@usda.gov.

SUPPLEMENTARY INFORMATION: OMB regulation (5 CFR part 1320) implementing provisions of the Paperwork Reduction Act of 1995 (Pub. L. 104–13) requires that interested members of the public and affected agencies have an opportunity to comment on information collection and recordkeeping activities (see 5 CFR 1320.8(d)). This notice identifies an information collection that the Agency is submitting to OMB for renewal and approval.

Comments are invited on (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility; (b) the accuracy of the Agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate

automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments may be sent through the Federal eRulemaking Portal: Go to <https://www.regulations.gov> and, in the "Search" box, type in the Docket No. RHS–24–NONE–0033. A link to the Notice will appear. You may submit a comment here by selecting the "Comment" button or you can access the "Docket" tab, select the "Notice," and go to the "Browse & Comment on Documents" tab. Here you may view comments that have been submitted as well as submit a comment. To submit a comment, select the "Comment" button, complete the required information, and select the "Submit Comment" button at the bottom. Information on using [regulations.gov](https://www.regulations.gov), including instructions for accessing documents, submitting comments, and viewing the docket after the close of the comment period, is available through the site's "FAQ" link at the bottom.

Title: Guaranteed Rural Rental Housing Program.

OMB Control Number: 0575–0174.

Expiration Date of Approval: 01/31/2025.

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

Abstract: On March 28, 1996, President Clinton signed the "Housing Opportunity Program Extension Act of 1996." One of the provisions of the Act was the authorization of the section 538 Guaranteed Rural Rental Housing Loan Program, adding the program to the Housing Act of 1949. The program has been designed to increase the supply of affordable Multi-Family Housing (MFH) through partnerships between RHS and major lending sources, as well as State and local housing finance agencies and bond issuers. Qualified lenders will be authorized to originate, underwrite, and close loans for MFH projects. To be considered, these projects must be either new construction or acquisition with rehabilitation with at least \$6,500 per unit.

The Secretary is authorized under section 510 (k) of the Housing Act of 1949 to prescribe regulations to ensure that these federally funded loans are made to eligible applicants for authorized purposes. The lender must evaluate the eligibility, cost, benefits, feasibility, and financial performance of the proposed project. The Agency collects this information from the lender to determine if funds are being used to meet the goals and mission of Rural Development. The information submitted by the lender to the Agency

is used by the Agency to manage, plan, evaluate, and account for Government resources.

Estimate of Burden: Public reporting burden for this collection of information is estimated to be 0.7 hours.

Respondents: Non-profit and for-profit lending corporations and public bodies.

Estimated Number of Respondents: 150.

Estimated Number of Responses per Respondent: 20.55.

Estimated Number of Responses: 3082.

Estimated Total Annual Burden on Respondents: 2,162 hours.

Copies of this information collection can be obtained from Adyam Negasi, Innovation Center, Regulations Management Division, at 202–221–9298, or adyam.negasi@usda.gov. All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Joaquin Altoro,

Administrator, Rural Housing Service.

[FR Doc. 2024–21455 Filed 9–18–24; 8:45 am]

BILLING CODE 3410–XV–P

U.S. COMMITTEE ON THE MARINE TRANSPORTATION SYSTEM

[Docket No. DOT–OST–2024–0044]

Request for Information To Identify Barriers to Planning for Climate Resilience in U.S. Ports; Reopening of Comment Period

AGENCY: U.S. Committee on the Marine Transportation System.

ACTION: Notice; request for information (RFI); reopening of comment period.

SUMMARY: On July 15, 2024, the CMTS published in the **Federal Register** an RFI seeking information to identify what types of planning guidance, documents, datasets, and Federal funding opportunities are currently being utilized in planning for long-term environmental change in U.S. Ports, and to identify barriers to action. The information received from this RFI will be analyzed to assess whether the needs for this type of planning are being met and identify where improvements could be made. Information is requested from anyone who works in or adjacent to climate resilience planning and execution in ports (public and private), as well as any interested members of the public. That RFI established a 45-day comment period closing on August 29, 2024. CMTS is reopening the public

comment period until September 30, 2024.

DATES: The comment period for the notice published on July 15, 2024 (89 FR 57389) is reopened. The due date for submitting comments is September 30, 2024.

ADDRESSES: Please submit any written comments to Docket Number DOT–OST–2024–0044 electronically through the Federal eRulemaking Portal at [regulations.gov](https://www.regulations.gov). Due to time constraints, comments received after the deadline may not be incorporated or taken into consideration.

Instructions: Federal eRulemaking Portal: Go to www.regulations.gov to submit your comments electronically. Information on how to use [Regulations.gov](https://www.regulations.gov), including instructions for accessing agency documents, submitting comments, and viewing the docket, is available on the site under “FAQ” (<https://www.regulations.gov/faq>).

Privacy Note: CMTS’s policy is to make all comments received from members of the public available for public viewing in their entirety on the Federal eRulemaking Portal at www.regulations.gov. Therefore, commenters should be careful to include in their comments only information that they wish to make publicly available. CMTS requests that no proprietary information, copyrighted information, or personally identifiable information be submitted in response to this RFI.

FOR FURTHER INFORMATION CONTACT: Heather Gilbert, Senior Policy Advisor, U.S. Committee on the Marine Transportation System; telephone (202) 366–3612; email heather.gilbert@cmts.gov.

SUPPLEMENTARY INFORMATION: All other information in the original RFI from July 15, 2024 (89 FR 57389) remains the same. It can be found at <https://www.federalregister.gov/documents/2024/07/15/2024-15356/request-for-information-to-identify-barriers-to-planning-for-climate-resilience-in-us-ports>. The Department considers any comments submitted between August 29, 2024 and September 16, 2024 to be timely submitted.

Authority: 46 U.S.C. 50401.

Issued in Washington, DC.

Ashley Chappell,

Executive Director, U.S. Committee on the Marine Transportation System.

[FR Doc. 2024–21463 Filed 9–18–24; 8:45 am]

BILLING CODE 4910–9X–P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Colorado Advisory Committee to the U.S. Commission on Civil Rights

AGENCY: Commission on Civil Rights.

ACTION: Notice of public meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act that the Colorado Advisory Committee (Committee) to the U.S. Commission on Civil Rights will convene a monthly virtual business meeting on Wednesday, October 16, 2024, at 3:00 p.m. Mountain Time. The purpose of the meeting is to continue working on its project on public school attendance zones in Colorado, including a potential vote on their report on the same topic.

DATES: Wednesday, October 16, 2024, at 3:00 p.m. Mountain Time.

ADDRESSES: The meeting will be held via Zoom.

Meeting Link (Audio/Visual): <https://tinyurl.com/279fjudv>; password: USCCR–CO.

Join by Phone (Audio Only): 1–833–435–1820; Meeting ID: 160 614 2807#.

FOR FURTHER INFORMATION CONTACT: Barbara Delaviez, Designated Federal Official, 202–539–8246, or at bdelaviez@usccr.gov.

SUPPLEMENTARY INFORMATION: These committee meeting is available to the public through the meeting link above. Any interested member of the public may listen to the meeting. At the meeting, an open comment period will be provided to allow members of the public to make a statement as time allows. Per the Federal Advisory Committee Act, public minutes of the meeting will include a list of persons who are present at the meeting. If joining via phone, callers can expect to incur regular charges for calls they initiate over wireless lines, according to their wireless plan. The Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Closed captioning will be available for individuals who are deaf, hard of hearing, or who have certain cognitive or learning impairments. To request additional accommodations, please email ebonor@usccr.gov at least 10 business days prior to the meeting.

Members of the public are entitled to submit written comments; the comments must be received in the regional office within 30 days following

the meetings. Written comments may be emailed to Barbara Delaviez at bdelaviez@usccr.gov. Persons who desire additional information may contact the Regional Programs Coordination Unit at 1–312–353–8311.

Records generated from these meetings may be inspected and reproduced at the Regional Programs Coordination Unit Office, as they become available, both before and after the meetings. Records of the meeting will be available via www.facadatabase.gov under the Commission on Civil Rights, Colorado Advisory Committee link. Persons interested in the work of this Committee are directed to the Commission’s website, <http://www.usccr.gov>, or may contact the Regional Programs Coordination Unit at ebonor@usccr.gov.

Agenda

- I. Welcome and Roll Call
- II. Public School Attendance Zones: Discussion and Possible Report Vote
- III. Discuss Next Steps
- IV. Public Comment
- V. Adjournment

Dated: September 13, 2024.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2024–21392 Filed 9–18–24; 8:45 am]

BILLING CODE 6335–01–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–533–928]

Ceramic Tile From India: Postponement of Preliminary Determination in the Less-Than-Fair-Value Investigation

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

DATES: Applicable September 19, 2024.

FOR FURTHER INFORMATION CONTACT: Fred Baker or Theodora Mattei, AD/CVD Operations, Office VI, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–2924 or (202) 482–4834, respectively.

SUPPLEMENTARY INFORMATION:

Background

On May 9, 2024, the U.S. Department of Commerce (Commerce) initiated a less-than-fair-value (LTFV) investigation

of imports of ceramic tile from India.¹ On July 22, 2024, Commerce tolled certain deadlines in this investigation by seven days.² Currently, the preliminary determination is due no later than October 3, 2024.

Postponement of Preliminary Determination

Section 733(b)(1)(A) of the Tariff Act of 1930, as amended (the Act), requires Commerce to issue the preliminary determination in a LTFV investigation within 140 days after the date on which Commerce initiated the investigation. However, section 733(c)(1)(A)(b)(1) of the Act permits Commerce to postpone the preliminary determination until no later than 190 days after the date on which Commerce initiated the investigation if: (A) the petitioner³ makes a timely request for a postponement; or (B) Commerce concludes that the parties concerned are cooperating, that the investigation is extraordinarily complicated, and that additional time is necessary to make a preliminary determination. Under 19 CFR 351.205(e), the petitioner must submit a request for postponement 25 days or more before the scheduled date of the preliminary determination and must state the reasons for the request. Commerce will grant the request unless it finds compelling reasons to deny the request.

On September 3, 2024, the petitioner submitted a timely request that Commerce postpone the preliminary determination in the LTFV investigation.⁴ The petitioner requested postponement of the preliminary determination because it believes that Commerce requires more time to review questionnaire responses and address any deficiencies.⁵

For the reason stated above and because there are no compelling reasons to deny the request, Commerce, in accordance with section 733(c)(1)(A) of the Act, is postponing the deadline for the preliminary determination by 50 days (*i.e.*, 190 days after the date on which this investigation was initiated).

As a result, Commerce will issue its preliminary determinations no later than November 22, 2024.⁶ In accordance with section 735(a)(1) of the Act and 19 CFR 351.210(b)(1), the deadline for the final determination of this investigation will continue to be 75 days after the date of the preliminary determination, unless postponed at a later date.

This notice is issued and published pursuant to section 733(c)(2) of the Act and 19 CFR 351.205(f)(1).

Dated: September 12, 2024.

Ryan Majerus,

Deputy Assistant Secretary for Policy and Negotiations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2024–21317 Filed 9–18–24; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

[Application No. 10–7A001]

Export Trade Certificate of Review

ACTION: Notice of application for an amended Export Trade Certificate of Review for Alaska Longline Cod Commission, Application No. 10–7A001.

SUMMARY: The Secretary of Commerce, through the Office of Trade and Economic Analysis (OTEA) of the International Trade Administration, has received an application for an amended Export Trade Certificate of Review (Certificate). This notice summarizes the proposed application and seeks public comments on whether the Certificate should be issued.

FOR FURTHER INFORMATION CONTACT:

Amanda Reynolds, Acting Director, OTEA, International Trade Administration, (202) 482–5131 (this is not a toll-free number) or email at *etca@trade.gov*.

SUPPLEMENTARY INFORMATION: Title III of the Export Trading Company Act of 1982 (15 U.S.C. 4011–21) authorizes the Secretary of Commerce to issue Export Trade Certificates of Review. An Export Trade Certificate of Review protects the holder and the members identified in the Certificate from State and Federal government antitrust actions and from private treble damage antitrust actions for the export conduct specified in the Certificate and carried out in compliance with its terms and conditions. The regulations implementing Title III are found at 15

CFR part 325. OTEA is issuing this notice pursuant to 15 CFR 325.6(a), which requires the Secretary of Commerce to publish a summary of the application in the **Federal Register**, identifying the applicant and each member and summarizing the proposed export conduct.

Request for Public Comments

Interested parties may submit written comments relevant to the determination whether a Certificate should be issued. If the comments include any privileged or confidential business information, it must be clearly marked and a nonconfidential version of the comments (identified as such) should be included. Any comments not marked as privileged or confidential business information will be deemed to be nonconfidential.

Written comments should be sent to *ETCA@trade.gov*. An original and two (2) copies should also be submitted no later than 20 days after the date of this notice to: Office of Trade and Economic Analysis, International Trade Administration, U.S. Department of Commerce, Room 21028, Washington, DC 20230.

Information submitted by any person is exempt from disclosure under the Freedom of Information Act (5 U.S.C. 552). However, nonconfidential versions of the comments will be made available to the applicant if necessary for determining whether or not to issue the Certificate. Comments should refer to this application as “Export Trade Certificate of Review, application number 10–7A001.”

Summary of the Application

Applicant: Alaska Longline Cod Commission, c/o Mundt MacGregor L.L.P., 271 Wyatt Way NE, Suite 106, Bainbridge Island, WA 98110.

Contact: Duncan McIntosh, Attorney at Law.

Application No.: 10–7A001.

Date Deemed Submitted: September 5, 2024.

Proposed Amendment: Alaskan Longline Cod Commission seeks to amend its Certificate as follows:

1. Add the following six products as Export Products within the meaning of section 325.2(j) of the Regulations (15 CFR 325.2(j)):

- Headed and gutted pollock
- Headed and gutted sablefish
- Sablefish heads
- Sablefish collars
- Headed, gutted, and tailed Greenland turbot
- Turbot heads

¹ See *Ceramic Tile from India: Initiation of Less-Than-Fair-Value Investigation*, 89 FR 42836 (May 16, 2024).

² See Memorandum, “Tolling of Deadlines for Antidumping and Countervailing Duty Proceedings,” dated July 22, 2024.

³ The petitioner is The Coalition for Fair Trade in Ceramic Tile whose members are Crossville, Inc., Dal-Tile Corporation, Del Conca USA, Inc., Florida Tile, Florim USA, Landmark Ceramics—UST, Inc., Portobello America Manufacturing LLC, StonePeak Ceramics Inc.

⁴ See Petitioner’s Letter, “Petitioner’s Request for Postponement of the Preliminary Determination,” dated September 3, 2024.

⁵ *Id.* at 2.

⁶ This date is inclusive of the seven days’ tolling. See *supra* fn2.

The proposed amendment would result in the following Export Products under Export Trade in the Certificate:

Export Products

ALCC plans to export frozen at-sea, headed and gutted, Alaska cod (*Gadus macrocephalus*), also known as Pacific cod. Headed and gutted means the head and viscera are removed prior to freezing. Frozen-at-sea means that the Alaska cod is frozen on the longline catcher-processor vessel while at-sea immediately after being headed and gutted. The catch accrues against cod allocations to the Members.

ALCC also plans to export byproducts of ALCC frozen-at-sea, headed and gutted Alaska cod, caught via hook-and-line gear: cod heads; cod collars; cod roe; cod chu; cod milt; ray wings; headed and gutted pollock; headed and gutted sablefish; sablefish heads; sablefish collars. The cod heads, cod collars, cod roe, cod chu, and cod milt are derived from parts of the Alaska cod remaining after the heading-and-gutting of the cod to produce frozen-at-sea headed and gutted Alaska cod. The ray wings are derived from various species of skate, which are caught incidentally while targeting Alaska cod. The remaining products are also products and byproducts that are caught incidentally while targeting Alaska cod, except as specified below.

ALCC also plans to export the following products and byproducts caught on longline catcher-processor vessels using longline hook-and-line and longline pot gear: headed and gutted sablefish; sablefish heads; sablefish collars. The catch accrues against sablefish allocations to the Members.

ALCC also plans to export the following products and byproducts caught on longline catcher-processor vessels using longline hook-and-line gear and, when permitted by regulation, longline pot gear: headed, gutted, and tailed Greenland turbot; and turbot heads. The catch accrues against Greenland turbot allocations to the Members.

Membership remains the same following this amendment:

1. Akulurak LLC, Seattle, WA;
2. Alaskan Leader Fisheries LLC, Lynden, WA;
3. Alaskan Leader Seafoods LLC, Lynden, WA;
4. Alaskan Leader Vessel LLC, Lynden, WA;
5. Aleutian Longline, LLC, Seattle, WA;
6. Aleutian Spray Fisheries, Inc., Seattle, WA;

7. Beauty Bay Washington, LLC, Bothell, WA;
8. Bering Leader Fisheries LLC, Lynden, WA;
9. Bristol Leader Fisheries LLC, Lynden, WA;
10. Bristol Wave Seafoods, LLC, Seattle, WA;
11. Coastal Alaska Premier Seafoods, LLC, Anchorage, AK;
12. Coastal Villages Longline LLC, Anchorage, AK;
13. Deep Sea Fisheries, Inc., Everett, WA;
14. Gulf Mist, Inc., Everett, WA;
15. Gulf Prowler, LLC, Juneau, AK;
16. Kodiak Leader Fisheries LLC, Lynden, WA;
17. Northern Leader Fisheries LLC, Lynden, WA;
18. Romanzof Fishing Company, L.L.C., Seattle, WA;
19. Shelford's Boat, Ltd., Mill Creek, WA;
20. Siu Alaska Corporation, Anchorage, AK;
21. Starfish Reverse, LLC, Seattle, WA;
22. Tatoosh Seafoods, LLC, Kingston, WA.

Dated: September 13, 2024.

Amanda Reynolds,

Acting Director, Office of Trade and Economic Analysis, International Trade Administration, U.S. Department of Commerce.

[FR Doc. 2024–21361 Filed 9–18–24; 8:45 am]

BILLING CODE 3510-DR-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XE152]

Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to SouthCoast Wind Energy Marine Site Characterization Surveys off the Coast of Massachusetts and Rhode Island

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

ACTION: Notice; request for comments on proposed renewal incidental harassment authorization.

SUMMARY: NMFS received a request from SouthCoast Wind Energy, LLC (SouthCoast Wind; formerly known as Mayflower Wind Energy, LLC) for the renewal of their prior incidental harassment authorization (IHA) (hereinafter, the “initial IHA”) to take marine mammals incidental to marine site characterization surveys offshore of

Massachusetts and Rhode Island. SouthCoast Wind's activities are identical to those covered in the 2023–2024 authorization, and consist of a subset of the initially planned activities. Pursuant to the Marine Mammal Protection Act (MMPA), prior to issuing the previous IHA, NMFS requested comments on both the proposed IHA and the potential for renewing the initial authorization if certain requirements were satisfied. The renewal requirements have been satisfied, and NMFS is now providing an additional 15-day comment period to allow for any additional comments on the proposed renewal not previously provided during the initial 30-day comment period.

DATES: Comments and information must be received no later than October 4, 2024.

ADDRESSES: Comments should be addressed to Jolie Harrison, Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service, and should be submitted via email to ITP.gatzke@noaa.gov.

Instructions: NMFS is not responsible for comments sent by any other method, to any other address or individual, or received after the end of the comment period. Comments, including all attachments, must not exceed a 25-megabyte file size. Attachments to comments will be accepted in Microsoft Word, Excel or Adobe PDF file formats only. All comments received are a part of the public record and will generally be posted online at <https://www.fisheries.noaa.gov/permit/incidental-take-authorizations-under-marine-mammal-protection-act> without change. All personal identifying information (e.g., name, address) voluntarily submitted by the commenter may be publicly accessible. Do not submit confidential business information or otherwise sensitive or protected information.

Electronic copies of the original application, renewal request, and supporting documents (including NMFS **Federal Register** notices of the original proposed and final authorizations, and the previous IHA), as well as a list of the references cited in this document, may be obtained online at: <https://www.fisheries.noaa.gov/permit/incidental-take-authorizations-under-marine-mammal-protection-act>. In case of problems accessing these documents, please call the contact listed below.

FOR FURTHER INFORMATION CONTACT: Jennifer Gatzke, Office of Protected Resources, NMFS, (301) 427–8401.

SUPPLEMENTARY INFORMATION:

Background

The MMPA prohibits the “take” of marine mammals, with certain exceptions. Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce (as delegated to NMFS) to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and either regulations are promulgated or, if the taking is limited to harassment, an IHA is issued.

Authorization for incidental takings shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s) and will not have an unmitigable adverse impact on the availability of the species or stock(s) for taking for subsistence uses (where relevant). Further, NMFS must prescribe the permissible methods of taking and other “means of effecting the least practicable adverse impact” on the affected species or stocks and their habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of such species or stocks for taking for certain subsistence uses (referred to here as “mitigation measures”). NMFS must also prescribe requirements pertaining to monitoring and reporting of such takings. The definition of key terms such as “take,” “harassment,” and “negligible impact” can be found in the MMPA and the NMFS’s implementing regulations (see 16 U.S.C. 1362; 50 CFR 216.103).

NMFS’ regulations implementing the MMPA at 50 CFR 216.107(e) indicate that IHAs may be renewed for additional periods of time not to exceed one year for each reauthorization. In the notice of proposed IHA for the initial IHA, NMFS described the circumstances under which we would consider issuing a renewal for this activity, and requested public comment on a potential renewal under those circumstances. Specifically, on a case-by-case basis, NMFS may issue a one-time 1-year renewal of an IHA following notice to the public providing an additional 15 days for public comments when (1) up to another year of identical, or nearly identical, activities as described in the Detailed Description of Specified Activities section of the initial IHA issuance notice is planned or (2) the activities as described in the Description of the Specified Activities and Anticipated Impacts section of the initial IHA issuance notice would not be completed by the time the initial IHA

expires and a renewal would allow for completion of the activities beyond that described in the **DATES** section of the notice of issuance of the initial IHA, provided all of the following conditions are met:

1. A request for renewal is received no later than 60 days prior to the needed renewal IHA effective date (recognizing that the renewal IHA expiration date cannot extend beyond 1 year from expiration of the initial IHA).

2. The request for renewal must include the following:

- An explanation that the activities to be conducted under the requested renewal IHA are identical to the activities analyzed under the initial IHA, are a subset of the activities, or include changes so minor (*e.g.*, reduction in pile size) that the changes do not affect the previous analyses, mitigation and monitoring requirements, or take estimates (with the exception of reducing the type or amount of take); and

- A preliminary monitoring report showing the results of the required monitoring to date and an explanation showing that the monitoring results do not indicate impacts of a scale or nature not previously analyzed or authorized.

3. Upon review of the request for renewal, the status of the affected species or stocks, and any other pertinent information, NMFS determines that there are no more than minor changes in the activities, the mitigation and monitoring measures will remain the same and appropriate, and the findings in the initial IHA remain valid.

An additional public comment period of 15 days (for a total of 45 days), with direct notice by email, phone, or postal service to commenters on the initial IHA, is provided to allow for any additional comments on the proposed renewal. A description of the renewal process may be found on our website at: <https://www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-harassment-authorization-renewals>. Any comments received on the potential renewal, along with relevant comments on the initial IHA, have been considered in the development of this proposed IHA renewal, and a summary of agency responses to applicable comments is included in this notice. NMFS will consider any additional public comments prior to making any final decision on the issuance of the requested renewal, and agency responses will be summarized in the final notice of our decision.

National Environmental Policy Act

This action is consistent with categories of activities identified in Categorical Exclusion B4 (incidental take authorizations with no anticipated serious injury or mortality) of the Companion Manual for NOAA Administrative Order 216–6A, which do not individually or cumulatively have the potential for significant impacts on the quality of the human environment and for which we have not identified any extraordinary circumstances that would preclude this categorical exclusion. Accordingly, NMFS determined that the issuance of the initial IHA qualified to be categorically excluded from further NEPA review. NMFS has preliminarily determined that the application of this categorical exclusion remains appropriate for this renewal IHA.

History of Request

On October 23, 2020, NMFS received a request from SouthCoast Wind (formerly known as Mayflower Wind Energy) seeking authorization to take marine mammals by Level B harassment only incidental to high-resolution geophysical site characterization surveys (HRG) off Massachusetts and Rhode Island in the area of Commercial Lease of Submerged Lands for Renewable Energy Development on the Outer Continental Shelf Lease Area OCS–A–0521 and along potential submarine export cable routes. NMFS published a notice of the proposed IHA in the **Federal Register** on May 20, 2021 (86 FR 27393). NMFS subsequently issued an IHA that was effective for a period of one year, from July 1, 2021, through June 30, 2022, hereinafter referred to as the 2021 IHA (86 FR 38033; July 19, 2021).

On November 16, 2022, SouthCoast Wind submitted an application for a renewal IHA in order to complete the remaining subset of the planned survey activity that could not be completed under the 2021 IHA. After NMFS determined the application was ineligible for renewal due to the updates in marine mammal density information, on January 13, 2023, SouthCoast submitted an updated request for a standard IHA. That proposed IHA was published in the **Federal Register** on March 8, 2023 (88 FR 14335). Since all other aspects of the project remained the same (*i.e.*, the scope of the activities, the survey location, the acoustic source use, and the level of impact expected to occur (*i.e.*, Level B harassment only)), NMFS relied on the information associated with the issuance of the 2021 IHA. On May 11, 2023, NMFS issued an

IHA to SouthCoast Wind to take marine mammals incidental to marine site characterization surveys in Massachusetts (88 FR 31678, May 18, 2023), effective from May 12, 2023, through May 11, 2024, and hereinafter referred to as the 2023 IHA. The present request for renewal is based on this 2023 IHA application.

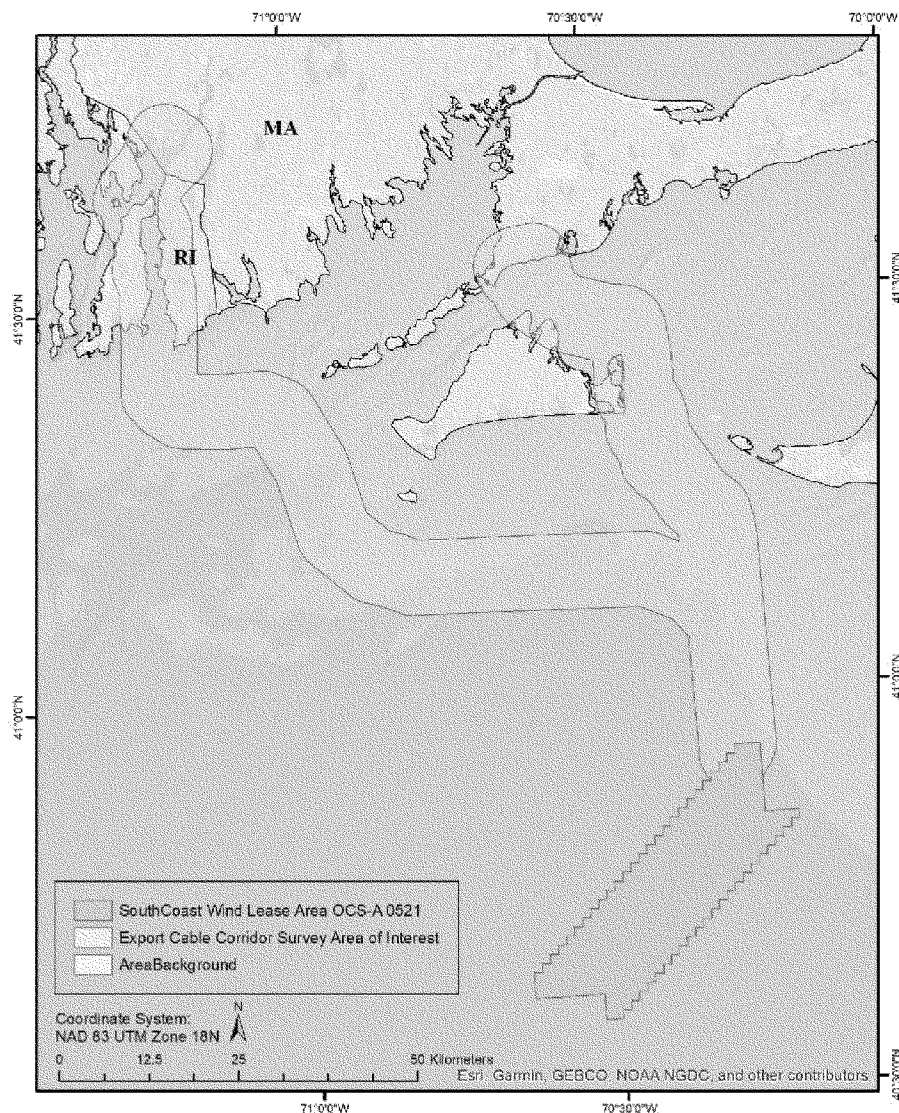
On July 1, 2024, NMFS received an application for the renewal of the 2023 IHA. As described in the application for renewal IHA, the activities for which incidental take is requested are a subset of the activities that are covered by the 2023 IHA but were not completed prior to its expiration. As required, the applicant also provided a preliminary

monitoring report which confirms that the applicant has implemented the required mitigation and monitoring, and which also shows that no impacts of a scale or nature not previously analyzed or authorized have occurred as a result of the activities conducted. NMFS has decided to waive the 60 days renewal requirement, recognizing that the renewal IHA, if issued, will expire one year from the expiration date of the underlying IHA, on May 11, 2025, and having ensured that SouthCoast Wind understands that there is a lapse in MMPA authorization coverage between the expiration of the initial IHA and the issuance of any renewal.

Description of the Proposed Activities and Anticipated Impacts

SouthCoast Wind did not complete the planned survey scope of work associated with the 2023 IHA prior to its expiration and is planning to complete a subset of the activities during the remainder of 2024–2025. HRG surveys are planned between approximately September 2024 and May 2025, using the same survey equipment, methods and types of vessels as those previously analyzed. The 2024–2025 surveys will also be within the same survey area described in the application for the 2021 and 2023 IHAs (figure 1).

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Figure 1—Map of SouthCoast Wind Lease Area OCS-A 0521 Within the Massachusetts Wind Energy Area and the Proposed Export Cable Corridors to Falmouth, MA and to Brayton Point, Somerset, MA

The planned survey trackline, the number of active sound source days (the number of days the vessels will be actively emitting sound into the water column), and vessel days (number of days that the vessels will be present in the area) will be reduced in 2024–2025

compared to those planned under the 2023–2024 IHA. A total of up to 700 kilometers (km) of trackline (500 km in the Lease Area [Inter-Array Cable (IAC) surveys] and 200 km in the Export Cable Corridors (ECC) [potential HDD surveys]) will be surveyed (table 1). On average, approximately 50 km will be surveyed per day within the Lease Area and 15 km within the ECC, resulting in 10 active sound source days in the Lease Area and approximately 14 in the ECC (for a total of approximately 24 active sound source days in the entire project

area). The previous IHA application described up to 4 vessels being utilized to conduct the surveys. The 2024–2025 surveys may use up to 4 vessels as well. SouthCoast Wind survey contractors and protected species observer (PSO) contractors will conduct all surveys in accordance with the requirements stipulated in the 2023–2024 IHA. This renewal IHA is identical to the previous IHA, with the exception that fewer trackline kilometers will be surveyed, there will be fewer sound source days, and fewer vessel days.

TABLE 1—GEOPHYSICAL SURVEYS COMPLETED IN 2023–2024 AND TRACKLINES REMAINING (km)

Location	IHA trackline planned 2023–2024	Total trackline completed 2023–2024	Planned trackline 2024–2025
ECC—Potential HDD	750	0	200
Lease Area—Inter-array Cable (IAC)	1,950	718	500

To facilitate public review and comment on the proposed renewal IHA, refer to the documents related to the previously issued 2021 and 2023 IHAs and we discuss any new or changed information herein. The previous documents include: the notice of the proposed IHA published in the **Federal Register** on May 20, 2021 (86 FR 27393); the notice of issuance of the 2021 IHA (86 FR 38033, July 19, 2021); the notice of the proposed IHA published in the **Federal Register** on March 8, 2023 (88 FR 14335), the notice of issuance of the 2023 IHA (88 FR 31678, May 18, 2023), and all associated references and documents. We also refer the reader to previous and current applications and monitoring reports submitted by SouthCoast Wind and its predecessor Mayflower Wind, which may be found at: <https://www.fisheries.noaa.gov/action/incidental-take-authorization-southcoast-wind-energy-llcs-marine-site-characterization>.

Detailed Description of the Activity

A detailed description of the marine site characterization survey activities for which take is proposed here may be found in previous **Federal Register** notices and documents relevant to the previous IHAs (86 FR 27393, May 20, 2021; 88 FR 14335, March 8, 2023). The survey location and nature of the activities that could result in take of marine mammals (HRG surveys), including the types of equipment

planned for use, are identical to those described in these previous notices, with the exception that the scale of work is reduced. Only a subset of the planned HRG work was completed under the 2023 IHA. Between May 18 and July 10, 2023, a total of 55 survey days and 718 km of tracklines were completed. For the remainder of 2024, SouthCoast Wind proposes to conduct a subset (700 km) of the remaining tracklines (table 1).

The proposed renewal would be effective from the date of issuance through May 11, 2025 (*i.e.*, one year after the expiration of the 2023 IHA).

Description of Marine Mammals

A description of the marine mammals in the area of the activities for which authorization of take is proposed here, including information on abundance, status, distribution, and hearing, may be found in the **Federal Register** notices of the proposed IHAs for the initial authorizations (86 FR 27393, May 20, 2021; 88 FR 14335, March 8, 2023). Since the publication of the final **Federal Register** notice (88 FR 31678, May 18, 2023), NMFS has reviewed the monitoring data from the prior IHA, the draft 2023 Stock Assessment Report (SAR), which included updates to certain stock abundances since the 2023 IHA was issued, information on relevant Unusual Mortality Events (UMEs), and other scientific literature.

The draft 2023 SAR updated the population estimate (Nbest) of North

Atlantic right whales from 338 to 340 and annual mortality and serious injury from 31.2 to 27.2. The updated population estimate in the draft 2023 SAR is based upon sighting history through December 2021 (89 FR 5495, January 29, 2024). Total annual average observed North Atlantic right whale mortality during the 2017–2021 period was 7.1 animals and annual average observed fishery mortality was 4.6 animals, however, estimates of 27.2 total mortality and 17.6 fishery mortality account for undetected mortality and serious injury (89 FR 5495, January 29, 2024). In October 2023, NMFS released a technical report identifying that the North Atlantic right whale population size based on sighting history through 2022 was 356 whales, with a 95 percent credible interval ranging from 346 to 363 (Linden, 2023).

The draft 2023 SARs include updates for additional marine mammal species and stocks (*i.e.*, North Atlantic right whale, fin whale, sei whale, minke whale, sperm whale, Atlantic spotted dolphin, Atlantic white-sided dolphin, bottlenose dolphin (Western North Atlantic—Offshore stock), common dolphin, long-finned pilot whales, Risso's dolphin, harbor porpoise, and gray seal), which are specifically included in table 2 below. For species for which there has been no change between the finalization of the final 2022 SARs to the release of the draft 2023 SARs, NMFS has noted that below.

TABLE 2—MARINE MAMMAL SPECIES^a LIKELY TO OCCUR NEAR THE PROJECT AREA THAT MAY BE TAKEN BY SOUTHCOAST WIND'S ACTIVITIES

Common name	Scientific name	Stock	ESA/ MMPA status; strategic (Y/N) ^b	Stock abundance (CV, N min, most recent abundance survey) ^c	PBR	Annual M/SI ^d
Order Artiodactyla—Cetacea—Superfamily Mysticeti (baleen whales)						
<i>Family Balaenidae:</i> North Atlantic right whale ^e	<i>Eubalaena glacialis</i>	Western Atlantic	E, D, Y	340 (0, 337, 2021)	0.7	27.2
<i>Family Balaenopteridae</i> (rorquals):						
Fin whale	<i>Balaenoptera physalus</i>	Western North Atlantic	E, D, Y	6,802 (0.24, 5,573, 2021)	11	2.05
Sei whale	<i>Balaenoptera borealis</i>	Nova Scotia	E, D, Y	6,292 (1.02, 3,098, 2021)	6.2	0.6
Minke whale	<i>Balaenoptera acutorostrata</i>	Canadian Eastern Coastal	- , - , N	21,968 (0.31, 17,002, 2021) ..	170	9.4
Humpback whale	<i>Megaptera novaeangliae</i>	Gulf of Maine	- , - , N	1,396 (0, 1380, 2016)	22	12.15
Superfamily Odontoceti (toothed whales, dolphins, and porpoises)						
<i>Family Physeteridae:</i> Sperm whale	<i>Physeter macrocephalus</i>	North Atlantic	E, D, Y	5,895 (0.29, 4,639, 2021)	9.28	0.2
<i>Family Delphinidae:</i> Atlantic white-sided dol- phin.	<i>Lagenorhynchus acutus</i>	Western North Atlantic	- , - , N	93,233 (0.71, 54,443, 2021) ..	544	28
Atlantic spotted dolphin ...	<i>Stenella frontalis</i>	Western North Atlantic	- , - , N	31,506 (0.28, 25,042, 2021) ..	250	0
Common bottlenose dol- phin.	<i>Tursiops truncatus</i>	Western North Atlantic Off- shore ^f .	- , - , N	64,587 (0.24, 52,801, 2021) ..	507	28
Long finned pilot whale ^g ..	<i>Globicephala melas</i>	Northern Migratory Coastal	- , - , N	No changes		
Risso's dolphin	<i>Grampus griseus</i>	Western North Atlantic	- , - , N	39,215 (0.30, 30,627, 2021) ..	306	5.7
Common dolphin	<i>Delphinus delphis</i>	Western North Atlantic	- , - , N	44,067 (0.19, 30,662, 2021) ..	307	18
<i>Family Phocoenidae (por- poises):</i> Harbor porpoise	<i>Phocoena phocoena</i>	Western North Atlantic	- , - , N	93,100 (0.56, 59,897, 2021) ..	1,452	414
		Gulf of Maine/Bay of Fundy ...	- , - , N	85,765 (0.53, 56,420, 2021) ..	649	145
Order Carnivora—Superfamily Pinnipedia						
<i>Family Phocidae (earless seals):</i> Gray seal ^h	<i>Halichoerus grypus</i>	Western North Atlantic	- , - , N	27,911 (0.20, 23,624, 2021) ..	1,512	4,570
Harbor seal	<i>Phoca vitulina</i>	Western North Atlantic	- , - , N	61,336 (0.08, 57,637, 2018) ..	1,729	339

^a Information on the classification of marine mammal species can be found on the web page for The Society for Marine Mammalogy's Committee on Taxonomy (<https://marinemammalscience.org/science-and-publications/list-marine-mammal-species-subspecies>).

^b Endangered Species Act (ESA) status: Endangered (E), Threatened (T)/MMPA status: Depleted (D). A dash (-) indicates that the species is not listed under the ESA or designated as depleted under the MMPA. Under the MMPA, a strategic stock is one for which the level of direct human-caused mortality exceeds PBR or which is determined to be declining and likely to be listed under the ESA within the foreseeable future. Any species or stock listed under the ESA is automatically designated under the MMPA as depleted and as a strategic stock.

^c NMFS' marine mammal SARs can be found online at: <https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessments>. CV is the coefficient of variation; Nmin is the minimum estimate of stock abundance. In some cases, CV is not applicable.

^d These values, found in NMFS's SARs, represent annual levels of human-caused mortality plus serious injury from all sources combined (e.g., commercial fisheries, ship strike). Annual M/SI often cannot be determined precisely and is in some cases presented as a minimum value or range.

^e The current SAR includes an estimated population (Nbest = 340) based on sighting history through December 2021 (<https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessment-reports>). In October 2023, NMFS released a technical report identifying that the North Atlantic right whale population size based on sighting history through 2022 was 356 whales, with a 95 percent credible interval ranging from 346 to 363 (Linden, 2023).

^f Estimates may include sightings of the coastal form.

^g Key uncertainties exist in the population size estimate for this species, including uncertain separation between short-finned and long-finned pilot whales, small negative bias due to lack of abundance estimate in the region between US and the Newfoundland/Labrador survey area, and uncertainty due to unknown precision and accuracy of the availability bias correction factor that was applied.

^h NMFS' stock abundance estimate (and associated Potential Biological Removal value) applies to the U.S. population only. Total stock abundance (including animals in Canada) is approximately 394,311. The annual M/SI value given is for the total stock.

Potential Effects on Marine Mammals and Their Habitat

A description of the potential effects of the specified activity on marine mammals and their habitat for the activities for which an authorization of incidental take is proposed here may be found in the Notice of the Proposed IHA for the 2021 authorization (86 FR 27393, May 20, 2021). This description was also incorporated by reference in the Notice of the Proposed IHA for the 2023 authorization (88 FR 14335, March 8,

2023), for which this Notice is a Proposed renewal. NMFS has reviewed the monitoring data from the 2023 IHA, recent draft SARs, information on relevant UMEs, and other scientific literature, and determined that there is no new information that affects our initial analysis of impacts on marine mammals and their habitat.

Estimated Take

A detailed description of the methods and inputs used to estimate take for the specified activity are found in the

Notice of the Proposed IHA for the initial authorization (88 FR 14335, March 8, 2023). The source levels applicable to this authorization remain unchanged from the previously issued IHA. Similarly, the stocks taken, marine mammal density data, methods of take, and types of take remain unchanged from the previously issued 2023 IHA. The number of requested takes is reduced (table 3), due to the smaller number of tracklines being surveyed, as indicated above in table 1.

TABLE 3—NUMBER OF TAKES BY LEVEL B HARASSMENT PROPOSED FOR AUTHORIZATION AND PERCENTAGES OF EACH STOCK ABUNDANCE FOR 2024–2025 SURVEYS

Species	Combined density based calculated takes	NMFS proposed authorized take	NMFS stock abundance	Percentage of NMFS stock abundance
North Atlantic right whale	1.2	^a 2	340	0.59
Fin whale	0.5	^c 3	6,802	0.04
Sei whale	0.3	^a 2	6,292	0.03
Minke whale	2.7	3	21,968	0.02
Humpback whale	0.5	^b 11	1,396	0.86
Sperm whale	0.1	^a 2	5,895	0.03
Atlantic white-sided dolphin	5.8	^a 28	93,233	0.03
Atlantic spotted dolphin	1.0	^a 29	31,506	0.09
Common bottlenose dolphin	3.0	^b 31	64,587	0.05
Long finned pilot whale	0.4	^a 8	39,215	0.02
Risso's dolphin	0.5	^a 5	44,067	0.02
Common dolphin	49.3	^b 429	93,100	0.46
Harbor porpoise	19	19	85,765	0.02
Gray seal	32.4	32	27,911	0.12
Harbor seal	14.4	14	61,366	0.24

^a Take increased to the species mean group size (86 FR 38033, July 19, 2021; 88 FR 31678, May 18, 2023).

^b Take increased to equal the estimate of potential take based on previous PSO data (86 FR 38033, July 19, 2021; 88 FR 31678, May 18, 2023).

^c Average group size for fin whales is assumed here as 2. However, we increase the proposed authorized take number to 3 to equal the number of whales reported observed within the estimated harassment zone by SouthCoast during 2023–24 survey effort.

Description of Proposed Mitigation, Monitoring and Reporting Measures

The proposed mitigation, monitoring, and reporting measures included as requirements in this authorization are identical to those included in the **Federal Register** notice announcing the issuance of the initial IHA (88 FR 31678, May 18, 2023), and the discussion of the least practicable adverse impact included in that document and the Notice of the proposed IHA (88 FR 14335, March 8, 2023) remains accurate. The following identical measures are proposed for this renewal:

1. The Holder must use independent, dedicated, qualified protected species observers (PSOs), meaning that the PSOs must be employed by a third-party observer provided, must have no tasks other than to conduct observational effort, collect data, and communicate with and instruct relevant vessel crew with regard to the presence of protected species and mitigation requirements (including brief alerts regarding maritime hazards), and must be qualified pursuant to section 5(a) of the IHA.

2. The operator must establish and maintain clear lines of communication directly between PSOs on duty and crew controlling the acoustic source to ensure that mitigation commands are conveyed swiftly while allowing PSOs to maintain watch.

3. During survey operations involving use of the sparker (e.g., any day on which use of the sparker source is planned to occur, and whenever the sparker source is in the water, whether

activated or not), a minimum of one PSO must be on duty and conducting visual observations at all times during daylight hours (i.e., from 30 minutes prior to sunrise through 30 minutes following sunset), and a minimum of two PSOs must be on duty and conducting visual observations at all times during nighttime hours.

4. Visual monitoring must begin no less than 30 minutes prior to ramp-up and must continue until one hour after use of the acoustic source ceases.

5. Visual PSOs shall conduct visual observations from the most appropriate observation posts using appropriate equipment and the naked eye while free from distractions and in a consistent, systematic, and diligent manner. When two PSOs are required, the PSOs must coordinate to ensure 360° visual coverage around the vessel.

6. Any observations of marine mammals by crew members aboard any vessel associated with the survey must be relayed to the PSO team.

7. PSOs may be on watch for a maximum of four consecutive hours followed by a break of at least one hour between watches and may conduct a maximum of 12 hours of observations per 24-hour period.

8. PSOs shall establish and monitor applicable shutdown zones during use of the sparker source (see below). These zones shall be based upon the radial distance from the acoustic source (rather than being based around the vessel itself).

9. Shutdown zones must be as follows:

○ A 500-meter (m) shutdown zone for North Atlantic right whales (NARWs).

○ A 100-m shutdown zone for all other marine mammals (excluding NARWs).

10. Pre-start clearance and ramp up—A ramp-up procedure, involving a gradual increase in source level output, is required at all times as part of the activation of the acoustic source when technically feasible. Operators should ramp up sources to half power for 5 minutes and then proceed to full power. A 30-minute pre-start clearance observation period of the shutdown zones must occur prior to the start of ramp-up. All operators must adhere to the following pre-start clearance and ramp-up requirements:

○ The operator must notify a designated PSO of the planned start of ramp-up as agreed upon with the lead PSO; the notification time should not be less than 60 minutes prior to the planned ramp-up in order to allow the PSOs time to monitor the shutdown zones for 30 minutes prior to the initiation of ramp-up (pre-start clearance). During this 30 minute pre-start clearance period the entire shutdown zone must be visible, except as indicated below.

○ Ramp-ups shall be scheduled so as to minimize the time spent with the source activated.

○ A visual PSO conducting pre-start clearance observations must be notified again immediately prior to initiating ramp-up procedures and the operator must receive confirmation from the PSO to proceed.

○ Any PSO on duty has the authority to delay the start of survey operations if a marine mammal is detected within the applicable pre-start clearance zone.

○ Ramp-up may not be initiated if any marine mammal to which the prestart clearance requirement applies is within the shutdown zone. If a marine mammal is observed within the shutdown zone during the 30 minute pre-start clearance period, ramp-up may not begin until the animal(s) has been observed exiting the zones or until an additional time period has elapsed with no further sightings (30 minutes for all baleen whale species and sperm whales and 15 minutes for all other species).

○ The pre-start clearance requirement is waived for small delphinids (individuals belonging to the following genera of the Family Delphinidae: *Steno*, *Delphinus*, *Lagenorhynchus*, *Stenella*, and *Tursiops*) and pinnipeds. Detection of a small delphinid or pinniped within the shutdown zone does not preclude beginning of ramp-up, unless the PSO confirms the individual to be of a genus other than those listed, in which case normal pre-clearance requirements apply.

○ If there is uncertainty regarding identification of a marine mammal species (*i.e.*, whether the observed marine mammal(s) belongs to one of the delphinid genera for which the pre-clearance requirement is waived), PSOs must use best professional judgment in making the decision to call for a shutdown.

○ PSOs must monitor the shutdown zones 30 minutes before and during ramp-up, and ramp-up must cease and the source must be shut down upon observation of a marine mammal within the applicable shutdown zone.

○ Ramp-up may occur at times of poor visibility, including nighttime, if appropriate visual monitoring has occurred with no detections of marine mammals in the 30 minutes prior to beginning ramp-up. Sparker activation may only occur at night where operational planning cannot reasonably avoid such circumstances.

○ If the acoustic source is shut down for brief periods (*i.e.*, less than 30 minutes) for reasons other than implementation of prescribed mitigation (*e.g.*, mechanical difficulty), it may be activated again without ramp-up if PSOs have maintained constant visual observation and no detections of marine mammals have occurred within the applicable shutdown zone. For any longer shutdown, pre-start clearance observation and ramp-up are required.

11. Shutdown requirements:

○ Any PSO on duty has the authority to call for a shutdown of the sparker

source if a marine mammal is detected within the applicable shutdown zone.

○ When the sparker source is active and a marine mammal appears within or enters the applicable shutdown zone, the source must be shut down. When shutdown is instructed by a PSO, the source must be immediately deactivated and any dispute resolved only following deactivation.

○ The shutdown requirement is waived for small delphinids (individual belonging to the following genera of the Family Delphinidae: *Steno*, *Delphinus*, *Lagenorhynchus*, *Stenella*, and *Tursiops*) and pinnipeds. If a small delphinid or pinniped is visually detected within the shutdown zone, no shutdown is required unless the PSO confirms the individual to be of a genus other than those listed, in which case a shutdown is required.

○ If there is uncertainty regarding identification of a marine mammal species (*i.e.*, whether the observed marine mammal(s) belongs to one of the delphinid genera for which shutdown is waived or one of the species with a larger shutdown zone), PSOs must use best professional judgment in making the decision to call for a shutdown.

a. Upon implementation of shutdown, the source may be reactivated after the marine mammal has been observed exiting the applicable shutdown zone or following a clearance period (30 minutes for all baleen whale species and sperm whales and 15 minutes for all other species) with no further detection of the marine mammal.

○ If a species for which authorization has not been granted, or a species for which authorization has been granted but the authorized number of takes have been met, approaches or is observed within the Level B harassment zone, shutdown must occur.

12. Vessel Strike—Vessel operators must comply with the below measures except under extraordinary circumstances when the safety of the vessel or crew is in doubt or the safety of life at sea is in question. These requirements do not apply in any case where compliance would create an imminent and serious threat to a person or vessel or to the extent that a vessel is restricted in its ability to maneuver and, because of the restriction, cannot comply.

○ Vessel operators and crews must maintain a vigilant watch for all marine mammals and slow down, stop their vessel, or alter course, as appropriate and regardless of vessel size, to avoid striking any marine mammal. A single marine mammal at the surface may indicate the presence of submerged animals in the vicinity of the vessel;

therefore, precautionary measures should always be exercised. A visual observer aboard the vessel must monitor a vessel strike avoidance zone around the vessel (species-specific distances detailed below).

○ Visual observers monitoring the vessel strike avoidance zone may be third-party observers (*i.e.*, PSOs) or crew members, but crew members responsible for these duties must be provided sufficient training to (1) distinguish marine mammal from other phenomena and (2) broadly to identify a marine mammal as a right whale, other whale (defined in this context as sperm whales or baleen whales other than right whales), or other marine mammals.

○ All vessels, regardless of size, must observe a 10-knot speed restriction in specific areas designated by NMFS for the protection of North Atlantic right whales from vessel strikes. These include all Seasonal Management Areas (SMA) (when in effect), any dynamic management areas (DMA) (when in effect), and Slow Zones. See <https://www.fisheries.noaa.gov/national/endangered-speciesconservation/reducing-ship-strikes-north-atlantic-right-whales> for specific detail regarding these areas. It is SouthCoast Wind's responsibility to maintain awareness of the establishment and location of any such areas and to abide by these requirements accordingly.

○ Vessel speeds must also be reduced to 10 knots or less when mother/calf pairs, pods, or large assemblages of cetaceans are observed near a vessel.

○ All vessels must maintain a minimum separation distance of 500 m from right whales. If a right whale is sighted within the relevant separation distance, the vessel must steer a course away at 10 knots or less until the 500-m separation distance has been established. If a whale is observed but cannot be confirmed as a species other than a right whale, the vessel operator must assume that it is a right whale and take appropriate action.

○ All vessels must maintain a minimum separation distance of 100 m from sperm whales and all other baleen whales.

○ All vessels must, to the maximum extent practicable, attempt to maintain a minimum separation distance of 50 m from all other marine mammals, with an understanding that at times this may not be possible (*e.g.*, for animals that approach the vessel).

○ When marine mammals are sighted while a vessel is underway, the vessel shall take action as necessary to avoid violating the relevant separation distance (*e.g.*, attempt to remain parallel

to the animal's course, avoid excessive speed or abrupt changes in direction until the animal has left the area, reduce speed and shift the engine to neutral). This does not apply to any vessel towing gear or any vessel that is navigationally constrained.

Comments and Responses

As noted previously, NMFS published a notice of a proposed IHA (88 FR 31678, May 18, 2023) and solicited public comments on both our proposal to issue the initial IHA for marine site characterization surveys and on the potential for a renewal IHA, should certain requirements be met. All public comments were addressed in the notice announcing the issuance of the initial IHA (88 FR 31678, May 18, 2023). Below, we describe how we have addressed, with updated information where appropriate, any comments received that specifically pertain to the renewal of the 2023 IHA.

Comment: Oceana raised objections to NMFS' proposed renewal process for potential extension of the 1-year IHA with an abbreviated 15-day public comment period. Oceana recommended that an additional 30-day public comment period is necessary for any IHA renewal request.

Response: NMFS' IHA renewal process meets all statutory requirements. In prior responses to comments about IHA renewals (e.g., 84 FR 52464, October 2, 2019; 85 FR 53342, August 28, 2020), NMFS explained the IHA renewal process is consistent with the statutory requirements contained in section 101(a)(5)(D) of the MMPA, and further promotes NMFS' goals of improving conservation of marine mammals and increasing efficiency in the MMPA compliance process. Therefore, we intend to continue to implement the existing renewal process.

All IHAs issued, whether an initial IHA or a renewal, are valid for a period of not more than 1 year. The public has 30 days to comment on proposed IHAs, with a cumulative total of 45 days for IHA renewals. The notice of the proposed IHA published in the **Federal Register** on March 8, 2023, (88 FR 14335) provided a 30-day public comment period and made clear that NMFS was seeking comment on the proposed IHA and the potential issuance of a renewal for this survey. As detailed in the **Federal Register** notice for the proposed IHA and on the agency's website, eligibility for renewal is determined on a case-by-case basis, renewals are subject to an additional 15-day public comment period, and the renewal is limited to up to another year of identical or nearly identical activities

as described in the Description of Proposed Activities section of the proposed IHA notice or the activities described in the Description of Proposed Activities section of the proposed IHA notice would not be completed by the time the IHA expires and a renewal would allow for completion of the activities beyond that described in the Dates and Duration section of the proposed notice. NMFS' analysis of the anticipated impacts on marine mammals caused by the applicant's activities covers both the initial IHA period and the possibility of a 1-year renewal. Therefore, a member of the public considering commenting on a proposed initial IHA also knows exactly what activities (or subset of activities) would be included in a proposed renewal IHA, the potential impacts of those activities, the maximum amount and type of take that could be caused by those activities, the mitigation and monitoring measures that would be required, and the basis for the agency's negligible impact determinations, least practicable adverse impact findings, small numbers findings, and (if applicable) the no unmitigable adverse impact on subsistence use finding—all the information needed to provide complete and meaningful comments on a possible renewal at the time of considering the proposed initial IHA. Members of the public have the information needed to meaningfully comment on both the immediate proposed IHA and a possible 1-year renewal, should the IHA holder choose to request one.

While there would be additional documents submitted with a renewal request, for a qualifying renewal these would be limited to documentation that NMFS would make available and use to verify that the activities are identical or nearly identical to those in the initial IHA such that the changes would have either no effect on impacts to marine mammals or decrease those impacts, or are a subset of activities already analyzed and authorized but not completed under the initial IHA. NMFS would also need to confirm, among other things, that the activities would occur in the same location; involve the same species and stocks; provide for continuation of the same mitigation, monitoring, and reporting requirements; and that no new information has been received that would alter the prior analysis. The renewal request would also contain a preliminary monitoring report, in order to verify that effects from the activities do not indicate impacts of a scale or nature not previously analyzed. The additional 15-

day public comment period, which includes NMFS' direct notice to anyone who commented on the proposed initial IHA, provides the public an opportunity to review these few documents, provide any additional pertinent information, and comment on whether they think the criteria for a renewal have been met. Combined together, the 30-day public comment period on the initial IHA and the additional 15-day public comment period on the renewal of the same or nearly identical activities, provides the public with a total of 45 days to comment on the potential for renewal of the IHA.

In addition to the IHA renewal process being consistent with all requirements under section 101(a)(5)(D), it is also consistent with Congress' intent for issuance of IHAs to the extent reflected in statements in the legislative history of the MMPA. Through the description of the process and express invitation to comment on specific potential renewals in the Request for Public Comments section of each proposed IHA, the description of the process on NMFS' website, further elaboration on the process through responses to comments such as these, posting of substantive documents on the agency's website, and provision of 30 or 45 days for public review and comment on all proposed initial IHAs and renewals respectively, NMFS has ensured that the public is "invited and encouraged to participate fully in the agency's decision-making process," as Congress intended.

For more information, NMFS has published a description of the renewal process on our website (available at <https://www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-harassment-authorization-renewals>).

Preliminary Determinations

NMFS has preliminarily concluded that there is no new information suggesting that our analysis or findings should change from those reached for the initial IHA. Based on the information and analysis contained here and in the referenced documents, NMFS has preliminarily determined the following: (1) the required mitigation measures will effect the least practicable impact on marine mammal species or stocks and their habitat; (2) the authorized takes will have a negligible impact on the affected marine mammal species or stocks; (3) the authorized takes represent small numbers of marine mammals relative to the affected stock abundances; (4) SouthCoast Wind's activities will not have an unmitigable adverse impact on taking for subsistence

purposes as no relevant subsistence uses of marine mammals are implicated by this action; and, (5) appropriate monitoring and reporting requirements are included.

Endangered Species Act

Section 7(a)(2) of the Endangered Species Act of 1973 (ESA; 16 U.S.C. 1531 *et seq.*) requires that each Federal agency insure that any action it authorizes, funds, or carries out is not likely to jeopardize the continued existence of any endangered or threatened species or result in the destruction or adverse modification of designated critical habitat. To ensure ESA compliance for the issuance of IHAs, NMFS consults internally, in this case with the NMFS Greater Atlantic Regional Fisheries Office (GARFO), whenever we propose to authorize take for endangered or threatened species.

NMFS Office of Protected Resources has proposed to authorize the incidental take of four species of marine mammals which are listed under the ESA (the North Atlantic right, fin, sei, and sperm whale) and has determined that these activities fall within the scope of activities analyzed in GARFO's programmatic consultation regarding geophysical surveys along the U.S. Atlantic coast in the three Atlantic Renewable Energy Regions (completed June 29, 2021; revised September 2021). The proposed renewal IHA provides no new information about the effects of the action, nor does it change the extent of effects of the action, or present any other basis to require re-initiation of consultation with NMFS GARFO; therefore, the ESA consultation has been satisfied for the initial IHA and remains valid for the renewal IHA.

Proposed Renewal IHA and Request for Public Comment

As a result of these preliminary determinations, NMFS proposes to issue a renewal IHA to SouthCoast Wind for conducting HRG surveys off the coast of Massachusetts and Rhode Island until May 11, 2025, provided the previously described mitigation, monitoring, and reporting requirements are incorporated. A draft of the proposed and final initial IHA can be found at <https://www.fisheries.noaa.gov/permit/incidental-take-authorizations-under-marine-mammal-protection-act>. We request comment on our analyses, the proposed renewal IHA, and any other aspect of this notice. Please include with your comments any supporting data or literature citations to help inform our final decision on the request for MMPA authorization.

Dated: September 16, 2024.

Kimberly Damon-Randall,

*Director, Office of Protected Resources,
National Marine Fisheries Service.*

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648-XE272]

Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to Washington State Department of Transportation's Seattle Slip 3 Vehicle Transfer Span Project in Washington State

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

ACTION: Notice; issuance of an incidental harassment authorization.

SUMMARY: In accordance with the regulations implementing the Marine Mammal Protection Act (MMPA) as amended, notification is hereby given that NMFS has issued an incidental harassment authorization (IHA) to Washington State Department of Transportation (WSDOT) to incidentally harass marine mammals during construction activities associated with the Seattle Slip 3 Vehicle Transfer Span (VTS) Replacement Project in Seattle, Washington.

DATES: This authorization is effective from September 12, 2024 through September 11, 2025.

ADDRESSES: Electronic copies of the application and supporting documents, as well as a list of the references cited in this document, may be obtained online at: <https://www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-take-authorizations-construction-activities>. In case of problems accessing these documents, please call the contact listed below.

FOR FURTHER INFORMATION CONTACT: Austin Demarest, Office of Protected Resources, NMFS, (301) 427-8401.

SUPPLEMENTARY INFORMATION:

Background

The MMPA prohibits the "take" of marine mammals, with certain exceptions. Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce (as delegated to NMFS) to allow, upon request, the incidental, but not

intentional, taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and either regulations are promulgated or, if the taking is limited to harassment, an incidental harassment authorization is issued.

Authorization for incidental takings shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s) and will not have an unmitigable adverse impact on the availability of the species or stock(s) for taking for subsistence uses (where relevant). Further, NMFS must prescribe the permissible methods of taking and other "means of effecting the least practicable adverse impact" on the affected species or stocks and their habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of the species or stocks for taking for certain subsistence uses (referred to in shorthand as "mitigation measures"). NMFS must also prescribe requirements pertaining to monitoring and reporting of such takings. The definition of key terms such as "take," "harassment," and "negligible impact" can be found in the MMPA and NMFS's implementing regulations (see 16 U.S.C. 1362; 50 CFR 216.103). The definitions of all applicable MMPA statutory terms cited above are included in the relevant sections below.

Summary of Request

On December 19, 2023, NMFS received a request from WSDOT for an IHA to take marine mammals incidental to Seattle Slip 3 VTS Replacement Project in Elliott Bay of the Puget Sound, Seattle, WA. Following NMFS' review of the application, WSDOT submitted revised versions on March 4, April 8, April 18, and April 29, 2024. A final revised monitoring plan was submitted on May 14, 2024 and a final revised application was submitted on May 16, 2024. The application was deemed adequate and complete on May 20, 2024. WSDOT's request is for take of 12 species of marine mammals, by Level B harassment only. The proposed IHA was published for public comment on July 30, 2024 (89 FR 61064). Neither WSDOT nor NMFS expect serious injury or mortality to result from this activity and, therefore, an IHA is appropriate.

Description of the Specified Activity and Anticipated Impacts

Overview

WSDOT plans to replace the Seattle Slip 3 VTS at Colman Dock which is located in Elliott Bay of the Puget Sound in Seattle, Washington. The purpose of the construction project is to preserve the transportation function of an aging, seismically deficient transfer span. The existing VTS will be removed and replaced with a hydraulic transfer span consisting of steel drilled shafts and a new steel wingwall. In-water construction includes cutting sheet piles, installation and removal of steel piles with a vibratory hammer, and proofing steel piles with an impact hammer to drive them to the maximum depth and ensure load bearing capacity. In-water pile removal and driving with vibratory and impact hammers may result in incidental take by Level B harassment of 12 marine mammal species within Elliott Bay and the Central Puget Sound.

A detailed description of the planned construction project is provided in the **Federal Register** notice for the proposed IHA (89 FR 61064, July 30, 2024). Since that time, no changes have been made to the planned activities. Therefore, a detailed description is not provided here. Please refer to that **Federal Register** notice for the description of the specific activity.

Comments and Responses

A notice of NMFS' proposal to issue an IHA to WSDOT was published in the **Federal Register** on July, 30 2024 (89 FR 61064). That notice described, in detail, WSDOT's activity, the marine mammal species that may be affected by the activity, and the anticipated effects on marine mammals. In that notice, we requested public input on the request for authorization described therein, our analysis, the proposed authorization, and any other aspect of the notice of the proposed IHA, and requested that interested persons submit relevant information, suggestions, and comments. During the 30-day public comment period, NMFS received a total of three public comment letters. Two of these were from Federal agencies stating simply that they had no comments, and the other comment letter was from a private citizen.

The only substantive comment and NMFS' response is provided below, and all public comment letters are available

online at: <https://www.fisheries.noaa.gov/action/incidental-take-authorization-washington-department-transportations-seattle-slip-3-vehicle>.

Comment: One commenter presented a suggestion regarding protected species observer (PSO) monitoring coverage from the Seattle-Bainbridge Island ferries during the vibratory installation of 24, 30, and 78-in steel pipe piles, stating that there are instances when only one Seattle-Bainbridge Island ferry is operating due to scheduling issues, insufficient staffing, or boat mechanical issues which necessitate additional PSO coverage at those times. The commenter suggested adding an alternate monitoring location for the second ferry based PSO if any of these operational issues occurred.

Response: NMFS agrees with the commenter's concern and added an alternate location for the second ferry based PSO to monitor from if there are delays or only one ferry is operational during the installation of the 24, 30 and 78-in pipe piles. NMFS refers the commenter to the Monitoring and Reporting section below and the Monitoring Requirements section of the final issued IHA.

Changes From the Proposed IHA to Final IHA

In the Monitoring and Reporting section of the proposed IHA **Federal Register** notice (89 FR 61064, July 30, 2024) one PSO was required to be stationed on each Seattle-Bainbridge Island ferry during the vibratory installation of 24, 30, and 78-in steel pipe piles. An alternate monitoring location for the second ferry stationed PSO was added to the Monitoring and Reporting section of this notice for instances when there are ferry delays or only one ferry is operational. Figure 2 was added as a spatial reference for the alternate monitoring location. These changes have also been added to the Monitoring Requirements section of the final issued IHA.

Description of Marine Mammals in the Area of Specified Activities

Sections 3 and 4 of the application summarize available information regarding status and trends, distribution and habitat preferences, and behavior and life history of the potentially affected species. NMFS fully considered all of this information, and we refer the reader to these descriptions, instead of

reprinting the information. Additional information regarding population trends and threats may be found in NMFS' Stock Assessment Reports (SARs; <https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessments>) and more general information about these species (e.g., physical and behavioral descriptions) may be found on NMFS' website (<https://www.fisheries.noaa.gov/find-species>).

Table 1 lists all species or stocks for which take is expected and authorized for this activity and summarizes information related to the population or stock, including regulatory status under the MMPA and Endangered Species Act (ESA) and potential biological removal (PBR), where known. PBR is defined by the MMPA as the maximum number of animals, not including natural mortalities, that may be removed from a marine mammal stock while allowing that stock to reach or maintain its optimum sustainable population (as described in NMFS' SARs). While no serious injury or mortality is anticipated or authorized here, PBR and annual serious injury and mortality from anthropogenic sources are included here as gross indicators of the status of the species or stocks and other threats.

Marine mammal abundance estimates presented in this document represent the total number of individuals that make up a given stock or the total number estimated within a particular study or survey area. NMFS' stock abundance estimates for most species represent the total estimate of individuals within the geographic area, if known, that comprises that stock. Survey abundance (as compared to stock or species abundance) is the total number of individuals estimated within the survey area, which may or may not align completely with a stock's geographic range as defined in the SARs. For some species, this geographic area or surveys may extend beyond U.S. waters. All managed stocks in this region are assessed in NMFS' U.S. Pacific and Alaska SARs. All values presented in table 1 are the most recent available at the time of publication (including from the draft 2023 SARs) and are available online at: <https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessments>.

TABLE 1—MARINE MAMMAL SPECIES¹ LIKELY IMPACTED BY THE SPECIFIED ACTIVITIES

Common name	Scientific name	Stock	ESA/ MMPA status; Strategic (Y/N) ²	Stock abundance (CV, N _{min} , most recent abundance survey) ³	PBR	Annual M/SI ⁴
Order Artiodactyla—Cetacea—Mysticeti (baleen whales)						
<i>Family Eschrichtiidae:</i>						
Gray whale	<i>Eschrichtius robustus</i>	Eastern N Pacific	- , - , N	26,960 (0.05, 25,849, 2016) ..	801	131
Minke whale	<i>Balaenoptera acutorostrata</i>	CA/OR/WA	- , - , N	915 (0.792, 509, 2018)	4.1	0.19
Odontoceti (toothed whales, dolphins, and porpoises)						
<i>Family Delphinidae:</i>						
Killer whale ⁵	<i>Orcinus orca</i>	West Coast Transient	- , - , N	349 (N/A, 349, 2018)	3.5	0.4
Bottlenose dolphin	<i>Tursiops truncatus</i>	CA/OR/WA offshore	- , - , N	3,477 (0.696, 2,048, 2018)	19.70	≥0.82
Long beaked common dolphin.	<i>Delphinus capensis</i>	CA	- , - , N	83,379 (0.216, 69,636, 2018)	668	≥29.7
Pacific white-sided Dol- phin.	<i>Lagenorhynchus obliquidens</i>	CA/OR/WA	- , - , N	34,999 (0.222, 29,090, 2018)	279	7
<i>Family Phocoenidae (por- poises):</i>						
Dall's porpoise	<i>Phocoenoides dalli</i>	CA/OR/WA	- , - , N	16,498 (0.61, 10,286, 2018) ..	99	≥0.66
Harbor porpoise	<i>Phocoena phocoena</i>	Washington Inland Waters	- , - , N	11,233 (0.37, 8,308, 2015)	66	≥7.2
Order Carnivora—Pinnipedia						
<i>Family Otariidae (eared seals and sea lions):</i>						
CA sea lion	<i>Zalophus californianus</i>	U.S.	- , - , N	257,606 (N/A, 233,515, 2014)	14,011	>321
Steller sea lion ⁶	<i>Eumetopias jubatus</i>	Eastern	- , - , N	36,308 (N/A, 36,308, 2022) ...	2,178	93.2
<i>Family Phocidae (earless seals):</i>						
Harbor seal	<i>Phoca vitulina</i>	Washington Northern Inland Waters.	- , - , N	16,451 (0.07, 15,462, 2019) ..	928	40
Northern elephant seal ⁷ ..	<i>Mirounga angustirostris</i>	CA Breeding	- , - , N	187,386 (N/A, 85,369, 2013)	5,122	13.7

¹ Information on the classification of marine mammal species can be found on the web page for The Society for Marine Mammalogy's Committee on Taxonomy (<https://marinemammalscience.org/science-and-publications/list-marine-mammal-species-subspecies/>).

² ESA status: Endangered (E), Threatened (T)/MMPA status: Depleted (D). A dash (-) indicates that the species is not listed under the ESA or designated as depleted under the MMPA. Under the MMPA, a strategic stock is one for which the level of direct human-caused mortality exceeds PBR or which is determined to be declining and likely to be listed under the ESA within the foreseeable future. Any species or stock listed under the ESA is automatically designated under the MMPA as depleted and as a strategic stock.

³ NMFS marine mammal stock assessment reports online at: <https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessment-reports-region>. CV is coefficient of variation; N_{min} is the minimum estimate of stock abundance.

⁴ These values, found in NMFS's SARs, represent annual levels of human-caused mortality plus serious injury from all sources combined (e.g., commercial fisheries, ship strike). Annual M/SI often cannot be determined precisely and is in some cases presented as a minimum value or range. A CV associated with estimated mortality due to commercial fisheries is presented in some cases.

⁵ Nest is based upon count of individuals identified from photo-ID catalogs in analysis of a subset of data from 1958–2018.

⁶ Nest is best estimate of counts, which have not been corrected for animals at sea during abundance surveys. Estimates provided are for the U.S. only.

⁷ There is uncertainty in available population estimates due to limited surveys, limited reproductive data, and uncertainty in stock relationships and harvest statistics.

As indicated above, all 12 species in table 1 spatially and temporally co-occur with the activity to the degree that take is reasonably likely to occur. A detailed description of the species likely to be affected by WSDOT's project, including brief introductions to the species and relevant stocks as well as available information regarding population trends and threats, and information regarding local occurrence, were provided in the **Federal Register** notice for the proposed IHA (89 FR 61064, July 30, 2024); since that time, we are not aware of any changes in the status of these species and stocks; therefore, detailed descriptions are not provided here. Please refer to that **Federal Register** notice for these descriptions. Please also refer to NMFS' website (<https://www.fisheries.noaa.gov/find-species>) for generalized species accounts.

Marine Mammal Hearing

Hearing is the most important sensory modality for marine mammals underwater, and exposure to anthropogenic sound can have deleterious effects. To appropriately assess the potential effects of exposure to sound, it is necessary to understand the frequency ranges marine mammals are able to hear. Not all marine mammal species have equal hearing capabilities (e.g., Richardson *et al.*, 1995; Wartok and Ketten, 1999; Au and Hastings, 2008). To reflect this, Southall *et al.* (2007, 2019) recommended that marine mammals be divided into hearing groups based on directly measured (behavioral or auditory evoked potential techniques) or estimated hearing ranges (behavioral response data, anatomical modeling, *etc.*). Generalized hearing ranges were chosen based on the

approximately 65 decibel (dB) threshold from the normalized composite audiograms, with the exception for lower limits for low-frequency cetaceans where the lower bound was deemed to be biologically implausible and the lower bound from Southall *et al.* (2007) retained. Marine mammal hearing groups and their associated hearing ranges are provided in table 2.

The pinniped functional hearing group was modified from Southall *et al.* (2007) on the basis of data indicating that phocid species have consistently demonstrated an extended frequency range of hearing compared to otariids, especially in the higher frequency range (Hemilä *et al.*, 2006; Kastelein *et al.*, 2009; Reichmuth *et al.*, 2013).

For more detail concerning these groups and associated frequency ranges, please see NMFS (2018) for a review of available information.

TABLE 2—MARINE MAMMAL HEARING GROUPS (NMFS, 2018)

Hearing group	Generalized hearing range *
Low-frequency (LF) cetaceans (baleen whales)	7 Hz to 35 kHz.
Mid-frequency (MF) cetaceans (dolphins, toothed whales, beaked whales, bottlenose whales)	150 Hz to 160 kHz.
High-frequency (HF) cetaceans (true porpoises, <i>Kogia</i> , river dolphins, Cephalorhynchid, <i>Lagenorhynchus cruciger</i> & <i>L. australis</i>).	275 Hz to 160 kHz.
Phocid pinnipeds (PW) (underwater) (true seals)	50 Hz to 86 kHz.
Otariid pinnipeds (OW) (underwater) (sea lions and fur seals)	60 Hz to 39 kHz.

* Represents the generalized hearing range for the entire group as a composite (*i.e.*, all species within the group), where individual species' hearing ranges are typically not as broad. Generalized hearing range chosen based on ~65 dB threshold from normalized composite audiogram, with the exception for lower limits for LF cetaceans (Southall *et al.* 2007) and PW pinniped (approximation).

Potential Effects of Specified Activities on Marine Mammals and Their Habitat

The effects of underwater noise from WSDOT's construction activities have the potential to result in behavioral harassment of marine mammals in the vicinity of the project area. The notice of proposed IHA (89 FR 61064, July 30, 2024) included a discussion of the effects of anthropogenic noise on marine mammals and the potential effects of underwater noise from WSDOT's construction activity on marine mammals and their habitat. That information and analysis is referenced in this final IHA determination and is not repeated here; please refer to the notice of proposed IHA (89 FR 61064, July 30, 2024).

Estimated Take of Marine Mammals

This section provides an estimate of the number of incidental takes authorized through the IHA, which will inform NMFS' consideration of "small numbers" and the negligible impact determinations.

Harassment is the only type of take expected to result from these activities. Except with respect to certain activities not pertinent here, section 3(18) of the MMPA defines "harassment" as any act of pursuit, torment, or annoyance, which (i) has the potential to injure a marine mammal or marine mammal stock in the wild (Level A harassment); or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering (Level B harassment).

Authorized takes may occur by Level B harassment only, in the form behavioral reactions and temporary threshold shift (TTS) for individual marine mammals resulting from exposure to noise from impact and vibratory pile driving and removal. Based on the nature of the activity and the anticipated effectiveness of the mitigation measures (*i.e.*, shutdown

zones at the Level A harassment area) discussed in detail below in the Mitigation section, Level A harassment is neither anticipated nor authorized.

As described previously, no serious injury or mortality is anticipated or authorized for this activity. Below we describe how the information provided above is synthesized to produce a quantitative estimate of the take that is reasonably like to occur and is authorized.

For acoustic impacts, generally speaking, we estimate take by considering: (1) acoustic thresholds above which NMFS believes the best available science indicates marine mammals will be behaviorally harassed or incur some degree of permanent hearing impairment; (2) the area or volume of water that will be ensonified above these levels in a day; (3) the density or occurrence of marine mammals within these ensonified areas; and, (4) the number of days of activities. We note that while these factors can contribute to a basic calculation to provide an initial prediction of potential takes, additional information that can qualitatively inform take estimates is also sometimes available (*e.g.*, previous monitoring results or average group size). Below, we describe the factors considered here in more detail and present the authorized take numbers.

Acoustic Thresholds

NMFS recommends the use of acoustic thresholds that identify the received level of underwater sound above which exposed marine mammals would be reasonably expected to be behaviorally harassed (equated to Level B harassment) or to incur permanent threshold shift (PTS) of some degree (equated to Level A harassment). Acoustic thresholds used in the analysis were discussed in detail in the notice of proposed IHA (89 FR 61064, July 30, 2024) and not repeated here. Please see that notice for additional detail.

Ensonified Area

Here, we describe operational and environmental parameters of the activity that are used in estimating the area ensonified above the acoustic thresholds, including source levels and transmission loss coefficient.

The sound field in the project area is the existing background noise plus additional construction noise from the construction project. Marine mammals are expected to be affected by sound generated from the impact and vibratory pile driving components of this project.

In order to calculate distances to the Level A harassment and Level B harassment thresholds for the methods and piles used in the project, NMFS used acoustic monitoring data from previous pile driving at WSDOT's Bainbridge Island Ferry Terminal Project (vibratory removal of 12-inch H-piles), Phase 2 of Colman Dock construction for the Seattle Multimodal Project (impact installation of 24-inch steel piles), and the Ebey Slough Bridge Replacement Project (72-inch steel piles). Each of the projects listed above occurred within the Puget Sound and provided the most suitable source levels due to similar physical habitat characteristics, pile sizes, and pile driving or removal methods (table 3).

Source levels from the Bainbridge Terminal Ferry Project and the Ebey Slough Bridge Replacement Project were used as proxies for the vibratory removal of 14-inch steel H-piles and the vibratory installation of 24, 30, and 78-inch steel pipe piles for the project because source levels for identical pile sizes were unavailable. Results from the vibratory installation of 72-inch piles at the Ebey Slough Bridge Replacement Project showed that source levels ranged between 148 to 166 dB re 1 μ Pa at 10 m, therefore 174 dB re 1 μ Pa at 10 m, as proposed for use by WSDOT, was used as a conservative source level estimate for the vibratory installation of 24, 30, and 78-in steel pipe piles (WSDOT 2011). The source level for 14-inch H-piles was assumed to be

equivalent to the vibratory removal of 12-inch H-piles at the Bainbridge Island Ferry Terminal where the unweighted RMS SPL source level was 153 dB re 1 μ Pa at 10 m (Laughlin 2019). Bubble

curtains would be employed for impact installation of 24-inch steel piles but zero dB of effective attenuation is assumed because a bubble curtain was used at Phase 2 of Colman Dock

construction for the Seattle Multimodal Project, thus source levels would be the same.

TABLE 3—SEATTLE SLIP 3 VEHICLE TRANSFER SPAN PROXY SOUND SOURCE LEVELS FOR PILE SIZES AND DRIVING METHODS

Pile type and size (in)	Method	Source level at 10 m (dB re 1 μ Pa)	Reference
14-inch steel H-piles	Vibratory Removal	153 dB rms	Laughlin (2019).
24-inch steel pipe piles	Vibratory installation and removal	174 dB rms	WSDOT (2011).
24-inch steel pipe piles	Impact installation	166 SEL, 176 dB rms, 194 dB peak.	Greenbusch Group (2019).
30-inch steel sheet piles	Vibratory installation	174 dB rms	WSDOT (2011).
78-inch steel pipe piles	Vibratory installation	174 dB rms	WSDOT (2011).

Level B Harassment Zones

Transmission loss (TL) is the decrease in acoustic intensity as an acoustic pressure wave propagates out from a source. TL parameters vary with frequency, temperature, sea conditions, current, source and receiver depth, water depth, water chemistry, and bottom composition and topography. The general formula for underwater TL is:

$$TL = B * \log_{10} (R1/R2)$$

Where:

TL = transmission loss in dB

B = transmission loss coefficient; for practical spreading equals 15

R1 = the distance of the modeled SPL from the driven pile, and

R2 = the distance from the driven pile of the initial measurement

The recommended TL coefficient for most nearshore environments is the practical spreading value of 15. This

value results in an expected propagation environment that would lie between spherical and cylindrical spreading loss conditions, which is the most appropriate assumption for the WSDOT's activities in the absence of specific modelling. The estimated Level B harassment zones for the WSDOT's activities are shown in tables 4 and 5.

Level A Harassment Zones

The ensonified area associated with Level A harassment is more technically challenging to predict due to the need to account for a duration component. Therefore, NMFS developed an optional user spreadsheet tool to accompany the Technical Guidance that can be used to relatively simply predict an isopleth distance for use in conjunction with marine mammal density or occurrence to help predict potential takes. We note that because of some of the assumptions included in the methods underlying this

optional tool, we anticipate that the resulting isopleth estimates are typically going to be overestimates of some degree, which may result in an overestimate of potential take by Level A harassment. However, this optional tool offers the best way to estimate isopleth distances when more sophisticated modeling methods are not available or practical. For stationary sources such as pile installation and removal, the optional User Spreadsheet tool predicts the distance at which, if a marine mammal remained at that distance for the duration of the activity, it would be expected to incur PTS. Inputs used in the optional User Spreadsheet tool (e.g., number of piles per day, during and/or strikes per pile) are presented in table 1 of the proposed IHA **Federal Register** notice (89 FR 61064; July 30, 2024), and the resulting estimated isopleths and ensonified areas are reported in tables 4 and 5 below.

TABLE 4—LEVEL A AND LEVEL B HARASSMENT ZONES

Pile size and type	Pile driving method	Level A harassment zone (m)					Level B harassment zone (m)
		LF cetaceans	MF cetaceans	HF cetaceans	Phocids	Otarids	
14-inch steel	Vibratory removal	3.2	0.3	4.7	1.9	0.1	1,585
24-inch steel	Vibratory installation and removal	65.8	5.8	97.3	40.0	2.8	^a 15,410
24-inch steel	Impact installation	75.9	2.7	90.4	40.6	3.0	736
30-inch steel	Vibratory installation	50.2	4.5	74.3	30.5	2.1	^a 15,410
78-in steel	Vibratory installation	50.2	4.5	74.3	30.5	2.1	^a 15,410

^a Land is reached at a maximum of 15,410 km/9.6 miles.

TABLE 5—LEVEL A AND LEVEL B ENSONIFIED AREAS

Pile size and type	Pile driving method	Level A ensonified area (m ²)					Level B harassment zone (m)
		LF cetaceans	MF cetaceans	HF cetaceans	Phocids	Otarids	
14-inch steel	Vibratory removal	8.0	0.07	17.4	2.8	0.007	3,247,392
24-inch steel	Vibratory installation and removal	4,524.5	5.7	6,418	1,294.6	7.07	75,844,286
24-inch steel	Impact installation	75.9	2.7	90.4	40.6	3.0	861,188
30-inch steel	Vibratory installation	1,979.2	15.9	4,336	730.6	3.5	75,844,286
78-inch steel	Vibratory Installation	1,979.2	15.9	4,336	730.6	3.5	75,844,286

Marine Mammal Occurrence and Take Estimation

In this section we provide information about the occurrence of marine mammals, including density or other relevant information which will inform take incidental to WSDOT's pile driving activities for the Seattle Slip 3 VTS Replacement Project. Throughout this section the pile installation or removal will be referred to as "pile driving" unless specified otherwise. From 2017 through 2021 WSDOT monitored for

marine mammals in Elliott Bay for the Seattle Multimodal Project. During this time, marine mammal monitoring occurred for 377 days. Since the Seattle Multimodal Project occurred in Elliott Bay, WSDOT considered this marine mammal monitoring data to be the most comprehensive and relevant for estimating take for the Seattle Slip 3 VTS Replacement Project. Therefore, this data compiled all of these monitoring results and calculated total sightings, average sightings per day, and maximum sightings per day for all

species of marine mammals that were observed (table 6). WSDOT used their best professional judgement and used this data to estimate take by multiplying maximum sighting per day by 19, which is the maximum number of in-water working days WSDOT estimates it would take to complete the project in a total worst case scenario.

NMFS has carefully evaluated these methods and concludes that it is an accurate and appropriate method for estimating take for WSDOT's activities for this project.

TABLE 6—MARINE MAMMALS SIGHTED AT THE SEATTLE MULTIMODAL PROJECT

Species	Total individuals sighted ^a	Average individuals sighted/day (377 days) ^a	Maximum individuals sighted in one-day ^a	Take requested
Harbor seal	2,271	6.0	32	Yes.
Northern elephant seal	1	0.003	1	Yes.
California sea lion	3,669	9.7	29	Yes.
Steller sea lion	112	0.3	10	Yes.
Unidentified pinniped	121	N/A	N/A	N/A.
Killer whale Southern resident	170	0.5	26	No.
Killer whale transient	79	0.2	20	Yes.
Gray whale	5	0.01	2	Yes.
Humpback whale	8	0.02	1	No.
Minke whale	3	0.008	1	Yes.
Unidentified large whale	2	N/A	1	N/A.
Unidentified small whale	10	N/A	N/A	N/A.
Harbor porpoise	655	1.7	72	Yes.
Dall's porpoise	8	0.02	5	Yes.
Common bottlenose dolphin	6	0.02	2	Yes.
Pacific white-sided dolphin	2	0.005	2	Yes.
Long-beaked common dolphin	0	N/A	0	Yes.
Unidentified dolphin/porpoise	46	N/A	6	N/A.

^a WSDOT 2022.

Gray Whale—Although gray whales are common on the southern ends of Whidbey and Camano Islands in the Puget Sound February through May, they are rarely sighted in the construction area (Calambokidis et. al. 2024). During the Seattle multimodal project only five gray whales were detected over 377 days of monitoring with a maximum of two individuals observed on a single day (WSDOT 2022). WSDOT estimated that up to 2 gray whales could be taken per day for the 19 days of construction, for a total of 38 takes by Level B harassment.

Since Seattle Slip 3 VTS Replacement Project construction would occur from August through mid-February, gray whales occurrence is expected to be relatively low. In this context, and given that gray whales are highly conspicuous, we have a high degree of confidence that WSDOT can successfully implement shutdowns as necessary to avoid any potential Level A harassment of gray whales. WSDOT must also monitor the Orca Network and the Whale Report Alert System

(WRAS) daily in order to maintain awareness of regional whale occurrence and movements (*see* Mitigation and Monitoring and Reporting sections below). Therefore, take of gray whales by Level A harassment is not anticipated or authorized.

Minke Whale—Minke whales are uncommon during fall and winter months in the Puget Sound but are rarely sighted in the construction area (Calambokidis and Baird 1994). During the Seattle Multimodal Project only three minke whale detections occurred over 377 days of monitoring with a maximum of one detection on a single day (WSDOT 2022). WSDOT estimated that up to 1 minke whale could be taken per day for the 19 days of construction, for a total of 19 takes by Level B harassment.

Since the Seattle Slip 3 VTS Replacement Project construction would occur from August through mid-February, minke whale occurrence is expected to be relatively low. In these circumstances, and given that minke whales are highly conspicuous, we have

a high degree of confidence that WSDOT can successfully implement shutdowns as necessary to avoid any potential Level A harassment of minke whales. WSDOT must also monitor the Orca Network and the WRAS daily in order to maintain awareness of regional whale occurrence and movements (*see* Mitigation and Monitoring and Reporting sections below). Therefore, take of minke whales by Level A harassment is not anticipated or authorized.

Transient Killer Whale—Transient killer whales are common in the Puget Sound in all months and a total of 79 transient killer whale detections occurred over 377 days of monitoring for the Seattle Multimodal Project with a maximum of 20 detections in a single day (Orca Network 2021, WSDOT 2022). WSDOT estimated that up to 20 incidents of take for transient killer whales could occur per day for 19 days of construction, for a total of 380 takes by Level B Harassment. Transient killer whales are common in the Puget Sound and are highly conspicuous.

The largest Level A harassment zone for mid-frequency cetaceans for all construction of the Seattle Slip 3 VTS Replacement Project is less than 6 m. It is highly unlikely that any cetacean would enter within 6 m of active pile driving, and no take by Level A harassment for any mid-frequency cetacean is expected to occur. WSDOT must also monitor the Orca Network and the WRAS daily in order to maintain awareness of regional whale occurrence and movements (see Mitigation and Monitoring and Reporting sections below). Therefore, take of transient killer whales by Level A harassment is not anticipated or authorized.

Bottlenose Dolphin—Bottlenose dolphins are considered to be rare in the Puget Sound but they were detected by the Cascadia Research Collective and reported via the Orca Network in 2017 (Cascadia Research Collective, 2017). They were also detected on six occasions with a maximum of two detections on a single day during the Seattle Multimodal Project (WSDOT 2022). WSDOT estimated that up to 2 bottlenose dolphins could be taken per day for the 19 days of construction, for a total of 38 takes by Level B harassment.

The largest Level A harassment zone for mid-frequency cetaceans for all construction of the Seattle Slip 3 VTS Replacement Project is less than 6 m. It is highly unlikely that any cetacean would enter within 6 m of active pile driving, and no take by Level A harassment for any mid-frequency cetacean is expected to occur. WSDOT must also monitor the Orca Network and the WRAS daily in order to maintain awareness of regional whale occurrence and movements (see Mitigation and Monitoring and Reporting sections below). Therefore, take of bottlenose dolphins by Level A harassment is not anticipated or authorized.

Long-Beaked Common Dolphin—No confirmed detections of long-beaked common dolphins occurred during the Seattle Multimodal Project but six unidentified delphinids were observed (WSDOT 2022). WSDOT assumed that up to two of these unidentified delphinids could have been long-beaked common dolphins. Therefore, WSDOT estimated that up to 2 long-beaked common dolphins could be taken per day for the 19 days of construction, for a total of 38 takes by Level B harassment.

The largest Level A harassment zone for mid-frequency cetaceans for all construction of the Seattle Slip 3 VTS Replacement Project is less than 6 m. It

is highly unlikely that any cetacean would enter within 6 m of active pile driving, and no take by Level A harassment for any mid-frequency cetacean is expected to occur. WSDOT must also monitor the Orca Network and the WRAS daily in order to maintain awareness of regional whale occurrence and movements (see Mitigation and Monitoring and Reporting sections below). Therefore, take of long-beaked common dolphins by Level A harassment is not anticipated or authorized.

Pacific White-Sided Dolphin—Pacific white-sided dolphins are rare in the Puget Sound but have been observed in San Juan Channel (Orca Network 2012). Two Pacific white sided dolphins were also observed during the Seattle Multimodal Project (WSDOT 2022). WSDOT estimated that up to 2 Pacific white-sided dolphins could be taken per day for the 19 days of construction, for a total of 38 takes by Level B harassment.

The largest Level A harassment zone for mid-frequency cetaceans for all construction of the Seattle Slip 3 VTS Replacement Project is less than 6 m. It is highly unlikely that any cetacean would enter within 6 m of active pile driving, and no take by Level A harassment for any mid-frequency cetacean is expected to occur. WSDOT must also monitor the Orca Network and the WRAS daily in order to maintain awareness of regional whale occurrence and movements (see Mitigation and Monitoring and Reporting sections below). Therefore, take of Pacific white-sided dolphins by Level A harassment is not anticipated or authorized.

Dall's Porpoise—Dall's porpoises are considered rare within the project area. WSDOT recorded only eight detections over 377 days of monitoring during the Seattle Multimodal Project (WSDOT 2022). WSDOT estimated that up to 5 Dall's porpoises could be taken per day for the 19 days of construction, for a total of 95 takes by Level B harassment.

The largest Level A harassment zone for high-frequency cetaceans for all construction of the Seattle Slip 3 VTS Replacement Project is less than 100 m. Due to the relatively short duration of construction for the Seattle Slip 3 VTS Replacement Project and infrequent detections of Dall's porpoises, WSDOT estimated that no Dall's porpoises would be likely to enter the Level A harassment zone. Take by Level A harassment of Dall's porpoises is not anticipated or authorized.

Harbor Porpoise—From 2017 through 2022, WSDOT recorded 655 detections of harbor porpoises with a maximum of

72 detections on a single day (WSDOT 2022). WSDOT estimated that up to 72 instances of take for harbor porpoises could occur per day for the 19 days of construction, for a total of 1,368 takes by Level B harassment.

The largest Level A harassment zone for high-frequency cetaceans is under 100 m. Although harbor porpoises are relatively common in the Puget Sound, we assume that WSDOT would be able to cease construction if harbor porpoises entered the Level A harassment zone before sufficient duration of exposure for PTS to occur. Take by Level A harassment is not anticipated or authorized.

California Sea Lion—California sea lions are relatively common throughout the Puget Sound. During the Seattle Multimodal Project a maximum of 29 sea lions were detected on a single day with a total of 3,669 sightings over the 377 days of monitoring (WSDOT 2022). WSDOT estimated that 32 California sea lions would enter the Level B harassment zone for each of the 19 days of construction, for a total of 551 takes by Level B harassment.

The largest Level A harassment zone for Otariids for all construction of the Seattle Slip 3 VTS Replacement Project is less than 3 m. It is highly unlikely that any Otariids would enter within 3 m of active pile driving, and no take by Level A harassment for any mid-frequency cetacean is expected to occur. Therefore, take of California sea lions by Level A harassment is not anticipated or authorized.

Steller Sea Lion—Monitoring during the Seattle Multimodal Project recorded 112 detections of Steller sea lions over 377 days of monitoring, which is less than 1 detection per day. However, a maximum of 10 detections were recorded in a single day. Therefore, WSDOT estimated that 10 Steller sea lions would enter the Level B harassment zone each day for the 19 days of construction of the project, for a total of 190 takes by Level B harassment.

The largest Level A harassment zone for Otariids for all construction of the Seattle Slip 3 VTS Replacement Project is less than 3 m. It is highly unlikely that any Otariids would enter within 3 m of active pile driving, and no take by Level A harassment for any mid-frequency cetacean is expected to occur. Therefore, take of steller sea lions by Level A harassment is not anticipated or authorized.

Harbor Seal—Harbor seals are common in the project area. During the Seattle Multimodal Project WSDOT recorded an average of 6 harbor seal detections per day and a maximum of

32 in a single day (WSDOT 2022).

WSDOT estimated that a maximum of 32 harbor seals will enter the Level B harassment zones for each of the 19 days of construction, for a total of 608 takes by Level B harassment.

The largest Level A harassment zone for high-frequency phocids is under 41 m. Although harbor seals are relatively common in the Puget Sound, we assume that WSDOT would be able to cease construction if harbor seals entered the Level A harassment zone before sufficient duration of exposure for PTS to occur. Take by Level A harassment is not anticipated or authorized.

Northern Elephant Seal—Although northern elephant seals are rare in the Puget Sound, one individual was detected during the Seattle Multimodal Project. Since northern elephant seals are rare in the construction area, WSDOT estimated that a maximum of one elephant seal would enter the Level B harassment zone per day for each of the 19 days of construction. A total of 19 takes by Level B harassment is estimated for northern elephant seals for construction associated with the Seattle Slip 3 VTS Replacement Project.

Similar to harbor seals, the largest harassment zone is less than 41 m for

all construction activities. Given the anticipated rarity of occurrence for elephant seals, WSDOT does not expect northern elephant seals to enter Level A harassment zones without being detected prior to shutdown.

Construction will cease if a northern elephant seal is observed entering Level A harassment zone. Therefore, no take by Level A harassment of northern elephant seals is anticipated or authorized.

TABLE 7—ESTIMATED TAKE OF MARINE MAMMAL BY LEVEL B HARASSMENT FOR 19 DAYS OF IN-WATER CONSTRUCTION

Species	Maximum sightings/day ^a	Total takes by Level B harassment	Percent of stock
Phocids:			
Harbor seal	32	608	5.51
Northern elephant seal	1	19	0.02
Otariids:			
California sea lion	29	551	0.24
Steller sea lion	10	190	0.23
Cetaceans:			
Killer whale transient	20	380	110
Gray whale	2	38	0.15
Minke whale	1	19	3.7
Harbor porpoise	72	1,368	16.5
Dall's porpoise	5	95	0.37
Common bottlenose dolphin	2	38	3.0
Pacific white-sided dolphin	2	38	0.13
Long-beaked common dolphin	5	38	0.05

^aWSDOT 2022.

Mitigation

In order to issue an IHA under section 101(a)(5)(D) of the MMPA, NMFS must set forth the permissible methods of taking pursuant to the activity, and other means of effecting the least practicable impact on the species or stock and its habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of the species or stock for taking for certain subsistence uses (latter not applicable for this action). NMFS regulations require applicants for incidental take authorizations to include information about the availability and feasibility (economic and technological) of equipment, methods, and manner of conducting the activity or other means of effecting the least practicable adverse impact upon the affected species or stocks, and their habitat (50 CFR 216.104(a)(11)).

In evaluating how mitigation may or may not be appropriate to ensure the least practicable adverse impact on species or stocks and their habitat, as well as subsistence uses where

applicable, NMFS considers two primary factors:

(1) The manner in which, and the degree to which, the successful implementation of the measure(s) is expected to reduce impacts to marine mammals, marine mammal species or stocks, and their habitat. This considers the nature of the potential adverse impact being mitigated (likelihood, scope, range). It further considers the likelihood that the measure will be effective if implemented (probability of accomplishing the mitigating result if implemented as planned), the likelihood of effective implementation (probability implemented as planned), and;

(2) The practicability of the measures for applicant implementation, which may consider such things as cost, and impact on operations.

Shutdown Zones

Prior to the start of any in-water construction, WSDOT must establish shutdown zones for all planned activities. Shutdown zones are pre-defined areas within which construction will be halted upon sightings of a

marine mammal or in anticipation of a marine mammal entering the established shutdown zones. Pile-driving will not re-commence until all marine mammals are assumed to have cleared these established shutdown zones.

WSDOT must establish shutdown zones for Southern Resident killer whales (SRKWs) and humpback whales (HWs) at the Level B harassment zone for the vibratory removal of 14-in piles at 1,600 m and at 750 m for impact driving 24-in piles (table 4 and table 8). These shutdown zones are the Level B harassment zone rounded up to the nearest 50 m for each pile size and driving method. Shutdown zones for the remaining pile-driving for SRKWs and HWs will be established at 15,410 m, which is equivalent to the maximum Level B harassment area before it reaches land.

The largest Level A harassment zone for the vibratory removal of 14-in piles is 3.2 m for all cetaceans and pinnipeds. However, WSDOT will implement a shutdown zone at 50 m for removal of 14-in piles. The shutdown zones for the

remaining pile-driving activities will be established at 100 m for all hearing groups of cetaceans (except SRKWs and HWs, as discussed above) and 50 m for all pinnipeds. The largest Level A harassment zone amongst all hearing groups of cetaceans would be 97.3 m for the remaining pile-driving (table 4). The largest Level A harassment zone amongst pinnipeds will be 40.6 m for the remaining pile driving (table 4). With WSDOTs established shutdown zones, all incidental take will be prevented for SRKWs and HWs and

only take by Level B harassment is authorized to occur for the remaining species of cetaceans and pinnipeds. WSDOT will also establish shutdown zones for all other species of marine mammals for which take has not been authorized or for which incidental take has been authorized but the number of authorized takes has already been met. Those zones will be equivalent to Level B harassment zones provided for each activity in table 4. In addition to the shutdown zones mentioned above, WSDOT proposes to

implement shutdown measures for SRKWs and HWs. If SRKWs or HWs are observed within or approaching established shutdown zones (see table 8), WSDOT will shut down pile driving equipment to avoid take of these species. If a killer whale approaches a Level B harassment zone, and it is unknown if it is a SRKW or a Transient killer whale, WSDOT would assume it is a SRKW and implement shutdown measures. Pile driving would only resume if the killer whale could be confirmed as a Transient killer whale.

TABLE 8—SHUTDOWN ZONES FOR ALL PILE-DRIVING ACTIVITIES FOR THE SEATTLE SLIP 3 VTS REPLACEMENT PROJECT

Pile size and type	Pile driving method	Shutdown zones (m)					SRKW and HW shutdown zones (m)
		LF cetaceans	MF cetaceans	HF cetaceans	Phocids	Otarids	
14-in steel	Vibratory removal	50	50	50	50	50	1,600
24-in steel	Vibratory installation and removal	100	100	100	50	50	* 15,410
24-in steel	Impact installation	100	100	100	50	50	750
30-in steel	Vibratory installation	100	100	100	50	50	* 15,410
78-in steel	Vibratory Installation	100	100	100	50	50	* 15,410

* 15,410 m is the maximum distance sound can travel before reaching land.

Protected Species Observers

The monitoring locations for all PSOs during all pile driving activities (described in the Monitoring and Reporting Section) will ensure that the entirety of all shutdown zones are visible. If environmental conditions deteriorate such that the entirety of shutdown zones would not be visible (e.g., fog, heavy rain, Beaufort sea state, etc.) all pile driving must be delayed until PSOs are confident that marine mammals in the shutdown zones could be detected.

Monitoring for Level A and Level B Harassment

All of the harassment zones will be monitored by PSOs to the extent practicable. Established monitoring zones will allow PSOs to observe marine mammals and define clear monitoring protocols for areas adjacent to shutdown zones. The monitoring zones and protocols will enable PSOs to be aware of and communicate the presence of marine mammals in project areas and outside of project areas to prepare for potential cessation of pile driving activities should a marine mammal enter a shutdown zone.

Pre-Activity Monitoring

Prior to the start of daily in-water construction activities, or whenever a break in pile driving of 30 minutes or longer occurs, PSOs must observe shutdown and monitoring zones for a 30 minute period. The shutdown zone will

be considered cleared when a marine mammal has not been observed within the zone for that 30-minute period. If pile driving is delayed or halted due to the presence of a marine mammal, the activities may not commence or resume until either the animal has voluntarily exited and been visually confirmed beyond the shutdown zones or 15 minutes have passed without re-detection of the animal. When a marine mammal for which Level B harassment take is authorized is present in the Level B harassment zone and authorized take has not been met, activities may begin. If work ceases for more than 30 minutes, the pre-activity monitoring of the shutdown zones must commence. A determination that the shutdown zone is clear must be made during a period of good visibility (i.e., the entire shutdown zone and surrounding waters must be visible to the naked eye).

Soft Start

Soft-start procedures are used to provide additional protection to marine mammals by providing warning and/or giving marine mammals a chance to leave the area prior to the hammer operating at full capacity. For impact pile driving, contractors are required to provide an initial set of three strikes from the hammer at reduced energy, followed by a 30-second waiting period, then two subsequent reduced-energy strike sets. Soft start must be implemented at the start of each day's impact pile driving and at any time following cessation of impact pile

driving for a period of 30 minutes or longer.

Bubble Curtain

A bubble curtain will be employed during impact installation or proofing of steel piles, unless the piles are driven in the dry, or water is less than 3 ft (feet) (0.9 m) in depth. A noise attenuation device is not be required during vibratory pile driving. If a bubble curtain or similar measure is used, it must distribute air bubbles around 100 percent of the piling perimeter for the full depth of the water column. Any other attenuation measure would be required to provide 100 percent coverage in the water column for the full depth of the pile. The lowest bubble ring must be in contact with the mudline for the full circumference of the ring. The weights attached to the bottom ring would ensure 100 percent mudline contact. No parts of the ring or other objects will prevent full mudline contact.

Based on our evaluation of the applicant's mitigation measures, NMFS determined that the established mitigation measures provide the means of effecting the least practicable impact on the affected species or stocks and their habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance.

Monitoring and Reporting

In order to issue an IHA for an activity, section 101(a)(5)(D) of the MMPA states that NMFS must set forth

requirements pertaining to the monitoring and reporting of such taking. The MMPA implementing regulations at 50 CFR 216.104(a)(13) indicate that requests for authorizations must include the suggested means of accomplishing the necessary monitoring and reporting that will result in increased knowledge of the species and of the level of taking or impacts on populations of marine mammals that are expected to be present while conducting the activities. Effective reporting is critical both to compliance as well as ensuring that the most value is obtained from the required monitoring.

Monitoring and reporting requirements prescribed by NMFS should contribute to improved understanding of one or more of the following:

- Occurrence of marine mammal species or stocks in the area in which take is anticipated (*e.g.*, presence, abundance, distribution, density);
- Nature, scope, or context of likely marine mammal exposure to potential stressors/impacts (individual or cumulative, acute or chronic), through better understanding of: (1) action or environment (*e.g.*, source characterization, propagation, ambient noise); (2) affected species (*e.g.*, life history, dive patterns); (3) co-occurrence of marine mammal species with the activity; or (4) biological or behavioral context of exposure (*e.g.*, age, calving or feeding areas);
- Individual marine mammal responses (behavioral or physiological) to acoustic stressors (acute, chronic, or cumulative), other stressors, or cumulative impacts from multiple stressors;
- How anticipated responses to stressors impact either: (1) long-term fitness and survival of individual marine mammals; or (2) populations, species, or stocks;
- Effects on marine mammal habitat (*e.g.*, marine mammal prey species, acoustic habitat, or other important physical components of marine mammal habitat); and

- Mitigation and monitoring effectiveness.

Visual Monitoring

Marine mammal monitoring during pile driving activities must be conducted by PSOs meeting NMFS' standards and in a manner consistent with the following:

- PSOs must be independent of the activity contractor (for example, employed by a subcontractor) and have no other assigned tasks during monitoring periods;
- At least one PSO must have prior experience performing the duties of a PSO during construction activity pursuant to a NMFS-issued incidental take authorization;
- Other PSOs may substitute education (degree in biological science or related field) or training for experience; and
- Where a team of three or more PSOs is required, a lead observer or monitoring coordinator would be designated. The lead observer would be required to have prior experience working as a marine mammal observer during construction.
- PSOs must be approved by NMFS prior to beginning any activities subject to this IHA.

PSOs must have the following additional qualifications:

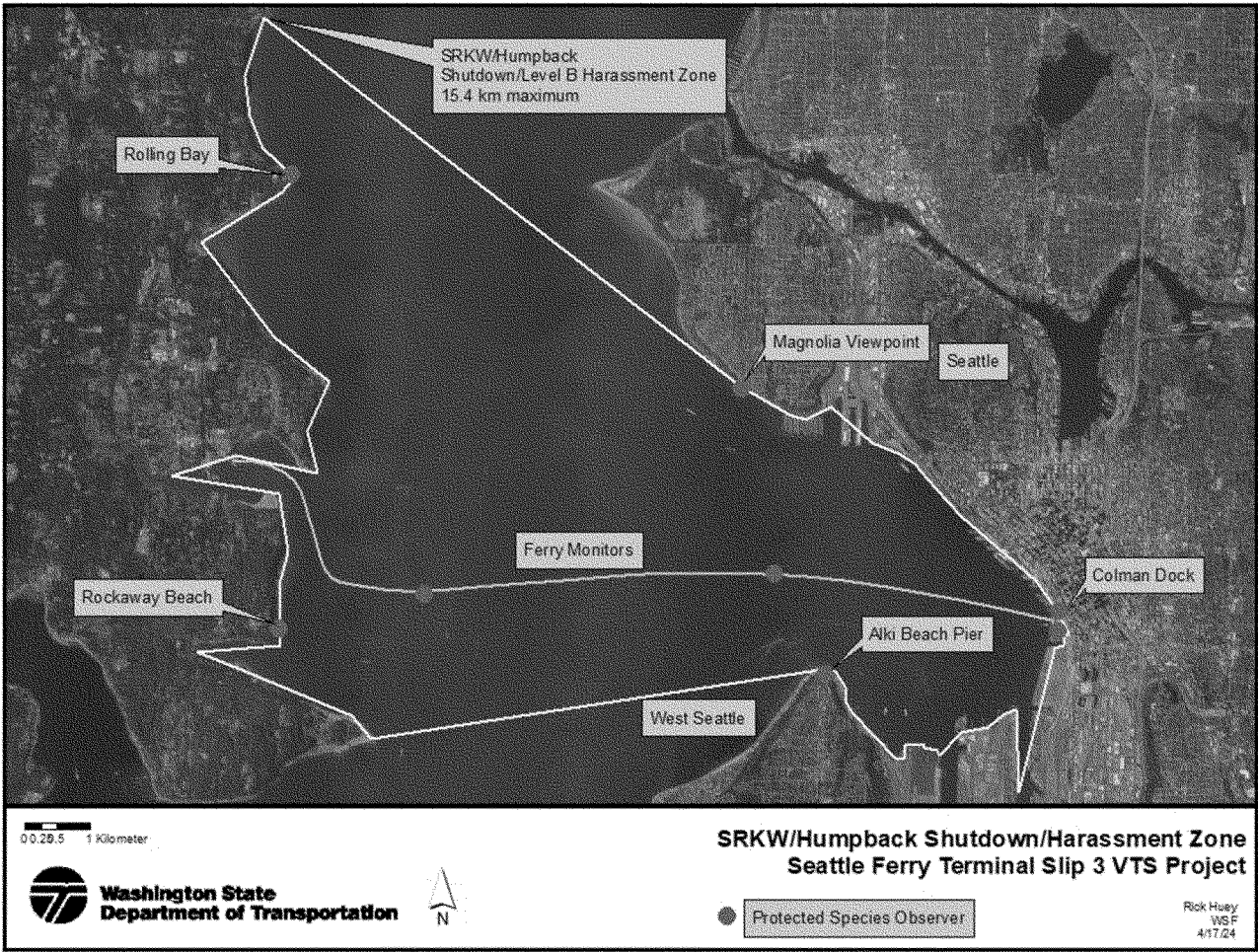
- Ability to conduct field observations and collect data according to assigned protocols;
- Experience or training in the field identification of marine mammals, including the identification of behaviors;
- Sufficient training, orientation, or experience with the construction operation to provide for personal safety during observations;
- Writing skills sufficient to prepare a report of observations including but not limited to the number and species of marine mammals observed; dates and times when in-water construction activities were conducted; dates, times, and reason for implementation of mitigation (or why mitigation was not implemented when required); and marine mammal behavior; and

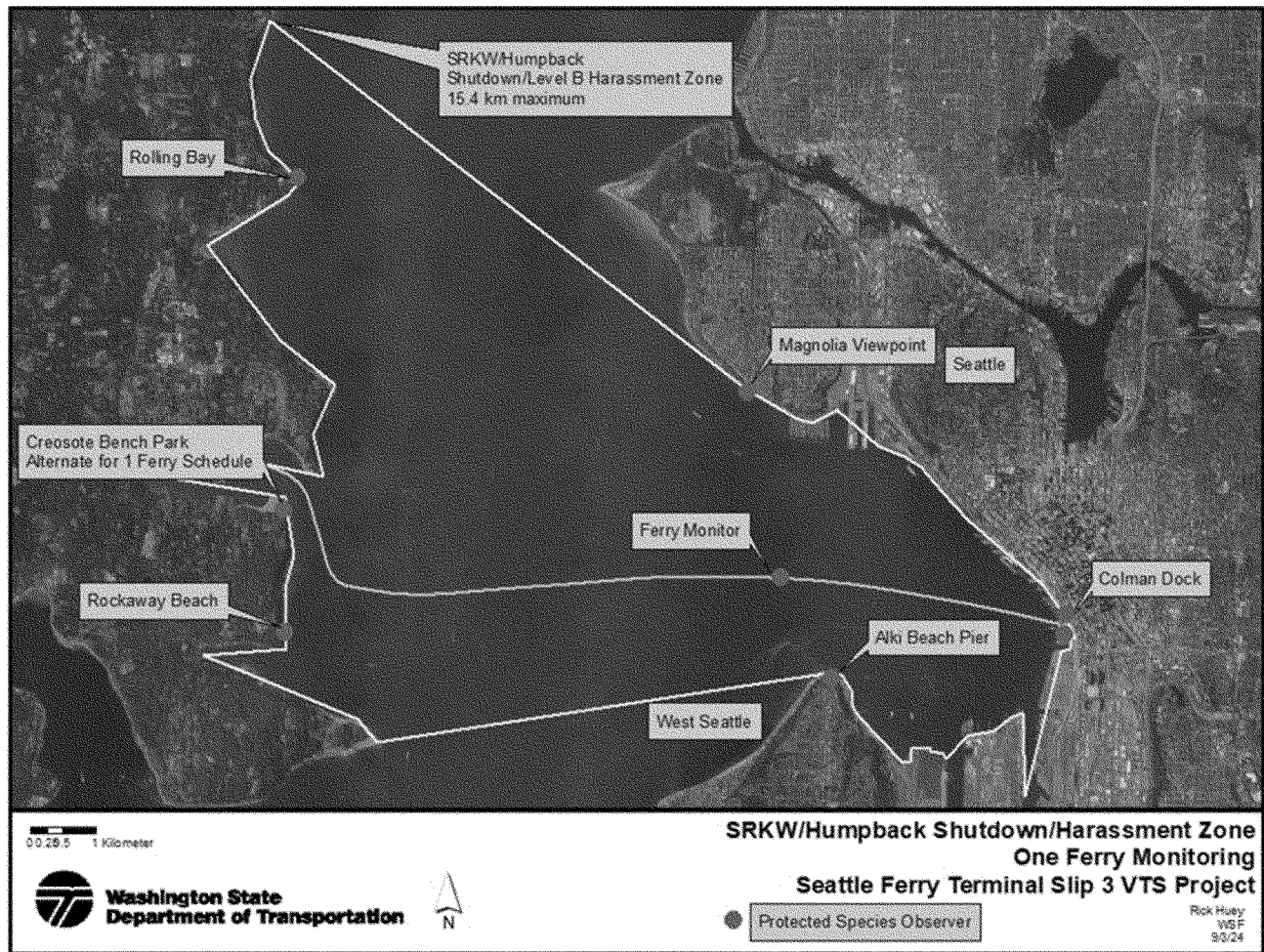
- Ability to communicate orally, by radio or in person, with project personnel to provide real-time information on marine mammals observed in the area as necessary.

During all pile driving activities, a minimum of three PSO will monitor shutdown zones during pile driving activities. A total of three PSOs will monitor the area for the vibratory removal 14-in steel H-piles, two PSOs will monitor from the construction site and the other PSO will monitor from Pier 69/70. For the vibratory installation and removal of 24, 30, and 78-in steel pipe piles eight PSOs will monitor shutdown zones. PSOs as described above, one PSO will be stationed on each of the Seattle-Bainbridge Island Ferries (two PSOs in total on ferries), one PSO stationed at Alki Beach Pier on the south end of Elliott Bay, one PSO stationed at Magnolia Viewpoint on the north end of Elliott Bay, one PSO station at Rolling Bay on Bainbridge Island, and another PSO stationed at Rockaway Beach on Bainbridge Island. During impact pile driving 24-in steel pipe piles, two PSOs will be stationed at the construction site and an additional PSO will be stationed at pier 62 at the north end of the SRKW and HW shutdown zones (figure 1). If one of the Seattle-Bainbridge Island Ferries is delayed or inoperable during pile installation described above, then WSDOT must place the second ferry PSO at Creosote Bench Park on Bainbridge Island as an alternate monitoring location (figure 2).

Monitoring must be conducted 30 minutes before, during, and 30 minutes after all in water construction activities. In addition, observers must record all incidents of marine mammal occurrence, regardless of distance from activity, and will document any behavioral reactions in concert with distance from piles being driven or removed. Pile driving activities include the time to install or remove a single pile or series of piles, as long as the time elapsed between uses of the pile driving equipment is no more than 30 minutes.

BILLING CODE 3510-22-P





BILLING CODE 3510-22-C

Coordination With Marine Mammal Research Networks

Prior to the start of pile driving for the day, the PSOs will contact the Orca Network to find out the location of the nearest marine mammal sightings. Daily sightings information will be checked several times a day. The Orca Network consists of a list of over 600 (and growing) residents, scientists, and government agency personnel in the United States and Canada. Sightings are called or emailed into the Orca Network and immediately distributed to the NMFS Northwest Fisheries Science Center, the Center for Whale Research, Cascadia Research, the Whale Museum Hotline, and the British Columbia Sightings Network.

Sightings information collected by the Orca Network includes detection by hydrophone. The SeaSound Remote Sensing Network is a system of interconnected hydrophones installed in the marine environment of Haro Strait (west side of San Juan Island) to study orca communication, in-water

noise, bottom fish ecology, and local climatic conditions. A hydrophone at the Port Townsend Marine Science Center measures average in-water sound levels and automatically detects unusual sounds. These passive acoustic devices allow researchers to hear when different marine mammals come into the region. This acoustic network, combined with the volunteer visual sighting network allows researchers to document presence and location of various marine mammal species.

WSDOT also participates in the Whale Report Alert System (WRAS/ WhaleReport Alert System—Ocean Wise). In October 2018, the Ocean Wise Sightings Network (formerly the B.C. Cetacean Sightings Network) launched an alert system that broadcasts details of whale presence to large commercial vessels. Information on whale presence is obtained from real-time observations reported to the Ocean Wise Sightings Network via the WhaleReport app. The alerts inform shipmasters and pilots of cetacean occurrence in their vicinity. This awareness better enables vessels to

undertake adaptive mitigation measures, such as slowing down or altering course in the presence of cetaceans, to reduce the risk of collision and disturbance.

All WSDOT ferry vessel crews have been trained in the use of WRAS, and input new sightings of cetaceans so data would be available to other vessels and to PSOs on the project. The lead PSO will check the WRAS sightings regularly during the day to be aware of cetaceans approaching the shutdown zones.

With this level of coordination in the region of activity, WSDOT would be able to get additional real-time information on the presence or absence of cetaceans prior to start of in-water construction each day.

Reporting

A draft marine mammal monitoring report must be submitted to NMFS within 90 days after the completion of pile driving activities, or 60 days prior to a requested date of issuance of any future IHAs for the project, or other projects at the same location, whichever comes first. The marine mammal report would include an overall description of

work completed, a narrative regarding marine mammal sightings, and associated PSO data sheets. Specifically, the report must include:

- Dates and times (begin and end) of all marine mammal monitoring;
- Construction activities occurring during each daily observation period, including: (a) How many and what type of piles were driven or removed and the method (*i.e.*, impact or vibratory); and (b) the total duration of time for each pile (vibratory driving) number of strikes for each pile (impact driving);
- PSO locations during marine mammal monitoring; and
- Environmental conditions during monitoring periods (at beginning and end of PSO shift and whenever conditions change significantly), including Beaufort sea state and any other relevant weather conditions including cloud cover, fog, sun glare, and overall visibility to the horizon, and estimated observable distance.

For each observation of a marine mammal, the following must be reported:

- Name of PSO who sighted the animal(s) and PSO location and activity at time of sighting;
- Time of sighting;
- Identification of the animal(s) (*e.g.*, genus/species, lowest possible taxonomic level, or unidentified), PSO confidence in identification, and the composition of the group if there is a mix of species;
- Distance and location of each observed marine mammal relative to the pile being driven or hole being drilled for each sighting;
- Estimated number of animals (min/max/best estimate);
- Estimated number of animals by cohort (adults, juveniles, neonates, group composition, *etc.*);
- Description of any marine mammal behavioral observations (*e.g.*, observed behaviors such as feeding or traveling), including an assessment of behavioral responses thought to have resulted from the activity (*e.g.*, no response or changes in behavioral state such as ceasing feeding, changing direction, flushing, or breaching);
- Number of marine mammals detected within the harassment zones, by species; and
- Detailed information about implementation of any mitigation (*e.g.*, shutdowns and delays), a description of specified actions that ensued, and resulting changes in behavior of the animal(s), if any.

If no comments are received from NMFS within 30 days, the draft reports would constitute the final reports. If comments are received, a final report

addressing NMFS' comments is required to be submitted within 30 days after receipt of comments. All PSO datasheets and/or raw sighting data must be submitted with the draft marine mammal report.

In the event that personnel involved in the construction activities discover an injured or dead marine mammal, WSDOT must report the incident to the Office of Protected Resources (OPR) (PR.ITP.MonitoringReports@noaa.gov), NMFS and to the West Coast Region (WCR) regional stranding coordinator as soon as feasible. If the death or injury was clearly caused by the specified activity, WSDOT must immediately cease the specified activities until NMFS is able to review the circumstances of the incident and determine what, if any, additional measures are appropriate to ensure compliance with the terms of the IHAs. WSDOT will not resume their activities until notified by NMFS.

The report must include the following information:

1. Time, date, and location (latitude/longitude) of the first discovery (and updated location information if known and applicable);
2. Species identification (if known) or description of the animal(s) involved;
3. Condition of the animal(s) (including carcass condition if the animal is dead);
4. Observed behaviors of the animal(s), if alive;
5. If available, photographs or video footage of the animal(s); and
6. General circumstances under which the animal was discovered.

Negligible Impact Analysis and Determination

NMFS has defined negligible impact as an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival (50 CFR 216.103). A negligible impact finding is based on the lack of likely adverse effects on annual rates of recruitment or survival (*i.e.*, population-level effects). An estimate of the number of takes alone is not enough information on which to base an impact determination. In addition to considering estimates of the number of marine mammals that might be "taken" through harassment, NMFS considers other factors, such as the likely nature of any impacts or responses (*e.g.*, intensity, duration), the context of any impacts or responses (*e.g.*, critical reproductive time or location, foraging impacts affecting energetics), as well as

effects on habitat, and the likely effectiveness of the mitigation. We also assess the number, intensity, and context of estimated takes by evaluating this information relative to population status. Consistent with the 1989 preamble for NMFS' implementing regulations (54 FR 40338, September 29, 1989), the impacts from other past and ongoing anthropogenic activities are incorporated into this analysis via their impacts on the baseline (*e.g.*, as reflected in the regulatory status of the species, population size and growth rate where known, ongoing sources of human-caused mortality, or ambient noise levels).

Pile driving and removal activities associated with this project have the potential to disturb or displace marine mammals. The activities for this project may result in incidental take, in the form of Level B harassment, from underwater sound generated from pile driving or removal. Potential takes could occur if marine mammals are present in the ensonified zone when pile driving activities are underway.

The takes from Level B harassment would be due to potential behavioral disturbance and TTS. No serious injury or mortality is anticipated given the nature of the activities and measures designed to minimize the possibility of injury to marine mammals. The potential for harassment is minimized through the construction method and the implementation of the planned mitigation measures (see Mitigation section).

To avoid repetition, the discussion of our analysis applies to all the species listed in table 1, given that the anticipated effects of this activity on these different marine mammal stocks are expected to be similar in nature. Where there are special circumstances for a species or stock (*e.g.*, gray whales), they are included as a separate subsection below.

NMFS has identified key factors which may be employed to assess the level of analysis necessary to conclude whether potential impacts associated with a specified activity should be considered negligible. These include (but are not limited to) the type and magnitude of taking, the amount and importance of the available habitat for the species or stock that is affected, the duration of the anticipated effect to the species or stock, and the status of the species or stock. The following factors support negligible impact determinations for all affected stocks.

No take by Level A harassment is anticipated or authorized incidental to the Seattle Slip 3 VTS Replacement Project. However, take by Level B

harassment is expected and authorized for 12 marine mammal species. Effects on individuals that are taken by Level B harassment, on the basis of reports in the literature as well as monitoring from other similar activities, will likely be limited to reactions such as area avoidance, increased swimming speeds, increased surfacing time, or decreased foraging (if such activity were occurring) (e.g., Thorson and Reyff 2006 and NMFS 2018). Individual marine mammals would most likely move away from sound sources and temporarily avoid the ensonified area while pile driving is occurring. If the sound produced from the construction activities is sufficiently disturbing, marine mammals are likely to simply avoid the area while activities are occurring, particularly as the project is located on a busy waterfront with high amounts of vessel traffic. We expect that any avoidance of the project areas by marine mammals would be temporary in nature and that any marine mammals that avoid the project areas during construction would not be permanently displaced. Short-term avoidance of the project areas and energetic impacts of interrupted foraging or other important behaviors is unlikely to affect the reproduction or survival of individual marine mammals, and the effects of behavioral disturbance on individuals is not likely to accrue in a manner that would affect the rates of recruitment or survival of any affected stock.

The projects are also not expected to have significant adverse effects on affected marine mammals' habitats. The project activities will not modify existing marine mammal habitat for a significant amount of time. The activities may cause some fish to leave the area of disturbance, thus temporarily impacting marine mammals' foraging opportunities in a limited portion of the foraging range; but, because of the short duration of the activities and the relatively small area of the habitat that may be affected (with no known particular importance to marine mammals), the impacts to marine mammal habitat are not expected to cause significant or long-term negative consequences. Aside from the biologically important area (BIA) for gray whales described below, there are no known areas of importance for other marine mammals, such as feeding or pupping areas, in the project area.

For all species and stocks, take would occur within a limited, relatively confined area (Elliott Bay within central Puget Sound) of the stocks' ranges. Given the availability of suitable habitat nearby, any displacement of marine mammals from the project areas is not

expected to affect marine mammals' fitness, survival, and reproduction due to the limited geographic area that will be affected in comparison to the much larger habitat for marine mammals in Puget Sound. Level B harassment will be reduced to the level of least practicable adverse impact to the marine mammal species or stocks and their habitat through use of mitigation measures described herein. Some individual marine mammals in the project areas may be present and be subject to repeated exposure to sound from pile driving on multiple days. However, these individuals would likely return to normal behavior during gaps in pile driving activity. The Seattle waterfront is a busy area and monitoring reports from previous in water pile driving activities indicate that marine mammals remain in Elliott Bay and the central Puget Sound area throughout pile driving activities. Therefore, any behavioral effects of repeated or long duration exposures are not expected to negatively affect survival or reproductive success of any individuals. Thus, even repeated Level B harassment of some small subset of an overall stock is unlikely to result in any effects on rates of reproduction and survival of the stock.

Gray Whales

The Puget Sound is part of a BIA for gray whales as they migrate between the Arctic and Mexico (Calambokidis *et al.*, 2024). Although the project area is located within the Puget Sound, the gray whale BIA does not overlap with the ensonified zones and gray whales typically remain further north around Whidbey and Camano Islands (Calambokidis *et al.*, 2018). Gray whales are also rarely seen in the project area. This suggests that impacts from the project would have minimal to no impact on the migration of gray whales in the BIA, and would therefore not affect reproduction or survival.

There was an unusual mortality event (UME) for gray whales from 2018 through 2023 (see the Description of Marine Mammals in the Area of Specified Activities section of this notice). However, we do not expect authorized takes for this project to have any additional effects to reproduction or survival. As mentioned previously, no take by Level A harassment, serious injury or mortality is expected. Takes authorized by Level B harassment of gray whales would be in the form of behavioral disturbance. The results from necropsies showed evidence that gray whale nutritional condition was poor during the UME. The area that would be temporarily impacted from construction

does not overlap with the gray whale feeding BIA in the northern Puget Sound. Therefore, the construction associated with the Seattle Slip 3 VTS Replacement Project is unlikely to disrupt any critical behaviors (e.g. feeding) or have any effect on reproduction or survival of gray whales.

In summary and as described above, the following factors primarily support our determination that the impacts resulting from this activity are not expected to adversely affect any of the species or stocks through effects on annual rates of recruitment or survival:

- No serious injury or mortality is anticipated or authorized;
- Level A harassment is not anticipated or authorized for all 12 marine mammal species;
- Level B harassment would be in the form of behavioral disturbance, primarily resulting in avoidance of the project areas around where impact or vibratory pile driving is occurring, and some low-level TTS that may limit the detection of acoustic cues for relatively brief amounts of time in relatively confined footprint of the activities;
- Nearby areas of similar habitat value within Puget Sound are available for marine mammals that may temporarily vacate the project areas during construction activities for both projects;
- Effects on species that serve as prey for marine mammals from the activities are expected to be short-term and, therefore, any associated impacts on marine mammal feeding are not expected to result in significant or long-term consequences for individuals, or to accrue to adverse impacts on their populations from either project;
- The number of anticipated takes by Level B harassment is relatively low for all stocks for both projects;
- The ensonified areas from the project is very small relative to the overall habitat ranges of all species and stocks, and will not adversely affect ESA-designated critical habitat, or cause more than minor impacts in any BIAs or any other areas of known biological importance;
- The lack of anticipated significant or long-term negative effects to marine mammal habitat from the project;
- The efficacy of the mitigation measures in reducing the effects of the specified activities on all species and stocks for the project; and
- Monitoring reports from similar work in Puget Sound that have documented little to no effect on individuals of the same species that could be impacted by the specified activities from the project.

Based on the analysis contained herein of the likely effects of the specified activity on marine mammals and their habitat, and taking into consideration the implementation of the monitoring and mitigation measures, NMFS determined that the total marine mammal take from the activity will have a negligible impact on all affected marine mammal species or stocks.

Small Numbers

As noted previously, only take of small numbers of marine mammals may be authorized under sections 101(a)(5)(A) and (D) of the MMPA for specified activities other than military readiness activities. The MMPA does not define small numbers and so, in practice, where estimated numbers are available, NMFS compares the number of individuals taken to the most appropriate estimation of abundance of the relevant species or stock in our determination of whether an authorization is limited to small numbers of marine mammals. When the predicted number of individuals to be taken is fewer than one-third of the species or stock abundance, the take is considered to be of small numbers. Additionally, other qualitative factors may be considered in the analysis, such as the temporal or spatial scale of the activities.

For all species and stocks other than killer whales from the West Coast Transient stock, the authorized take is below one-third of the stock abundance. The authorized take of Transient killer whales as a proportion of the stock abundance is greater than one-third, if all takes are assumed to occur for different individuals. The project area represents a small portion of the stock's range from Alaska to California (Muto *et al.*, 2019). Sighting reports from the Orca Network support that it is reasonable to suspect that the same individual Transient Killer whales would be present within the ensouffied project area during the relatively short duration (19 days) of construction activities. Since the construction area represents a small portion of Transient killer whales range and construction would occur over a short period, it is more likely that there will be multiple takes of the same individuals.

Based on the analysis contained herein of the construction activities (including the mitigation and monitoring measures) and the anticipated take of marine mammals, NMFS determined that small numbers of marine mammals would be taken relative to the population size of the affected species or stocks.

Unmitigable Adverse Impact Analysis and Determination

There are no relevant subsistence uses of the affected marine mammal stocks or species implicated by this action. Therefore, NMFS has determined that the total taking of affected species or stocks would not have an unmitigable adverse impact on the availability of such species or stocks for taking for subsistence purposes.

Endangered Species Act

Section 7(a)(2) of the ESA of 1973 (ESA; 16 U.S.C. 1531 *et seq.*) requires that each Federal agency insure that any action it authorizes, funds, or carries out is not likely to jeopardize the continued existence of any endangered or threatened species or result in the destruction or adverse modification of designated critical habitat. To ensure ESA compliance for the issuance of IHAs, NMFS consults internally whenever we propose to authorize take for endangered or threatened species.

No incidental take of ESA-listed species is expected or authorized for this activity. Therefore, NMFS has determined that formal consultation under section 7 of the ESA is not required for this action.

National Environmental Policy Act

To comply with the National Environmental Policy Act of 1969 (NEPA; 42 U.S.C. 4321 *et seq.*) and NOAA Administrative Order (NAO) 216–6A, NMFS must evaluate our proposed action (*i.e.*, the issuance of an IHA) and alternatives with respect to potential impacts on the human environment.

This action is consistent with categories of activities identified in Categorical Exclusion B4 (IHAs with no anticipated serious injury or mortality) of the Companion Manual for NAO 216–6A, which do not individually or cumulatively have the potential for significant impacts on the quality of the human environment and for which we have not identified any extraordinary circumstances that would preclude this categorical exclusion. Accordingly, NMFS has determined that the issuance of this IHA qualifies to be categorically excluded from further NEPA review.

Authorization

NMFS has issued an IHA to WSDOT for the potential harassment of small numbers of 12 marine mammal species incidental to the Seattle Slip 3 VTS Replacement project in Seattle, Washington, that includes the previously explained mitigation, monitoring and reporting requirements.

Dated: September 13, 2024.

Kimberly Damon-Randall,

*Director, Office of Protected Resources,
National Marine Fisheries Service.*

[FR Doc. 2024–21287 Filed 9–18–24; 8:45 am]

BILLING CODE 3510–22–P

COURT SERVICES AND OFFENDER SUPERVISION AGENCY FOR THE DISTRICT OF COLUMBIA

Publication of Fiscal Year 2023 Service Contract Inventory

AGENCY: Court Services and Offender Supervision Agency for the District of Columbia (CSOSA).

ACTION: Notice of public availability.

SUMMARY: In accordance with section 743 of Division C of the FY2010 Consolidated Appropriations Act, the Court Services and Offender Supervision Agency hereby advises the public of the availability of the FY 2020 Service Contract Inventory. This analysis provides information on service contract actions over \$25,000 that were made in FY2022. The information is organized by function to show how contracted resources are distributed throughout the agency. This inventory analysis and plan have been developed in accordance with guidance issued on November 5, 2010, and December 19, 2011, by the Office of Management and Budget's Office of Federal Procurement Policy (OFPP). CSOSA's FY2022 Service Contract Inventory Analysis, and the FY2023 Service Contract Inventory Plan is available on CSOSA's website at: [CSOSA-SCI-2022-2023-Analysis-Report.pdf](#). CSOSA's FY 2022 service contract inventory data is included in the government-wide inventory posted on [www.acquisition.gov](#) and the government-wide inventory can be filtered to display the inventory data for CSOSA.

FOR FURTHER INFORMATION CONTACT:

Reggie James, Senior Procurement Executive, Associate Director, Office of Administration, 800 N Capitol St. NW, Washington, DC 20002, at (202) 220–5707 or Reggie.James@csosa.gov.

Dated: September 13, 2024.

Willis Stamps,

Supervisory Attorney-Advisor.

[FR Doc. 2024–21384 Filed 9–18–24; 8:45 am]

BILLING CODE 3129–04–P

DEPARTMENT OF EDUCATION**Meeting; National Board for Education Sciences**

AGENCY: National Board for Education Sciences, U.S. Department of Education, Institute of Education Sciences (IES).

ACTION: Notice of a meeting.

SUMMARY: This notice sets forth the agenda, time, and instructions to access or participate in the National Board for Education Sciences (hereafter referred to as NBES or Board) open meeting scheduled for October 9 and October 10, 2024. This notice provides information about the meeting to members of the public who may be interested in attending the meeting and/or how to provide written comment(s).

DATES: The NBES meeting will be held on Wednesday, October 9, 12:30 p.m. to 5:00 p.m. and Thursday, October 10, 9:00 a.m. to 2:00 p.m. EST.

ADDRESSES: The meeting will be conducted in person at the Potomac Center Plaza building, 550 12th Street SW, 4th Floor, Washington, DC 20202, and virtually via Microsoft Teams.

FOR FURTHER INFORMATION CONTACT: Ellie Pelaez, DFO for NBES, U.S. Department of Education, IES: 550 12th Street SW, Office 4126-1, Washington, DC 20202, telephone: (202) 987-0359, email: ellie.pelaez@ed.gov.

SUPPLEMENTARY INFORMATION:

Statutory Authority and Function: The Board is authorized by § 116 of the Education Sciences Reform Act of 2002 (20 U.S.C. 9516). The Board is established as part of the U.S. Department of Education, IES, and shall, consistent with 20 U.S.C. 9514, 9515(b) and (c), and 9516 function as a board of directors for IES. The mission of IES is to provide national leadership in expanding fundamental knowledge and understanding of education from early childhood through postsecondary study, in order to provide parents, educators, students, researchers, policymakers, and the general public with reliable information about the condition and progress of education in the United States; educational practices that support learning and improve academic achievement and access to educational opportunities for all students; and the effectiveness of Federal and other education programs.

The Board's responsibilities are: (1) advise and consult with the Director of IES (Director) on the policies of IES; (2) consider and approve priorities proposed by the Director under 20 U.S.C. 9515 to guide the work of IES; (3) transmit approved priorities to the

appropriate congressional committee (20 U.S.C. 9515(b)); (4) ensure that the priorities of IES and the National Education Centers are consistent with the mission of IES (20 U.S.C. 9515(c)); (5) review and approve procedures for technical and scientific peer review of the activities of IES; (6) advise the Director on the establishment of activities to be supported by IES, including the general areas of research to be carried out by the National Center for Education Research (NCER) and the National Center for Special Education Research (NCSER) (20 U.S.C. 9567); (7) present to the Director such recommendations as it may find appropriate for (a) the strengthening of education research, and (b) the funding of IES; (8) advise the Director on the funding of applications for grants, contracts, and cooperative agreements for research, after the completion of peer review; (9) review and regularly evaluate the work of IES, to ensure that scientifically valid research, development, evaluation, and statistical analysis are consistent with the standards for such activities under this title; (10) advise the Director on ensuring that activities conducted or supported by IES are objective, secular, neutral, and non-ideological, and are free of partisan political influence and racial, cultural, gender, or regional bias; (11) solicit advice and information from those in the educational field, particularly practitioners and researchers, to recommend to the Director topics that require long-term, sustained, systematic, programmatic, and integrated research efforts, including knowledge utilization and wide dissemination of research, consistent with the priorities and mission of IES; (12) advise the Director on opportunities for the participation in, and the advancement of, women, minorities, and persons with disabilities in education research, statistics, and evaluation activities of IES; (13) recommend to the Director ways to enhance strategic partnerships and collaborative efforts among other Federal and State research agencies; (14) recommend to the Director individuals to serve as Commissioners of the National Education Centers; and (15) make recommendations to the President with respect to the appointment of the Director. Notice of this meeting is required by Section 1009(a)(2) of 5 U.S.C. Chapter 10 (commonly known as the Federal Advisory Committee Act).

Meeting Agenda: The agenda for the meeting is as follows:

Wednesday, October 9

At 12:30 p.m., the public meeting will begin with a call to order, remarks by the Chairwoman of the Board, member roll call, Board member approval of meeting transcript from the May 13, 2024, meeting, and member approval of meeting agenda.

The meeting continues with presentations from the Acting Director of IES, each of the IES Centers and the IES Office of Science. A discussion among board members of IES' ongoing work and theory of change will follow. Meeting will adjourn for the day at 5:00 p.m.

Thursday, October 10

The public meeting will begin with the Chairwoman's call to order and roll call at 9:00 a.m. Board members will revisit any business from the previous day's meeting, and a discussion of Congressional legislation impacting IES will follow. Then members will hear from IES Staff and contractors who work on the National Center for Education Evaluation and Regional Assistance (NCEE) Regional Educational Laboratories program (RELs). Discussion among board members will follow.

At 1:00 p.m. members will conduct any additional business including next steps, discussion of future meetings, and closing remarks. The meeting will adjourn at 2:00 p.m.

Instructions for Accessing the Meeting: Members of the public interested in attending this meeting in person or virtually may email the DFO listed in this notice no later than 11:59 p.m. Eastern Time (ET) on Friday, October 4, 2024. The DFO will provide a link to the virtual Microsoft Teams meeting or instructions for how to access the building.

Public Comment: Members of the public interested in submitting written comments related to the work of NBES may do so by emailing their comments to the DFO. Written comments should pertain to the mission and function of NBES. All written comments will become part of the official record of the meeting.

Reasonable Accommodations: The meeting is accessible to individuals with disabilities. If you will need an auxiliary aid or service for the meeting (e.g., interpreting service, assistive listening device, or materials in an alternate format), notify the DFO listed in this notice no later than Friday, October 4, 2024.

Access to Records of the Meeting: The official transcript of this meeting will be available for public review on the IES website, <https://ies.ed.gov/director/>

[board/index.asp](#), no later than 90 days after the meeting. Pursuant to 5 U.S.C. 1009(b), the public may also inspect NBES records at the U.S. Department of Education, IES, 550 12th Street SW, Washington, DC 20202, Monday–Friday, 8:30 a.m. to 5:00 p.m. ET. Please email ellie.pelaez@ed.gov to schedule an appointment.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. Free internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available via the Federal Digital System at: www.gpo.gov/fdsys. 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 Adobe Portable Document Format (PDF). To use PDF, you must have Adobe Acrobat Reader, which is available free at the site. You also may 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.

Authority: Section 116 of the Education Sciences Reform Act of 2002 (20 U.S.C. 9516).

Matthew Soldner,

Acting Director, Institute of Education Sciences.

[FR Doc. 2024–21446 Filed 9–18–24; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG24–285–000.
Applicants: Kalamazoo Generating Station, LLC.

Description: Kalamazoo Generating Station, LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.

Filed Date: 9/12/24.
Accession Number: 20240912–5064.
Comment Date: 5 p.m. ET 10/3/24.
Docket Numbers: EG24–286–000.
Applicants: Livingston Generating Station, LLC.

Description: Livingston Generating Station, LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.

Filed Date: 9/12/24.

Accession Number: 20240912–5065.

Comment Date: 5 p.m. ET 10/3/24.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER24–465–000.

Applicants: Nestlewood Solar I LLC.

Description: Refund Report: Refund

Report to be effective N/A.

Filed Date: 9/11/24.

Accession Number: 20240911–5155.

Comment Date: 5 p.m. ET 10/2/24.

Docket Numbers: ER24–1866–002.

Applicants: Power Authority of the

State of New York, New York

Independent System Operator, Inc.

Description: Tariff Amendment: New York Independent System Operator, Inc. submits tariff filing per 35.17(b): NYPA Amendment to Formula Rate Template Revisions to be effective 7/1/2024.

Filed Date: 9/12/24.

Accession Number: 20240912–5114.

Comment Date: 5 p.m. ET 9/17/24.

Docket Numbers: ER24–2078–000.

Applicants: Nestlewood Solar I LLC.

Description: Refund Report: Refund Report to be effective N/A.

Filed Date: 9/11/24.

Accession Number: 20240911–5156.

Comment Date: 5 p.m. ET 10/2/24.

Docket Numbers: ER24–2305–000.

Applicants: American Transmission Systems, Incorporated, PJM Interconnection, L.L.C.

Description: Refund Report: American Transmission Systems, Incorporated submits tariff filing per 35.19a(b): ATSI submits Refund Report in Docket No. ER24–2305 to be effective N/A.

Filed Date: 9/11/24.

Accession Number: 20240911–5043.

Comment Date: 5 p.m. ET 10/2/24.

Docket Numbers: ER24–2560–000;

ER24–2581–000; ER24–2611–000.

Applicants: Energy Prepay IV, LLC, Energy Prepay III, LLC, Energy Prepay I, LLC.

Description: Supplement to 07/19/2024, Energy Prepay I, LLC, et al. tariff filing.

Filed Date: 9/6/24.

Accession Number: 20240906–5227.

Comment Date: 5 p.m. ET 9/16/24.

Docket Numbers: ER24–3024–000.

Applicants: Tucson Electric Power Company.

Description: 205(d) Rate Filing: Service Agreement No. 547, Engineering and Procurement Agreement to be effective 8/14/2024.

Filed Date: 9/12/24.

Accession Number: 20240912–5000.

Comment Date: 5 p.m. ET 10/3/24.

Docket Numbers: ER24–3025–000.

Applicants: Southwest Power Pool, Inc.

Description: 205(d) Rate Filing: 4318 SPS GIA to be effective 8/29/2024.

Filed Date: 9/12/24.

Accession Number: 20240912–5008.

Comment Date: 5 p.m. ET 10/3/24.

Docket Numbers: ER24–3026–000.

Applicants: Southwest Power Pool, Inc.

Description: 205(d) Rate Filing: 4325 SPS GIA to be effective 8/30/2024.

Filed Date: 9/12/24.

Accession Number: 20240912–5012.

Comment Date: 5 p.m. ET 10/3/24.

Docket Numbers: ER24–3027–000.

Applicants: Appalachian Power Company.

Description: 205(d) Rate Filing: OATT—Revise Attachment K, AEP Texas Inc. Rate Update to be effective 10/1/2024.

Filed Date: 9/12/24.

Accession Number: 20240912–5042.

Comment Date: 5 p.m. ET 10/3/24.

Docket Numbers: ER24–3028–000.

Applicants: Kalamazoo Generating Station, LLC.

Description: Baseline eTariff Filing: Application for Market-Based Rate Authorization to be effective 11/11/2024.

Filed Date: 9/12/24.

Accession Number: 20240912–5058.

Comment Date: 5 p.m. ET 10/3/24.

Docket Numbers: ER24–3029–000.

Applicants: Livingston Generating Station, LLC.

Description: Baseline eTariff Filing: Application for Market-Based Tariff Authorization to be effective 11/11/2024.

Filed Date: 9/12/24.

Accession Number: 20240912–5060.

Comment Date: 5 p.m. ET 10/3/24.

Docket Numbers: ER24–3030–000.

Applicants: Panther Creek Power Operating, LLC.

Description: Compliance filing: Panther Creek Informational Filing and Request for Waiver to be effective N/A.

Filed Date: 9/12/24.

Accession Number: 20240912–5123.

Comment Date: 5 p.m. ET 10/3/24.

Docket Numbers: ER24–3031–000.

Applicants: Scrubgrass Reclamation Company, L.P.

Description: Compliance filing: Scrubgrass Informational Filing and Limited Waiver Request to be effective N/A.

Filed Date: 9/12/24.

Accession Number: 20240912–5124.

Comment Date: 5 p.m. ET 10/3/24.

The filings are accessible in the Commission's eLibrary system (<https://elibrary.ferc.gov/idmws/search/fercgensearch.asp>) by querying the docket number.

Any person desiring to intervene, to protest, or to answer a complaint in any of the above proceedings must file in accordance with Rules 211, 214, or 206 of the Commission's Regulations (18 CFR 385.211, 385.214, or 385.206) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: <http://www.ferc.gov/docs-filing/efiling/filing-reg.pdf>. For other information, call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, environmental justice communities, Tribal members and others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502-6595 or *OPP@ferc.gov*.

Dated: September 12, 2024.

Debbie-Anne A. Reese,
Acting Secretary.

[FR Doc. 2024-21292 Filed 9-18-24; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. AI24-1-000]

Accounting for Transferability of Income Tax Credits; Notice of Proposed Accounting Release

Take notice that the Chief Accountant of the Federal Energy Regulatory Commission proposes to issue an accounting release (attached) to provide guidance on the accounting for the transferability of income tax credits related to certain energy projects as a result of the Inflation Reduction Act of 2022, which allows entities to monetize such credits via transfers to independent third parties for cash.¹ The

proposed accounting release would require an entity to treat the transfer of income tax credits as a nonoperating activity, including revenue (*i.e.*, the entirety of the cash received) and associated costs to facilitate the transfer. This proposed accounting release would apply to jurisdictional public utilities and licensees and natural gas companies.

This proposed accounting release is not intended to prejudice the rate treatment of the transfer of income tax credits in any proceeding before the Commission.

The Commission has reviewed the proposed Accounting Release. At the conclusion of the comment period specified at the end of this notice, the Chief Accountant will consider the comments received, make any necessary changes, and issue the final accounting release. The effective date of the final accounting release will be the day that it is issued.

Specifically, comments on the following accounting topics are requested:

1. The proposed accounting release would require an entity to treat the transfer of income tax credits as a nonoperating activity, including the revenue received from the transfer of the income tax credit (*i.e.*, the entirety of the cash proceeds) and any costs to facilitate the transfer of income tax credits. If you disagree with this conclusion, please provide the basis for your disagreement.

2. The proposed accounting release would require an entity, upon the transfer of its income tax credits to an independent third party, to derecognize all associated balances previously recorded on its books, including associated accumulated deferred income tax (ADIT) balances. If you disagree with this conclusion, please provide the basis for your disagreement.

3. The proposed accounting release would require an entity that purchases a non-investment tax credit, such as a *production* tax credit, from an independent third party, to record the tax credit on its books using the same account (*i.e.*, an ADIT asset) that it would have used had it itself *generated* the tax credit for use on its own income tax return, with any costs incurred to facilitate the purchase recorded as nonoperating. If you disagree with this conclusion, please provide the basis for your disagreement.

resold; as such, the seller would effectively receive cash from the sale *as if it was paid directly by the IRS*, as an incentive to encourage investment in energy projects, and the buyer would be able to use the purchased income tax credit for its own income tax return purposes.

4. The proposed accounting release would require an entity that purchases an *investment* tax credit from an independent third party to use either the flow-through or deferred method of accounting for investment tax credits, consistent with the Commission's existing accounting regulations, as if it itself received the upfront tax credit from the IRS, with any costs incurred to facilitate the purchase recorded as nonoperating. If you disagree with this conclusion, please provide the basis for your disagreement.

All interested parties are invited to submit comments on this proposed accounting release using the "eFiling" link at <http://www.ferc.gov>. In lieu of electronic filing, you may submit a paper copy which must reference the accounting docket number.

To file via U.S. Postal Service: Debbie-Anne A. Reese, Acting Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426

To file via any other courier: Debbie-Anne A. Reese, Acting Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852

Comment Date: 5:00 p.m. Eastern Time on October 25, 2024.

Dated: September 12, 2024.

Debbie-Anne A. Reese,
Acting Secretary.

Attachment

Federal Energy Regulatory Commission

Proposed Accounting Release: Docket No. AI24-1-000 Accounting for Transferability of Income Tax Credits

To All Jurisdictional Public Utilities and Licensees and Natural Gas Companies

Subject: Accounting for Transferability of Income Tax Credits

The Inflation Reduction Act of 2022 allows for transferability of income tax credits related to certain energy projects and permits entities to monetize such credits via transfers to independent third parties for cash.² The Commission has previously determined that dispositions of assets are not part of normal recurring operating activities,

² *Inflation Reduction Act of 2022*, H.R. 5376—117th Congress (2021–2022) (which includes a provision that allows a non-tax-exempt entity (seller) with an income tax credit to transfer the income tax credit to another non-tax-exempt entity (purchaser) and such credit cannot later be resold; as such, the seller would effectively receive cash from the sale *as if it was paid directly by the IRS*, as an incentive to encourage investment in energy projects, and the buyer would be able to use the purchased income tax credit for its own income tax return purposes).

¹ *Inflation Reduction Act of 2022 (IRA)*, H.R. 5376—117th Congress (2021–2022). The IRA transferability provision allows a non-tax-exempt entity (seller) with an income tax credit to transfer the income tax credit to another non-tax-exempt entity (purchaser) and such credit cannot later be

and, therefore, generally should be accounted for using nonoperating accounts.³ Consistent with this long-standing policy, the transfer of income tax credits should be treated as a nonoperating activity.

Accordingly, this accounting guidance requires an entity to treat the revenue received from the transfer of the income tax credit (*i.e.*, the entirety of the cash proceeds) and any costs to facilitate the transfer, as nonoperating income or expense consistent with the underlying nature of the transfer as a nonoperating activity. Additionally, upon a transfer of an income tax credit to an independent third party, an entity must derecognize all associated balances previously recorded on its books, including associated accumulated deferred income tax (ADIT) balances, consistent with the accounting treatment for a disposition of an asset that had associated ADIT prior to a sale.⁴

An entity that purchases a *non-investment* tax credit, such as a *production* tax credit, from an independent third party, is required to record the tax credit on its books using the same account (*i.e.*, an ADIT asset) that it would have used had the entity itself *generated* the tax credit for use on its own income tax return. An entity that purchases an *investment* tax credit from an independent third party is required to use either the flow-through or deferred method of accounting for investment tax credits, consistent with the Commission's existing accounting regulations, as if the entity itself received the upfront tax credit from the IRS. In all cases, an entity is required to record the costs incurred to facilitate a transfer of income tax credits as nonoperating.

This guidance is for accounting purposes only and is not intended to prejudice the rate treatment of the transfer of income tax credits in any proceeding before the Commission.

Appendix A provides an example that describes the accounting for transferability of an investment tax credit, and an example that describes

the accounting for transferability of a non-investment tax credit such as a production tax credit.

Appendix A

Illustrative Examples of the Application of the Accounting Release

Example 1: Accounting for transferability of an Investment Tax Credit (ITC).

The *entire* cash received from the transfer of ITCs is treated as nonoperating income because the transferred ITC is intended to merely take a new form (*i.e.*, the ITC is monetized into cash) upon its sale to a third party (*i.e.*, the seller effectively receives the entirety of the cash from the sale *as if the IRS directly paid the seller for the ITC*). Any costs to facilitate the sale are likewise treated as nonoperating expense. If an entity previously maintained accumulated deferred income tax (ADIT) (*e.g.*, in Account 190) associated with ITCs (*i.e.*, in Account 255), such an entity should derecognize, both the ITC and its associated ADIT upon transfer.

Journal entry to record the *entire* cash proceeds from the sale of the ITC:
Debit Account 131, Cash, Credit Account 421, Miscellaneous Nonoperating Income
Journal entry to record costs to facilitate the sale of the ITC:

Debit Account 426.5, Other Deductions Credit Account 131, Cash

Journal entry to derecognize the ITC upon the sale:

Debit Account 255, Accumulated Deferred Investment Tax Credits, Credit Account 411.4, ITC Adjustments, Utility Operations

Journal entry to derecognize the associated ADIT asset upon the sale of the ITC:

Debit Account 410.1, Provision for Deferred Income Taxes, Operating Income, Credit Account 190, Accumulated Deferred Income Taxes

Example 2: Accounting for transferability of a Production Tax Credit (PTC).

The *entire* cash received from the transfer of PTCs is treated as nonoperating income, and any costs to facilitate the sale are likewise treated as nonoperating expense. If an entity previously maintained ADIT assets (*e.g.*, in Account 190) for unutilized PTCs (*i.e.*, unused on the entity's income tax return), such ADIT should be derecognized upon the sale of the PTC.

Journal entry to record the *entire* cash proceeds from the sale of the PTC:
Debit Account 131, Cash, Credit

Account 421, Miscellaneous Nonoperating Income
Journal entry to record costs to facilitate the sale of the PTC:
Debit Account 426.5, Other Deductions, Credit Account 131, Cash
Journal entry to derecognize the associated ADIT asset upon the sale of the PTC:
Debit Account 410.1, Provision for Deferred Income Taxes, Operating Income, Credit Account 190, Accumulated Deferred Income Taxes

[FR Doc. 2024–21290 Filed 9–18–24; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: RP24–1062–000.
Applicants: Equitrans, L.P.
Description: 4(d) Rate Filing: Formula Based Negotiated Rate—10/1/2024
Update to be effective 10/1/2024.
Filed Date: 9/12/24.
Accession Number: 20240912–5001.
Comment Date: 5 p.m. ET 9/24/24.
Docket Numbers: RP24–1063–000.
Applicants: Equitrans, L.P.
Description: Compliance filing: Operational Purchases and Sales 2024 to be effective N/A.
Filed Date: 9/12/24.
Accession Number: 20240912–5007.
Comment Date: 5 p.m. ET 9/24/24.
Docket Numbers: RP24–1064–000.
Applicants: Texas Eastern Transmission, L.P.
Description: 4(d) Rate Filing: Negotiated Rates—Nextera 911957 and 911890 eff 10–1–24 to be effective 10/1/2024.
Filed Date: 9/12/24.
Accession Number: 20240912–5043.
Comment Date: 5 p.m. ET 9/24/24.

Any person desiring to intervene, to protest, or to answer a complaint in any of the above proceedings must file in accordance with Rules 211, 214, or 206 of the Commission's Regulations (18 CFR 385.211, 385.214, or 385.206) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

The filings are accessible in the Commission's eLibrary system (<https://www.ferc.gov>)

³ See 18 CFR parts 101 and 201, Plant Instruction No. 5 (f), *Plant Purchased or Sold* (where the Commission's regulations require the use of nonoperating accounts to record gains and losses, and sales costs, associated with the sale of plant); *Cent. La. Elec. Co.*, Opinion No. 394, 71 FERC ¶ 61,225 (1995) (where the Commission determined that sales of receivables should be treated as nonoperating activities, and the expenses associated with such sales should likewise be recorded as nonoperating); and *Sw. Pub. Serv. Co.*, 188 FERC ¶ 61,102 (2024) (where the Commission determined transaction costs associated with sales of production tax credits are nonoperating in nature).

⁴ See, *e.g.*, *Ga. Power Co.*, Docket No. AC16–109–000 (Aug. 5, 2016) (unpublished letter order).

elibrary.ferc.gov/idmws/search/fercgensearch.asp) by querying the docket number.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: <http://www.ferc.gov/docs-filing/efiling/filing-req.pdf>. For other information, call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, environmental justice communities, Tribal members and others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502-6595 or OPP@ferc.gov.

Dated: September 12, 2024.

Debbie-Anne A. Reese,
Acting Secretary.

[FR Doc. 2024-21293 Filed 9-18-24; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 15337-001]

Lock 47 Hydro, LLC; Notice of Intent To File License Application, Filing of Pre-Application Document, and Approving Use of the Traditional Licensing Process

a. *Type of Filing:* Notice of Intent to File License Application and Request to Use the Traditional Licensing Process (TLP).

b. *Project No.:* 15337-001.

c. *Date Filed:* July 19, 2024.

d. *Submitted By:* Lock 47 Hydro, LLC.

e. *Name of Project:* Chain Dam Hydroelectric Project.

f. *Location:* On the Lehigh River, in Palmer Township, and the City of Easton Pennsylvania, both located in Northampton County. The project does not occupy any federal land.

g. *Filed Pursuant to:* 18 CFR 5.3 of the Commission's regulations.

h. *Potential Applicant Contact:* Michael Kerr, Lock 47 Hydro, LLC, 100 Cummings Center, Suite 451C, Beverly, MA 01915; (978) 360-2547; email—michael@nehdropower.com.

i. *FERC Contact:* Silvia Pineda-Munoz at (202) 502-8388; or email at silvia.pineda-munoz@ferc.gov.

j. Lock 47 Hydro, LLC filed its request to use the Traditional Licensing Process on July 19, 2024, and provided public notice of its request on July 25, 2024, and August 1, 2024. In a letter dated September 12, 2024, the Director of the Division of Hydropower Licensing approved 47 Hydro, LLC's request to use the Traditional Licensing Process.

k. With this notice, we are initiating informal consultation with the U.S. Fish and Wildlife Service under section 7 of the Endangered Species Act and the joint agency regulations thereunder at 50 CFR part 402; and NOAA Fisheries under section 305(b) of the Magnuson-Stevens Fishery Conservation and Management Act and implementing regulations at 50 CFR 600.920. We are also initiating consultation with the Pennsylvania State Historic Preservation Officer, as required by section 106, National Historic Preservation Act, and the implementing regulations of the Advisory Council on Historic Preservation at 36 CFR 800.2.

l. With this notice, we are designating Lock 47 Hydro, LLC as the Commission's non-federal representative for carrying out informal consultation pursuant to section 7 of the Endangered Species Act and section 305(b) of the Magnuson-Stevens Fishery Conservation and Management Act; and consultation pursuant to section 106 of the National Historic Preservation Act.

m. Lock 47 Hydro, LLC filed a Pre-Application Document (PAD; including a proposed process plan and schedule) with the Commission, pursuant to 18 CFR 5.6 of the Commission's regulations.

n. A copy of the PAD may be viewed on the Commission's website (<http://www.ferc.gov>), using the "eLibrary" link. Enter the docket number, excluding the last three digits in the docket number field, to access the document. For assistance, contact FERC Online Support at FERCOnlineSupport@ferc.gov, (866) 208-3676 (toll free), or (202) 502-8659 (TTY).

You may register online at <https://ferconline.ferc.gov/FEROnline.aspx> to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

o. The applicant states its unequivocal intent to submit an application for an original license for Project No. 15337.

p. The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, environmental justice communities, Tribal members and

others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502-6595 or OPP@ferc.gov.

Dated: September 12, 2024.

Debbie-Anne A. Reese,
Acting Secretary.

[FR Doc. 2024-21296 Filed 9-18-24; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 1922-052]

Ketchikan Public Utilities; Notice of Intent To Prepare an Environmental Assessment and Revising the Processing Schedule

On October 27, 2022, Ketchikan Public Utilities (KPU) filed an application for a new major license for the 7.1-megawatt Beaver Falls Hydroelectric Project (Beaver Falls Project; FERC No. 1922). The Beaver Falls Project is located on Beaver Falls Creek in Ketchikan Gateway Borough, Alaska. The project currently occupies 478.4 acres of United States lands administered by U.S. Forest Service.

In accordance with the Commission's regulations, on October 10, 2023, Commission staff issued a notice that the project was ready for environmental analysis (REA Notice). Based on the information in the record, including comments filed on the REA Notice, staff does not anticipate that licensing the project would constitute a major federal action significantly affecting the quality of the human environment. On January 5, 2024, the Commission issued a notice indicating that staff intended to prepare a draft and final Environmental Assessment (EA). However, upon further review, staff intends to prepare a single EA on the application to relicense the Beaver Falls Project.

The EA will be issued and circulated for review by all interested parties. All comments filed on the EA will be analyzed by staff and considered in the Commission's final licensing decision.

The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, environmental justice communities, Tribal members and others, access publicly available

information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502-6595 or *OPP@ferc.gov*.

By this notice, Commission staff is updating the procedural schedule for completing the EA. The revised schedule is shown below. Further revisions to the schedule may be made as appropriate.

Milestone	Target date
Commission issues EA ...	December 2024. ¹
Comments on EA	January 2024.

¹The Council on Environmental Quality's (CEQ) regulations under 40 CFR 1501.10(b)(1) (2023) require that EAs be completed within 1 year of the federal action agency's decision to prepare an EA. See National Environmental Policy Act, 42 U.S.C. 4321 *et seq.*, as amended by section 107(g)(1)(B)(iii) of the Fiscal Responsibility Act of 2023, Pub. L. 118-5, 4336a, 137 Stat. 42.

Any questions regarding this notice may be directed to Golbahar Mirhosseini at *golbahar.mirhosseini@ferc.gov*.

Dated: September 12, 2024.

Debbie-Anne A. Reese,
Acting Secretary.

[FR Doc. 2024-21294 Filed 9-18-24; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. AD24-9-000]

Innovations and Efficiencies in Generator Interconnection; Notice Requesting Post-Workshop Comment

On September 10 and 11, 2024, Federal Energy Regulatory Commission (Commission) convened a staff-led workshop to discuss innovations and efficiencies in generator interconnection processes.

All interested persons are invited to file post-workshop comments on issues raised during the workshop that they believe would benefit from further discussion. Parties are also invited to provide comments on the questions presented in the workshop agenda.¹ Commenters need not respond to all topics or questions asked.

Commenters may reference material previously filed in this docket but are encouraged to avoid repetition or

replication of previous material. To facilitate the processing of comments, we urge commenters to organize their comments by panel topic and question presented at the workshop and to be brief. In addition, commenters are encouraged, when possible, to provide examples and quantitative data in support of their answers. Comments must be submitted on or before October 15, 2024.

Comments may be filed electronically via the internet.² Instructions are available on the Commission's website <http://www.ferc.gov/docs-filing/efiling.asp>. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll free at 1-866-208-3676, or for TTY, (202) 502-8659. Although the Commission strongly encourages electronic filing, documents may also be paper-filed. To paper-file, submissions sent via the U.S. Postal Service must be addressed to: Federal Energy Regulatory Commission, Office of the Secretary, 888 First Street NE, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Federal Energy Regulatory Commission, Office of the Secretary, 12225 Wilkins Avenue, Rockville, MD 20852.

For more information about this Notice, please contact:

Michael G. Henry (Technical Information), Office of Energy Policy and Innovation, (202) 502-8583, *Michael.Henry@ferc.gov*
Lewis Taylor (Legal Information), Office of the General Counsel, (202) 502-8624, *Lewis.Taylor@ferc.gov*

Dated: September 12, 2024.

Debbie-Anne A. Reese,
Acting Secretary.

[FR Doc. 2024-21289 Filed 9-18-24; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 12757-008]

BOST4 Hydroelectric, LLC; Notice of Application for Amendment of License Accepted for Filing, Soliciting Comments, Motions To Intervene, and Protests

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Non-capacity amendment of license.

b. *Project No:* 12757-008.

c. *Date Filed:* August 16, 2024.

d. *Applicant:* BOST4 Hydroelectric, LLC.

e. *Name of Project:* Red River Lock & Dam #4 Hydroelectric Project.

f. *Location:* The project is located on the Red River in Catahoula, Louisiana. The project occupies federal lands managed by the U.S. Army Corps of Engineers (Corps).

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791a-825r.

h. *Applicant Contact:* Douglas Spaulding, 1030 Tyrol Trail, Suite 101, Minneapolis, MN 55416, *doug@nelsonenergy.us*, 612-599-8493.

i. *FERC Contact:* Rebecca Martin, (202) 502-6012, *Rebecca.martin@ferc.gov*.

j. *Cooperating agencies:* With this notice, the Commission is inviting federal, state, local, and Tribal agencies with jurisdiction and/or special expertise with respect to environmental issues affected by the proposal, that wish to cooperate in the preparation of any environmental document, if applicable, to follow the instructions for filing such requests described in item k below. Cooperating agencies should note the Commission's policy that agencies that cooperate in the preparation of any environmental document cannot also intervene. See 94 FERC ¶ 61,076 (2001).

k. *Deadline for filing comments, motions to intervene, and protests:* October 14, 2024.

The Commission strongly encourages electronic filing. Please file comments, motions to intervene, and protests using the Commission's eFiling system at <http://www.ferc.gov/docs-filing/efiling.asp>. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at <http://www.ferc.gov/docs-filing/ecomment.asp>. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov*, (866) 208-3676 (toll free), or (202) 502-8659 (TTY). In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Debbie-Anne A. Reese, Acting Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Debbie-Anne A. Reese, Acting Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, MD 20852. The first page of any filing should include the docket number P-12757-008. Comments emailed to Commission staff

¹ See *Second Supplemental Notice of Staff-Led Workshop*, Docket No. AD24-9-000 (Aug. 14, 2024).

² See 18 CFR 385.2001(a)(1)(iii) (2023).

are not considered part of the Commission record.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person whose name appears on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

l. Description of Request: As licensed, the unconstructed project would contain one turbine that produced 28.1 megawatts (MW) generating capacity. To install the single unit would require excavation of 100 feet of material, that may not be safe for the adjacent Corps facilities. Therefore, the licensee is proposing an alternate design that would utilize 5 smaller turbine units that would greatly reduce the depth of excavation. The proposed amendment would still have the same generating capacity of 28.1 MW but would reduce the rated turbine discharge of 18,486 to 17,650 cubic feet per second. The powerhouse would be redesigned to hold the five 3.65-meter bulb turbine-generator units, and would be approximately 170-feet-wide, 135-feet-high, and 180-feet-long. The headrace channel and tailrace channels would also be redesigned from what was originally licensed. No changes would occur to the interconnection transmission route.

m. Locations of the Application: This filing may be viewed on the Commission's website at <http://www.ferc.gov> using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. You may also register online at <http://www.ferc.gov/docs-filing/subscription.asp> to be notified via email of new filings and issuances related to this or other pending projects. For assistance, call 1-866-208-3676 or email FEROnlineSupport@ferc.gov, for TTY, call (202) 502-8659. Agencies may obtain copies of the application directly from the applicant.

n. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

o. Comments, Protests, or Motions to Intervene: Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214, respectively. In determining the

appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

p. Filing and Service of Documents: Any filing must (1) bear in all capital letters the title "COMMENTS", "PROTEST", or "MOTION TO INTERVENE" as applicable; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person commenting, protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, motions to intervene, or protests must set forth their evidentiary basis. Any filing made by an intervenor must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 385.2010.

q. The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, environmental justice communities, Tribal members and others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502-6595 or OPP@ferc.gov.

Dated: September 12, 2024.

Debbie-Anne A. Reese,

Acting Secretary.

[FR Doc. 2024-21295 Filed 9-18-24; 8:45 am]

BILLING CODE 6717-01-P

ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OCFO-2024-0107; FRL-12270-01-OMS]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; General Performance Reporting for Assistance Programs (New)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) has submitted an information collection request (ICR), General Performance Reporting for Assistance Programs (EPA ICR Number 2802.01, OMB Control Number 2090-NEW) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. This is a request for approval of a new collection. Public comments were previously requested via the **Federal Register** on March 7, 2024 during a 60-day comment period. This notice allows for an additional 30 days for public comments.

DATES: Comments may be submitted on or before October 21, 2024.

ADDRESSES: Submit your comments, referencing Docket ID Number EPA-HQ-OCFO-2024-0107, to EPA online using www.regulations.gov (our preferred method), by email to DocketOMS@epa.gov, or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

Submit written comments and recommendations to OMB for the proposed information collection 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:

Aarti Iyer, Office of the Chief Financial Officer, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; email address: iyer.aarti@epa.gov; phone: 202-564-0214.

SUPPLEMENTARY INFORMATION: This is a request for approval of a new collection. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

Public comments were previously requested via the **Federal Register** on March 7, 2024 during a 60-day comment period (89 FR 16558). This notice allows for an additional 30 days for public

comments. Supporting documents, which explain in detail the information that the EPA will be collecting, are available in the public docket for this ICR. The docket can be viewed online at www.regulations.gov or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is 202-566-1744. For additional information about EPA's public docket, visit <http://www.epa.gov/dockets>.

Abstract: The U.S. Environmental Protection Agency (EPA) awards billions of dollars in funding for grants and other assistance agreements, with recipients ranging from small non-profit organizations to large state governments. With this Information Collection Request (ICR), EPA seeks authorization to collect information to track progress by the Agency's assistance programs. Collection of this information from award recipients enables EPA to assess and manage its assistance programs, which in turn ensures responsible stewardship of public funds; rigorous evidence-based learning and improvement; and transparent accountability to the American public. The information requested under this ICR will be collected via performance report forms, including work plans, interim reports, and final reports.

Form Numbers: None.

Respondents/affected entities: Recipients of financial assistance awards from EPA.

Respondent's obligation to respond: Mandatory for grant recipients as per reporting requirements included in EPA regulations 2 CFR parts 200 and 1500.

Estimated number of respondents: 3,145 (per year).

Frequency of response: Varies.

Total estimated burden: 84,048 hours (per year). Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: \$6,820,967 (per year), there are no annualized capital or operation & maintenance costs.

Changes in the Estimates: This is a new collection, and so does not involve any program changes or burden adjustments.

Courtney Kerwin,

Director, Information Engagement Division.
[FR Doc. 2024-21462 Filed 9-18-24; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OEI-2006-0037; FRL-12272-01-OMS]

Agency Information Collection Activities; Proposed Information Collection Request; Comment Request; Exchange Network Grants Progress Reports (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) is planning to submit an information collection request (ICR), Exchange Network Grants Progress Reports (Renewal) (EPA ICR Number 2207.09, OMB Control Number 2025-0006) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. Before doing so, EPA is soliciting public comments on specific aspects of the proposed information collection as described below. This is a proposed extension of the ICR, which is currently approved through 11/30/2024. This notice allows for 60 days for public comments.

DATES: Comments must be submitted on or before October 21, 2024.

ADDRESSES: Submit your comments, referencing Docket ID Number [EPA-HQ-OEI-2006-0037 to EPA, online using www.regulations.gov (our preferred method) or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460. EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Erin McGown, Information Engagement Division, Data Interoperability Partnership Branch, 2823 T, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: (202) 566-2142; email address: mcgown.erin@epa.gov.

SUPPLEMENTARY INFORMATION: This is a proposed extension of the ICR, which is currently approved through November 30, 2024. An agency may not conduct or sponsor and a person is not required to respond to a collection of information

unless it displays a currently valid OMB control number.

This notice allows 60 days for public comments. Supporting documents, which explain in detail the information that the EPA will be collecting, are available in the public docket for this ICR. The docket can be viewed online at www.regulations.gov or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is 202-566-1744. For additional information about EPA's public docket, visit <http://www.epa.gov/dockets>.

Pursuant to section 3506(c)(2)(A) of the PRA, EPA is soliciting comments and information to enable it to: (i) 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; (ii) 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; (iii) enhance the quality, utility, and clarity of the information to be collected; and (iv) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate forms of information technology. EPA will consider the comments received and amend the ICR as appropriate. The final ICR package will then be submitted to OMB for review and approval. At that time, EPA will issue another **Federal Register** notice to announce the submission of the ICR to OMB and the opportunity to submit additional comments to OMB.

Abstract: The Environmental Protection Agency's (EPA) Office of Mission Support provides funding via grants to EPA's Exchange Network partners (states, territories, and federally recognized Indian tribes) to support the development of the Exchange Network (EN). The EN facilitates the sharing of environmental data, especially through shared and reusable services; streamlines data collection and exchanges to improve timeliness for decision making; increases the quality and access to environmental data; reduces burden and costs for co-regulators and the regulated community; supports better decisions on environmental and health issues; and increases capacity for environmental data management for tribes and US territories. As part of the terms and conditions of the EN grant program, recipients are required to submit the following forms: (i) Semi-Annual

Progress Reports (EPA Form 5300–26) twice annually throughout the lifetime of the project, Final Progress Report (EPA Form 5300–26) within 120 calendar days after the period of performance end date, and the IT Component and Project Registration Form, at the time of grant close-out. The information gathered on items (i) and (ii) help EPA to ensure that projects are on schedule to meet identified project goals and produce high quality environmental outputs. The registration form (item iii) provides a detailed summary of the completed project and any developed/reused IT components; this information is made available to future applicants to inform the development of their proposed projects, promote the reuse of technologies, and connect to potential project partners and mentors.

Form Numbers: EPA Form 5300–26.

Respondents/affected entities:

Employees of state, tribal, or territorial environmental government offices.

Respondent's obligation to respond:

Required to obtain or retain a benefit (2 CFR part 200, "Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards).

Estimated number of respondents:

223 (149 semi-annually for the semi-annual progress report form; 38 annually for the IT Component and Project Registration Form, and 38 annually for the Final Progress Report Form).

Frequency of response: EPA assumes that each grant recipient will submit two Semi-Annual Progress Report Forms each year the grant is active. In addition, the grantees will submit the Final Progress Report to RENC no later than 120 days after the grant performance period end date. At this time, the IT Component and Project Registration Form will likewise be submitted.

Total estimated burden: The sum total respondent burden hours are 493. Burden is defined at 5 CFR 1320.03(b).

The Semi-Annual Progress Report Form has 1.2 estimated hours per Form and is completed twice a year by an estimated 149 respondents. Therefore, the total annual respondent burden hours for this form are 357.6. The IT Component and Project Registration Form has 2 estimated hours per Form and EPA estimates that 38 will be completed annually. Therefore, the total annual respondent burden hours for this form are 76. The Final Progress Report Form has 1.65 estimated hours per Form and EPA estimates that 38 will be completed annually. Therefore, the total

annual respondent burden hours for this form are 59.4.

Total estimated cost: \$29,530.70 (per year), which includes \$0 annualized capital or operation & maintenance costs.

Changes in the Estimates: There is a slight decrease of 15 (493 hours in 2024 vs 508 hours in 2021) hours in the total estimated respondent burden as compared with the ICR currently approved by OMB. The number of open active grants each year was estimated at 149, which matches the 2021 estimate, as the number of new assistance agreements has remained consistent since 2021. Estimates for the Final Progress Reporting Form is also very similar to the 2021 estimate, with only a slight increase in the number of expected closed-out grants (from 36 in 2021 to 38 in 2024). This slight increase reflects an expectation for more EN assistance agreements to close out in the upcoming years, as projects which were initially delayed due to workplace changes associated with COVID–19 are now being completed. The slight decrease in burden hours for respondents can be attributed primarily to the retiring of the Quality Assurance Reporting Form, which was previously required within 90 days of each new assistance agreement. There was a new form added for this ICR, which was not present in the 2021 version. The IT Component and Project Registration Form is a fillable PDF form, that is submitted by the grantee to their Regional Exchange Network Coordinator (RENC) at the time of grant close-out. As this form is due at the time of grant close-out, the estimated number matches the estimated number of Final Progress Reports (38). This new form is estimated to take 2 hours to complete, which is a decrease of 0.6 compared to the retired Quality Assurance Reporting Form.

Courtney Kerwin,

Director, Information Engagement Division.

[FR Doc. 2024–21461 Filed 9–18–24; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–1162; FR ID 245721]

Information Collection Being Reviewed by the Federal Communications Commission

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act of 1995 (PRA), the Federal Communications Commission (FCC or Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. Comments are requested concerning: whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees. The FCC may not conduct or sponsor a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

DATES: Written PRA comments should be submitted on or before November 18, 2024. If you anticipate that you will be submitting comments but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Cathy Williams, FCC, via email to PRA@fcc.gov and to Cathy.Williams@fcc.gov.

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Cathy Williams at (202) 418–2918.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–1162.

Title: Closed Captioning of Video Programming Delivered Using Internet Protocol, and Apparatus Closed Caption Requirements.

Form Number: N/A.

Type of Review: Revision of a currently approved collection.

Respondents: Individuals or Household, Businesses or other for-profit, Not-for-profit institutions, State, local, or tribal government, Federal Government.

Number of Respondents and Responses: 1,772 respondents; 124,154 responses.

Estimated Time per Response: 0.017–10 hours.

Frequency of Response: One time and on occasion reporting requirements; Recordkeeping requirement; Third party disclosure requirement.

Obligation to Respond: Mandatory; Required to obtain or retain benefits; Voluntary. The statutory authority for this collection is contained in the Twenty-First Century Communications and Video Accessibility Act of 2010, Public Law 111–260, 124 Stat. 2751, and sections 4(i), 4(j), 303, 330(b), 713, and 716 of the Communications Act of 1934, as amended (the Act), 47 U.S.C. 154(i), 154(j), 303, 330(b), 613, and 617.

Total Annual Burden: 11,465 hours.

Total Annual Cost: \$95,700.

Needs and Uses: The Twenty-First Century Communications and Video Accessibility Act of 2010 (CVAA) directed the Commission to revise its regulations to mandate closed captioning on video programming delivered via Internet Protocol (IP) that was published or exhibited on television with captions after the effective date of the regulations. Accordingly, the Commission requires video programming owners (VPOs) to send program files to video programming distributors and providers (hereinafter VPDs) with required captions, and it requires VPDs to enable the rendering or pass through of all required captions to the end user. The CVAA also directed the Commission to revise its regulations to mandate that all apparatus designed to receive, play back, or record video programming be equipped with built-in closed caption decoder circuitry or capability designed to display closed-captioned video programming, except that apparatus that use a picture screen that is 13 inches or smaller and recording devices must comply only if doing so is achievable. These rules are codified at 47 CFR 79.4 and 79.100–79.104.

In July 2024, the Commission adopted rules requiring manufacturers of covered apparatus and multichannel video programming distributors (MVPDs) to make closed captioning display settings readily accessible to individuals who are deaf and hard of hearing. The Commission will determine whether settings are readily accessible to consumers by evaluating the following factors: proximity, discoverability, previewability, and consistency and persistence. The compliance deadline will be after the Office of Management and Budget completes its review of any new or modified information collection requirements under the Paperwork Reduction Act or August 17, 2026,

whichever is later. The previously approved burden estimates set forth below for requests for a Commission determination of technical feasibility of apparatus closed caption requirements, requests for a Commission determination of achievability of apparatus closed caption requirements, and complaints alleging violations of the apparatus closed caption requirements, all are sufficient to encompass any such filings resulting from the new rule. The *2024 Caption Display Settings Order* imposes two new information collection requirements set forth as (i) and (j) below.

The information collection requirements consist of:

(a) Mechanism for information about video programming subject to the IP closed captioning requirements.

Pursuant to 47 CFR 79.4(c)(1)(ii) and (c)(2)(ii) of the Commission's rules, VPOs and VPDs must agree upon a mechanism to make information available to VPDs about video programming that becomes subject to the requirements of 47 CFR 79.4 on an ongoing basis. VPDs must make a good faith effort to identify video programming that must be captioned when delivered using IP using the agreed upon mechanism.

For example, VPOs and VPDs may agree on a mechanism whereby the VPOs provide captions or certifications that captions are not required, and update those certifications and provide captions when captions later become required. A VPD may rely in good faith on a certification by a VPO that the programming need not be captioned if: (1) the certification includes a clear and concise explanation of why captions are not required; and (2) the VPD is able to produce the certification to the Commission in the event of a complaint. VPOs may provide certifications for specific programming or a more general certification, for example, for all programming covered by a particular contract.

VPDs may seek Commission determinations that other proposed mechanisms provide adequate information for them to rely on in good faith by filing an informal request and providing sufficient information for the Commission to make such determinations.

(b) Contact information for the receipt and handling of written closed captioning complaints.

Pursuant to 47 CFR 79.4(c)(2)(iii), VPDs must make their contact information available to end users for the receipt and handling of written IP closed captioning complaints. The required contact information includes

the name of a person with primary responsibility for IP captioning issues and who can ensure compliance with these rules, as well as the person's title or office, telephone number, fax number, postal mailing address, and email address. VPDs must keep this information current and update it within 10 business days of any change. The Commission expects that such contact information will be prominently displayed in a way that it is accessible to all end users. A general notice on the VPD's website with such contact information, if provided, must be provided in a location that is conspicuous to viewers.

(c) Petitions for exemption based on economic burden.

Pursuant to 47 CFR 79.4(d), a VPO or VPD may petition the Commission for a full or partial exemption from the closed captioning requirements for IP-delivered video programming based upon a showing that they would be economically burdensome. Petitions for exemption must be supported with sufficient evidence to demonstrate economic burden (significant difficulty or expense). The Commission will consider four specific factors when determining economic burden and any other factors the petitioner deems relevant, along with any available alternatives that might constitute a reasonable substitute for the closed captioning requirements. Petitions and subsequent pleadings must be filed electronically.

The Commission will place such petitions on public notice. Comments or oppositions to the petition may be filed electronically within 30 days after release of the public notice of the petition, and must include a certification that the petitioner was served with a copy. The petitioner may reply to any comments or oppositions filed within 20 days after the close of the period for filing comments or oppositions, and replies must include a certification that the commenting or opposing party was served with a copy. Upon a finding of good cause, the Commission may lengthen or shorten any comment period and waive or establish other procedural requirements. Petitions and responsive pleadings must include a detailed, full showing, supported by affidavit, of any facts or considerations relied on.

(d) Complaints alleging violations of the closed captioning rules for IP-delivered video programming.

Pursuant to 47 CFR 79.4(e), a written complaint alleging a violation of the closed captioning rules for IP-delivered video programming may be filed with the Commission or with the VPD

responsible for enabling the rendering or pass through of the closed captions for the video programming. Complaints must be filed within 60 days after the date the complainant experienced a problem with captioning. Complaints should (but are not required to) include certain information.

If the complaint is filed first with the VPD, the VPD must respond in writing to the complainant within 30 days after receipt of a closed captioning complaint. If a VPD fails to respond timely, or the response does not satisfy the consumer, the complainant may re-file the complaint with the Commission within 30 days after the time allotted for the VPD to respond. If a consumer re-files the complaint with the Commission (after filing with the VPD) and the complaint satisfies the requirements, the Commission will forward the complaint to the named VPD, as well as to any other VPD and/or VPO that Commission staff determines may be involved, who then must respond in writing to the Commission and the complainant within 30 days after receipt of the complaint from the Commission.

If the complaint is filed first with the Commission and the complaint satisfies the requirements, the Commission will forward the complaint to the named VPD and/or VPO, and to any other VPD and/or VPO that Commission staff determine may be involved, who must respond in writing to the Commission and the complainant within 30 days after receipt of the complaint from the Commission. In response to a complaint, a VPD and/or VPO must provide the Commission with sufficient records and documentation. The Commission will review all relevant information provided by the complainant and the subject VPDs and/or VPOs, as well as any additional information the Commission deems relevant from its files or public sources. The Commission may request additional information from any relevant entities when, in the estimation of Commission staff, such information is needed to investigate the complaint or adjudicate potential violation(s) of Commission rules. When the Commission requests additional information, parties to which such requests are addressed must provide the requested information in the manner and within the time period the Commission specifies.

(e) Requests for Commission determination of technical feasibility of apparatus closed caption requirements.

Pursuant to 47 CFR 79.103(a), as of January 1, 2014, all digital apparatus designed to receive or play back video programming that uses a picture screen

of any size must be equipped with built-in closed caption decoder circuitry or capability designed to display closed-captioned video programming, if technically feasible. Pursuant to 47 CFR 79.103(e), manufacturers of apparatus subject to paragraph (a) of the rule and MVPDs will be required to ensure that consumers are able to readily access user display settings for closed captioning on apparatus designed to receive or play back video programming transmitted simultaneously with sound, if such apparatus is manufactured in the United States or imported for use in the United States and uses a picture screen of any size, if technically feasible. If new apparatus or classes of apparatus for viewing video programming emerge on which it would not be technically feasible to include closed captioning or readily accessible user display settings for closed captioning, parties may raise that argument as a defense to a complaint or, alternatively, file a request under 47 CFR 1.41 for a Commission determination of technical feasibility before manufacturing or importing the product.

(f) Requests for Commission determination of achievability of apparatus closed caption requirements.

Pursuant to 47 CFR 79.103(a), as of January 1, 2014, all digital apparatus designed to receive or play back video programming that use a picture screen less than 13 inches in size must be equipped with built-in closed caption decoder circuitry or capability designed to display closed-captioned video programming, only if doing so is achievable. In addition, pursuant to 47 CFR 79.104(a), as of January 1, 2014, all apparatus designed to record video programming must enable the rendering or the pass through of closed captions such that viewers are able to activate and de-activate the closed captions as the video programming is played back, only if doing so is achievable. Pursuant to 47 CFR 79.103(e), the requirement that closed captioning display settings are readily accessible will only apply to apparatus that use a picture screen of less than 13 inches in size if compliance is achievable.

Manufacturers of such apparatus and MVPDs may petition the Commission, pursuant to 47 CFR 1.41, for a full or partial exemption from the closed captioning requirements before manufacturing or importing the apparatus or may assert as a response to a complaint that these requirements, in full or in part, are not achievable.

Pursuant to 47 CFR 79.103(b)(3), such a petition or response must be supported with sufficient evidence to demonstrate that compliance is not achievable

(meaning with reasonable effort or expense) and the Commission will consider four specific factors when making such determinations.

(g) Petitions for purpose-based waivers of apparatus closed caption requirements.

Manufacturers seeking certainty prior to the sale of a device may petition the Commission, pursuant to 47 CFR 79.103(b)(4), for a full or partial waiver of the closed captioning requirements based on one of the following provisions:

(i) The apparatus is primarily designed for activities other than receiving or playing back video programming transmitted simultaneously with sound; or

(ii) The apparatus is designed for multiple purposes, capable of receiving or playing back video programming transmitted simultaneously with sound but whose essential utility is derived from other purposes.

(h) Complaints alleging violations of the apparatus closed caption requirements.

Consumers may file written complaints alleging violations of the Commission's rules, 47 CFR 79.101–79.104, requiring apparatus designed to receive, play back, or record video programming to be equipped with built-in closed caption decoder circuitry or capability designed to display closed captions, and requiring that consumers are able to readily access user display settings for closed captioning on covered apparatus. A written complaint filed with the Commission must be transmitted to the Consumer and Governmental Affairs Bureau through the Commission's online informal complaint filing system, U.S. Mail, overnight delivery, or facsimile. Such complaints should include certain information about the complainant and the alleged violation. The Commission may forward such complaints to the named manufacturer or provider, as well as to any other entity that Commission staff determines may be involved, and may request additional information from any relevant parties when, in the estimation of Commission staff, such information is needed to investigate the complaint or adjudicate potential violations of Commission rules.

(i) Application programming interface (API) notification to application developers.

Pursuant to 47 CFR 79.103(e)(1)(iv)(A), with regard to an MVPD's provision of navigation devices, it will be required to expose closed caption display settings via an API or similar method that an over-the-top

application provider can use upon launch of their application on the device. The API or similar method will need to enable the application provider to use the device-level caption settings for its own content, if it chooses, and covered entities will be required to notify application developers about this API or similar method through any reasonable means. One example of a “reasonable means” for the required notice is a developer portal that a developer must utilize for its application to appear on the device.

(j) Customer notice of new operating systems.

The *2024 Caption Display Settings Order* provides that MVPDs should provide notice to customers who are deaf or hard of hearing when new operating systems are deployed.

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2024–21441 Filed 9–18–24; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Sunshine Act Meetings

TIME AND DATE: 11:44 a.m. on Tuesday, September 17, 2024.

PLACE: The meeting was held in the Board Room located on the sixth floor of the FDIC Building located at 550 17th Street NW, Washington, DC.

STATUS: Closed.

MATTERS TO BE CONSIDERED: The Board of Directors of the Federal Deposit Insurance Corporation met to consider matters related to the Corporation’s resolution, supervision, and corporate activities. In calling the meeting, the Board determined, on motion of Director Rohit Chopra (Director, Consumer Financial Protection Bureau), seconded by Director Michael J. Hsu (Acting Comptroller of the Currency), by the unanimous vote of Chairman Martin J. Gruenberg, Vice Chairman Travis Hill, Director Jonathan McKernan, Director Michael J. Hsu (Acting Comptroller of the Currency), and Director Rohit Chopra (Director, Consumer Financial Protection Bureau), that Corporation business required its consideration of the matters which were to be the subject of this meeting on less than seven days’ notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting by authority of

subsections (c)(2), (c)(4), (c)(6), (c)(8), (c)(9)(A), (c)(9)(B), (c)(10), of the “Government in the Sunshine Act” (5 U.S.C. 552b (c)(2), (c)(4), (c)(6), (c)(8), (c)(9)(A), (c)(9)(B), (c)(10)).

CONTACT PERSON FOR MORE INFORMATION:

Requests for further information concerning the meeting may be directed to Debra A. Decker, Executive Secretary of the Corporation, at 202–898–8748.

Dated this the 17th day of September, 2024.

Federal Deposit Insurance Corporation.

James P. Sheesley,

Assistant Executive Secretary.

[FR Doc. 2024–21606 Filed 9–17–24; 4:15 pm]

BILLING CODE 6714–01–P

FEDERAL MEDIATION AND CONCILIATION SERVICE

Senior Executive Service Performance Review Board

AGENCY: Federal Mediation and Conciliation Service (FMCS).

ACTION: Notice of Senior Executive Service Performance Review Board.

SUMMARY: The Federal Mediation and Conciliation Service (FMCS) is issuing this notice to inform the public of the names of the members of the Agency’s Senior Executive Service (SES) Performance Review Board.

DATES: This SES Performance Review Board is effective September 19, 2024.

FOR FURTHER INFORMATION CONTACT:

Anna Davis, General Counsel, 202–606–3737, ogc@fmcs.gov, 250 E St. SW, Washington, DC 20427.

SUPPLEMENTARY INFORMATION: Section 4314(c)(1) through (5) of title 5, U.S.C., requires each agency to establish, in accordance with regulations prescribed by the Office of Personnel Management, one or more performance review boards. The board shall review and evaluate the initial appraisal of a senior executive’s performance by the supervisor, along with any recommendations to the appointing authority relative to the performance of the senior executive.

The members of FMCS’s Performance Review Board are:

1. Adrienne Adger, Human Resource Director (Chair and non-voting member), Federal Mediation and Conciliation Service
2. Javier Ramirez, Deputy Director, Field Operations, Federal Mediation and Conciliation Service
3. Marla Hendrickson, External Career SES member, Food and Drug Administration
4. Sarah Cudahy, Associate Deputy Director, Field Operations National/

International, Federal Mediation and Conciliation Service

5. Nicole Wallace, Director of Finance, Federal Mediation and Conciliation Service

Dated: September 13, 2024.

Anna Davis,

General Counsel.

[FR Doc. 2024–21272 Filed 9–18–24; 8:45 am]

BILLING CODE 6732–01–P

GENERAL SERVICES ADMINISTRATION

[OMB Control No. 3090–0007; Docket No. 2024–0001; Sequence No. 7]

Submission for OMB Review; General Services Administration Acquisition Regulation; Contractor Qualifications and Financial Information, GSA Form 527

AGENCY: Office of Acquisition Policy, General Services Administration (GSA).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, and the Office of Management and Budget (OMB) regulations, GSA invites the public to comment on a request to review and approve an extension of a previously approved information collection requirement regarding contractor qualifications and financial information.

DATES: *Submit comments on or before:* October 21, 2024.

ADDRESSES: Written comments and recommendations for this information collection should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting “Currently under Review—Open for Public Comments” or by using the search function.

FOR FURTHER INFORMATION CONTACT: Mr. Bryon Boyer, Procurement Analyst, at gsarpolicy@gsa.gov or 817–850–5580.

SUPPLEMENTARY INFORMATION:

A. Purpose

GSA requires prospective contractors to submit certain financial information in order for a contracting officer to make a determination that such prospective contractors are financially responsible for an award, in accordance with the Federal Acquisition Regulation (FAR) 9.103(a) and 9.104–1 and also the General Services Administration Acquisition Manual (GSAM) 509.105–1(a). GSA Form 527, Contractor’s Qualifications and Financial Information is used to achieve

uniformity and consistency in the process.

B. Annual Reporting Burden

Respondents: 868.

Responses Per Respondent: 1.2.

Total Responses: 1,042.

Hours Per Response: 1.5.

Total Burden Hours: 1,563.

C. Public Comments

A 60-day notice published in the **Federal Register** at 89 FR 55594 on July 5, 2024. No comments were received.

Obtaining Copies of Proposals: Requesters may obtain a copy of the information collection documents from the Regulatory Secretariat Division (MVCB), at GSARegSec@gsa.gov. Please cite OMB Control No. 3090-0007, Contractor Qualifications and Financial Information, in all correspondence.

Jeffrey A. Koses,

Senior Procurement Executive, Office of Acquisition Policy, Office of Government-wide Policy.

[FR Doc. 2024-21405 Filed 9-18-24; 8:45 am]

BILLING CODE 6820-61-P

GENERAL SERVICES ADMINISTRATION

[OMB Control No. 3090-0248; Docket No. 2024-0001; Sequence No. 10]

Information Collection; General Services Administration Acquisition Regulation; Electronic Data Interchange (EDI) Information

AGENCY: Office of Acquisition Policy, General Services Administration (GSA).

ACTION: Notice and request for public comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, and the Office of Management and Budget (OMB) regulations, GSA invites the public to comment on a request to review and approve an extension of a previously approved information collection requirement for a placement of orders clause, and an ordering information provision.

DATES: Submit comments on or before: November 18, 2024.

ADDRESSES: Submit comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to <http://www.regulations.gov>. Submit comments via the Federal eRulemaking portal by searching for Information Collection 3090-0248. Select the link "Comment Now" that corresponds with "Information Collection 3090-0248, Electronic Data

Interchange (EDI) Information". Follow the instructions on the screen. Please include your name, company name (if any), and "Information Collection 3090-0248, Electronic Data Interchange (EDI) Information" on your attached document.

If your comment cannot be submitted using <https://www.regulations.gov>, call or email the points of contact in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions.

Instructions: Comments received generally will be posted without change to <http://www.regulations.gov>, including any personal and/or business confidential information provided. To confirm receipt of your comment(s), please check www.regulations.gov, approximately two-to-three days after submission to verify posting.

FOR FURTHER INFORMATION CONTACT: Ms. Vernita Misidor, Procurement Analyst, GSA Acquisition Policy Division, by phone at 202-357-9681 or by email at vernita.misidor@gsa.gov.

SUPPLEMENTARY INFORMATION:

A. Purpose

GSA has various mission responsibilities related to the acquisition and provision of the Federal Acquisition Service's (FAS's) Special Order Program items. These mission responsibilities generate requirements that are realized through the solicitation and award of various types of FAS contracts.

As such, the General Services Administration Acquisition Regulation (GSAR) 516.506 specifically directs contracting officers to insert 552.216-72, Placement of Orders, and 552.216-73, Ordering Information, when the contract authorizes FAS and other activities to issue delivery or task orders. This clause and provision includes information reporting requirements for Offerors to receive electronic orders through computer-to-computer Electronic Data Interchange (EDI).

B. Annual Reporting Burden

Respondents: 18,590.

Responses per Respondent: 1.

Annual Responses: 18,590.

Hours per Response: .50.

Total Burden Hours: 9,295.

C. Public Comments

Public comments are particularly invited on: Whether this collection of information is necessary and whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate and based on valid assumptions and methodology; and ways to enhance the

quality, utility, and clarity of the information to be collected.

Obtaining Copies of Proposals:

Requesters may obtain a copy of the information collection documents from the Regulatory Secretariat Division by calling 202-501-4755 or emailing GSARegSec@gsa.gov. Please cite OMB Control No. 3090-0248, Electronic Data Interchange (EDI) Information, in all correspondence.

Jeffrey A. Koses,

Senior Procurement Executive, Office of Acquisition Policy, Office of Government-wide Policy.

[FR Doc. 2024-21406 Filed 9-18-24; 8:45 am]

BILLING CODE 6820-61-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Reorganization of the Office of Laboratory Science and Safety

AGENCY: Centers for Disease Control and Prevention (CDC), the Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: CDC has modified its structure. This notice announces the reorganization of the Office of Laboratory Science and Safety (OLSS). OLSS was retitled to the Office of Laboratory Systems and Response (OLSR) and additional organizational updates were approved.

DATES: This reorganization of OLSS was approved by the Director of CDC on September 13, 2024, and became effective September 13, 2024.

FOR FURTHER INFORMATION CONTACT: Victoria Olson, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS H24-2, Atlanta, GA 30329. Telephone: 404-639-7466; Email: olss@cdc.gov.

SUPPLEMENTARY INFORMATION: Part C (Centers for Disease Control and Prevention) of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health and Human Services (45 FR 67772-76, dated October 14, 1980, and corrected at 45 FR 69296, October 20, 1980, as amended most recently at 89 FR 68442-68443, dated August 26, 2024) is amended to reflect the reorganization of Office of Laboratory Science and Safety, Immediate Office of the Director, Centers for Disease Control and Prevention. Specifically, the changes are as follows:

I. Under Part C, Section C–B, Organization and Functions, make the following changes:

- Retitle the Office of Laboratory Science and Safety to the Office of Laboratory Systems and Response (CAN)
- Update the mission statement of the Office of the Director (CAN1)
- Retitle the Office of Infectious Disease Laboratory Quality to the Office of Laboratory Quality and Safety (CAN12)
- Abolish the Office of Laboratory Science (CAN13)
- Abolish the Office of Laboratory Safety (CAN14)
- Abolish the Center for Laboratory Systems and Response (CANB)
- Abolish the Division of Laboratory Systems (CANBB)
- Abolish the Office of the Director (CANBB1)
- Abolish the National Laboratory Response System Branch (CANBBB)
- Abolish the Quality and Safety Systems Branch (CANBBC)
- Abolish the Training and Workforce Development Branch (CANBBD)
- Abolish the Division of Core Laboratory Services and Response (CRH)
- Abolish the Office of the Director (CRH1)
- Abolish the Advanced Diagnostics and Biotechnologies Branch (CRHB)
- Abolish the Comparative Medicine Branch (CRHC)
- Abolish the Preparedness, Response, and Outbreak Services Branch (CRHD)
- Abolish the Laboratory Products and Services Branch (CRHE)
- Establish the Division of Laboratory Systems (CANC)
- Establish the Office of the Director (CANC1)
- Establish the Laboratory Readiness and Informatics Branch (CANCB)
- Establish the Quality and Safety Systems Branch (CANCC)
- Establish the Training and Workforce Development Branch (CANCD)
- Establish the Division of Core Laboratory Services and Response (CAND)
- Establish the Office of the Director (CAND1)
- Establish the Biotechnology Core Facility Branch (CANDB)
- Establish the Comparative Medicine Branch (CANDC)
- Establish the Preparedness, Response, and Outbreak Services Branch (CANDD)
- Establish the Laboratory Products and Services Branch (CANDE)

II. Under Part C, Section C–B, Organization and Functions, after the

Office of Laboratory Science and Safety (CAN) delete and insert the following:

Office of Laboratory Systems and Response (CAN). To carry out its mission, the Office of Laboratory Systems and Response (OLSR): (1) provides cross-cutting laboratory products, services, and systems (quality, safety, informatics, workforce, response readiness) support for CDC laboratories that conduct research, surveillance, and routine and emergency diagnostic testing, and develop diagnostic tests; (2) collaborates with the nation's laboratories (public health, clinical, industry, academic, and other government) to ensure scientifically advanced, timely, and efficient laboratory response and diagnostic testing; (3) provides scientific, technical, and managerial expertise and national leadership in the development and enhancement of laboratory quality, safety, informatics, and training and workforce development programs; (4) ensures regulatory compliance and monitors implementation and evaluation of the laboratory safety and quality management programs across CDC; (5) oversees the development and distribution of agency guidance on diagnostic testing and clinical laboratory operations and interpretation of laboratory regulations; and (6) bridges and strengthens the nation's clinical and public health laboratory system by continually improving quality and safety, response readiness, informatics and data science capability, and workforce competency.

Office of the Director (CAN1). (1) serves as the home office of the Associate Director for Laboratory Science and Safety (ADLSS) who serves as the single point of laboratory accountability for all laboratory systems at the agency; (2) provides scientific, technical, and managerial expertise and leadership in the development and enhancement of laboratory systems (quality, safety, informatics, training and workforce development, and response readiness); (3) oversees and monitors the development, implementation, and evaluation of the laboratory safety and quality management programs across CDC; (4) provides expertise and consultation in interpreting and complying with regulations (e.g., Clinical Laboratory Improvement Amendments (CLIA), Food and Drug Administration (FDA)-regulated devices) and develops tools and systems needed by CDC laboratories to operate in compliance with established requirements; (5) provides oversight to ensure CDC compliance with regulations for select agents and toxins, and the safe possession, use, and

transfer of select agents and toxins; (6) provides oversight to ensure CDC compliance with all applicable laws, regulations, policies, and standards regarding the humane care and use of laboratory animals at CDC; (7) ensures compliance with the Public Health Service (PHS) Policy on Humane Care and Use of Laboratory Animals; (8) makes appointments to the CDC Institutional Animal Care and Use Committees; (9) provides strategic direction and leadership in management of OLSR fiscal, workforce, information technology, and facilities resources and leads coordination and stewardship of procurement, grants, cooperative agreements, materials management, interagency agreements, and extramural resources; (10) ensures that spending plans (Office and Divisions) and budgets are executed and aligned with the strategic priorities of OLSR; (11) ensures that health equity principles are applied in all OLSR activities; (12) establishes and maintains a diverse, equitable, inclusive, and accessible workplace within all of OLSR; (13) provides scientific guidance, regulatory oversight, clearance review, and coordination across OLSR to support, promote, and ensure scientific quality and integrity of OLSR products and programs; (14) supports OLSR program monitoring, evaluation and reporting efforts to ensure that OLSR programs advance both health equity and public health outcomes, and reinforces the importance of robust public health evaluation across all of OLSR's programs; (15) supports OLSR programs with strategy development and implementation plans; (16) provides leadership and guidance on policy issues, coordinates with agency and other government organizations about OLSR activities, and helps to define and pursue goals for policy formation and execution; (17) provides communication services, coordinates with communication professionals about OLSR's activities, and facilitates partnerships across Centers/Institute/Offices (CIOs); (18) leads responses to laboratory incidents and emergencies; (19) bridges and strengthens the nation's clinical and public health laboratory system by continually improving quality and safety, response readiness, informatics and data science capability, and workforce competency; (20) serves as the lead for the laboratory and testing task force for all agency-wide public health responses; and (21) maintains CDC's laboratory and diagnostic testing relationships with interagency and public health partners.

Office of Laboratory Quality and Safety (CAN12). (1) provides consultation, high-level oversight, and expertise for policy development and implementation of laboratory safety and quality management activities; (2) develops, selects, deploys, and implements agency-level plans, policies, manuals, and tools for laboratory quality and safety standards; (3) assesses effectiveness of agency-level laboratory quality and safety standards; (4) develops and distributes guidance and interpretation of the CLIA regulations for the CDC Infectious Disease (ID) laboratories; (5) provides data analysis, summary reports, and technical assistance for laboratory leadership; (6) ensures CDC laboratory compliance with all applicable laws, regulations, policies, and standards (e.g., possession, uses, and transport of select agents and toxins; CLIA regulations; Quality Management System Regulation (QMSR); laboratory waste and disposal policies; Quality Manual for Microbiological Laboratories (QMML); biological safety; chemical safety; radiation safety) through internal assessments, consultations and routine processes; (7) provides customer-driven services to support CDC laboratory operations (e.g., laboratory equipment certification, space decontamination, incident investigation, laboratory waste and disposal, facility design and renovation consultation, laboratory certification and decertification, and inventory management support); (8) provides expertise for CDC-wide compliance with all applicable laws, regulations, policies, and standards regarding the humane care and use of laboratory animals at CDC; (9) serves as the home office for the CLIA Laboratory Director CDC Roybal campus ID laboratories; (10) provides regulatory expertise and consultation to support policy development and to support centers, institutes, and offices as they fulfill their responsibility to comply with FDA regulations for in vitro diagnostic devices; and (11) serves as the primary coordinating body for engagement with internal and external partners related to quality management systems, safety and regulatory compliance of domestic CDC laboratory research, surveillance and clinical testing.

Division of Laboratory Systems (CANC). The mission of the Division of Laboratory Systems (DLS) is to ensure the effectiveness of the Laboratory Response Network and to improve public health, patient outcomes, and health equity by advancing laboratory systems. To carry out this mission, DLS:

(1) functions as the CDC lead for the nation's Laboratory Response Network (LRN), and oversees CDC's role in this network before and during infectious disease outbreaks, epidemics, and pandemics; (2) advances the state of the national clinical laboratory system's quality and safety, data exchange, preparedness and response capacity, and workforce competency; (3) strengthens the capacity of the nation's public health and clinical laboratory system, including diagnostic testing facilities, to prepare for and respond to infectious disease outbreaks, epidemics, and pandemics; (4) engages, supports, and bolsters the work of the nation's public health and clinical laboratory community; (5) engages and supports partners and professional organizations in the clinical laboratory and diagnostic manufacturing industries as well as across the U.S. Government; (6) collaborates with Centers for Medicare and Medicaid Services (CMS) and FDA to implement the federal CLIA program; (7) manages and executes CDC's responsibilities for the federal CLIA program; (8) advances the nation's capacity to electronically exchange clinical and public health laboratory testing data through the use of standards and common infrastructure; (9) develops and distributes state-of-the-art laboratory training and development courses and tools to strengthen CDC's as well as the nation's clinical and public health laboratory workforce; (10) manages the catalog of intramural core laboratory quality, safety, and regulatory compliance training courses; (11) fosters collaborations and cross-cutting activities with other CDC CIOs and external organizations to support the mission, activities, and operations of DLS; (12) provides stewardship of division procurement, materials management, interagency agreements, cooperative agreements, and extramural resources; (13) addresses policy issues that affect or could affect the National Laboratory Response System, other DLS programs and activities, and clinical and public health laboratory operations; (14) provides communications, web support, social media presence, responses to media requests, and promotion and outreach efforts to clinical and public health laboratories on emergency response and testing through the CDC's Laboratory Outreach and Communication System; and (15) responds to requests from other CDC programs for technical assistance relating to DLS capabilities.

Office of the Director (CANC1). The DLS Office of the Director: (1) provides leadership and guidance on the

development of strategic goals, objectives, and milestones to advance the vision and mission of DLS and OLSR; (2) develops administrative policies, processes, and operations for the division; (3) ensures that health equity principles are applied in all DLS activities; (4) works with the OLSR Office of the Director (OD) to ensure that spending plans and budgets are executed and aligned with the strategic priorities of the division; (5) works with the OLSR OD to establish and maintain a diverse, equitable, inclusive, and accessible workplace; (6) provides DLS communications resources, including web support, writing and editing services, social media presence, and promotion and outreach efforts to clinical and public health laboratories; (7) provides scientific guidance and resources, regulatory oversight, clearance review, and coordination with DLS staff to support, promote, and ensure scientific quality and integrity of DLS products and programs; (8) fosters existing and new partnerships with the clinical and public health laboratory and testing community, other CDC programs, federal and state agencies, and professional organizations to further DLS mission and goals; (9) liaises with CMS and FDA CLIA program partners, CLIA-approved accreditation organizations and proficiency testing programs, and other CDC programs and offices for CLIA-related issues; and (10) analyzes and provides guidance on policy-related issues that affect DLS and the broader public and clinical laboratory community, and ensures that DLS activities, communications, and materials are aligned with agency policy.

Laboratory Readiness and Informatics Branch (CANC1B). The mission of the Laboratory Readiness and Informatics Branch (LRIB) is to serve as CDC's lead for implementing testing strategies in the LRN and commercial laboratories as well as to provide guidance and support to enhance laboratory data exchange before and during infectious disease outbreaks, epidemics, and pandemics. To carry out its mission, LRIB: (1) strengthens the nation's clinical testing and results reporting capabilities and capacity, especially before and during public health emergencies, through programs, partnerships, and by implementing strategies to improve electronic laboratory data exchange; (2) coordinates and supports preparedness and response activities of public health laboratories (PHLs) that are members of the LRN for biological threats; (3) develops and maintains partnerships for expanded emergency diagnostic testing

capacity to national commercial and other clinical laboratories; (4) provides communication to clinical and PHLs and laboratory partners on matters of public health significance through the Laboratory Outreach Communication System and the LRN; (5) provides informatics solutions and technical assistance to LRN member laboratories that share laboratory testing data with CDC for surveillance and response; (6) promotes the development and use of standards to advance the quality and semantic interoperability of laboratory data; (7) oversees the development of existing systems, new infrastructure, and tools and services for Public Health Laboratories (PHLs) to receive electronic test orders from and submit test results to healthcare providers; and (8) participates in and chairs interagency workgroups or task forces for the rapid development and deployment of emergency diagnostics, including the Tri-Agency Task Force for Emergency Diagnostics.

Quality and Safety Systems Branch (CANCC). The mission of the Quality and Safety Systems Branch (QSSB) is to improve the quality and safety of laboratory testing in clinical and public health settings across the nation. To carry out its mission, QSSB: (1) collaborates across CDC and engages broadly with external partners, including other federal agencies, state agencies and programs, and professional organizations; (2) develops laboratory quality and safety standards, guidelines, and recommendations in collaboration with partners; (3) promotes the adoption of these products by clinical and public health laboratories; (4) provides scientific and technical support for the national Clinical Laboratory Improvement Amendments of 1988 program to ensure the quality and safety of clinical and public health laboratory testing; (5) hosts and manages the Clinical Laboratory Improvement Advisory Committee (CLIAC) and its workgroups on behalf of a tri-agency partnership among CDC, CMS, and FDA; (6) provides expertise in the development and revision of CLIA technical standards and voluntary guidelines for laboratory quality and safety; (7) provides quality and safety subject matter expertise to the DLS Training and Workforce Development Branch for the development of training courses for external clinical and PHLs; (8) leads the Next Generation Sequencing Quality Initiative to develop adaptive quality management systems that support next generation sequencing workflows; (9) leads the implementation of biorisk management system standards

for the safety of laboratory and testing professionals and their communities; (10) advances the integration of laboratory expertise in healthcare systems to improve the accuracy of diagnoses and to reduce diagnostic errors; (11) develops, promotes, and implements data science approaches for improved use of large and complex data sets in support of adherence to CLIA standards; and (12) leverages data acquired from large health databases to evaluate laboratory testing practices, capabilities, capacity, and public health outcomes.

Training and Workforce Development Branch (CANCD). The mission of the Training and Development Branch (TWDB) is to strengthen laboratory practice and systems through strategic, innovative training, and leadership of initiatives to recruit, develop, and retain a diverse, well-prepared laboratory workforce. To carry out its mission, TWDB: (1) develops, promotes, and disseminates laboratory capacity-building resources that enhance CDC's and the clinical laboratory community's ability to combat emerging threats, learn evolving practices, and stay current with the newest standards and technologies; (2) designs and disseminates innovative training on laboratory core science, quality, safety, informatics, and emergency preparedness for CDC and the U.S. clinical and public health laboratories and the testing community—including eLearning, printable and video job aids, live webinars, Training of Trainers programs, and virtual reality courses that build learners' skills in a safe, simulated laboratory environment; (3) engages clinical and public health laboratory professionals and testers in non-laboratory settings and connects them to CDC and to each other to rapidly identify and respond to urgent training needs and sustain a capacity-building community; (4) develops just-in-time training for an integrated network of CDC, domestic, and international laboratories on how to respond to biological and chemical threats and other high-priority public health emergencies; (5) leverages expertise in instructional design, multimedia production, evaluation, and project management to rapidly identify and prioritize training needs, select the optimal format for a given training goal, audience, and timeline, and efficiently develop laboratory training that meets CDC Quality Training Standards and Section 508 standards for learners with disabilities; (6) maintains OneLab Rapid Education And Capacity-building Hub (REACH), a free, publicly accessible

learning management system tailored to the needs of CDC and U.S. clinical laboratory professionals; (7) facilitates site-specific training and increases CDC and U.S. clinical laboratories' capacity to sustain their own workforce development programs; (8) develops, delivers, and maintains a catalog of quality, safety, and regulatory affairs training informed by agency-specific policies and guidelines and tailored to the needs of CDC laboratory staff; (9) designs and delivers hands-on training at CDC's laboratory training facilities; (10) provides leadership and support of the laboratory workforce through sustainable initiatives that strengthen recruitment, retention, management, and training; (11) increases awareness of and access to laboratory education and training opportunities among under-represented groups and communities to increase diversity within the laboratory workforce and ultimately advance health equity; (12) develops frameworks, models, and resources that support competency-based laboratory training; and (13) evaluates the efficiency and effectiveness of laboratory education, training, and workforce development programs to ensure the effective knowledge transfer and skills attainment to improve laboratory practice.

Division of Core Laboratory Services and Response (CAND). The mission of the Division of Core Laboratory Services and Response (DCLSR) is to provide products, services, and specialized expertise to CDC programs in support of emergency response activities, laboratory research, and laboratory operations. To carry out its mission, DCLSR: (1) provides laboratory support to outbreak responses through sample accessioning, pre-clinical processing of diagnostic specimens, surge testing capacity, and long-term sample management, including the CDC Biorepository; (2) provides laboratory supplies, glassware, mammalian tissue cultures, microbiological media, special reagents, and other laboratory materials in support of research and service activities to laboratories and CDC investigators; (3) promotes animal welfare and improves the quality and integrity of animal-based research by engaging in independent and collaborative research, providing state-of-the-art training to researchers and partners, and offering a broad range of fully integrated professional veterinary services; (4) works with CDC pathogen specific programs and public health partners in test design and evaluation, including innovative and novel diagnostic tests and assays (molecular,

immunological, and sequence based) and new instrument platforms and technologies to detect emerging and known pathogens; (5) develops and implements applied research programs to expand and enhance the use of animal models necessary to support research and diagnostic programs and to improve breeding and husbandry procedures; (6) conducts applied research in cell biology and in the expansion of tissue culture technology as a research and diagnostic tool for infectious disease activities; (7) serves as an important entry point for emerging and advanced laboratory technologies, and a central core facility for high-capacity or high-output instrumentation that can support multiple program activities; (8) provides services for laboratory investigators in DNA and peptide synthesis, genomic sequencing, bioinformatics, mass spectrometry, and proteomics; (9) obtains and distributes experimental and orphaned vaccines, drugs, antisera, antitoxins, and immune globulins; (10) manages and distributes the inventory, maintains the computerized system database, and provides general technical service support for the dispensing, lyophilizing, capping, and labeling of CDC reference reagents; (11) receives, triages, processes, and distributes samples to CDC laboratories for reference diagnostic testing, research studies, and epidemics, and reports diagnostic test results to submitting organizations; (12) manages all CDC exports and ensures compliance with regulations and serves as CDC liaison with the Department of Commerce for export-related issues; (13) produces and distributes specialized reagents and diagnostic products for research and development, surveillance, preparedness activities, outbreak and emergency response; (14) provides services and expertise in implementation of quality systems to support compliance with FDA regulations on production, distribution, and use of laboratory diagnostic reagents; (15) provides liaison activities, resources, and expertise for inquiries regarding multiple animal species relevant to zoonotic diseases; (16) provides a centralized activity for tracking requests for and distributing select agents to investigators outside of CDC in compliance with federal regulations; and (17) provides staffing and support for emergency responses at the program, division, center, and agency levels.

Office of the Director (CAND1). (1) manages, directs, and coordinates the activities of DCLSR; (2) provides leadership and guidance on the

development of strategic goals, objectives, and milestones to advance the vision and mission of DCLSR; (3) distributes investigational and licensed drugs and unique biologicals (antitoxins) to approved physicians for the treatment of rare, tropical, or exceptional diseases; (4) develops administrative policies, processes, and operations for the division; (5) ensures that health equity principles are applied in all DCLSR activities; (6) works to ensure that spending plans and budgets are executed and aligned with the strategic priorities of the division; (7) works with OLSR OD to establish and maintain a diverse, equitable, inclusive, and accessible workplace; (8) provides scientific, business, and policy oversight and guidance for all programs and activities housed in the division; and (9) works closely with other CIOs during outbreak investigations and on an ongoing basis, providing support, guidance, collaboration, and expertise.

Biotechnology Core Facility Branch (CANDB). (1) serves a vital function at CDC, enabling rapid, high-quality and state-of-the-art sequencing services for infectious and biothreat agents, environmental, human, animal, and vector species in support of the agency's public health mission; (2) provides qualitative and quantitative proteomic analyses (identification of expressed proteins by mass spectrometry) and analysis of functionally relevant post-translational modifications of proteins; (3) provides mass spectrometry-based positive identification of bacteria and fungi; (4) provides synthetic oligonucleotide chemistry in support of development of rapid diagnostic tests and characterization of pathogens and their hosts; (5) provides synthetic peptide chemistry in support of studies of immune response and antigen-antibody interactions; (6) provides biotechnology seminars and methods evaluation; (7) works with CDC pathogen-specific programs in the evaluation of new instrument platforms and technologies to detect emerging and known pathogens and in the evaluation of existing and in the design of innovative and novel diagnostic tests and assays (sequence based); and (8) assesses and supports advanced analytical methodologies for the CDC scientific community.

Comparative Medicine Branch (CANDC). (1) acquires and distributes laboratory animals for research; (2) provides appropriate housing, husbandry, and psychological enrichment for all research animals; (3) provides veterinary services, including clinical and surgical support, for the laboratory animals; (4) develops

standard operating procedures for animal care and use in accordance with the policies established by Association for Assessment and Accreditation of Laboratory Animal Care (AAALAC) International, the Animal Welfare Act, The Guide for the Care & Use of Laboratory Animals, and the CDC International Animal Care & Use Committee; (5) conducts applied research to improve the care and use of animals in research and collaborates on research projects that use laboratory animals; (6) provides consultation and laboratory animal technology training to investigators, technical staff and animal care personnel; and (7) provides oversight, support and investigator training for the graphical animal information technology protocol development and animal tracking database.

Preparedness, Response, and Outbreak Services Branch (CANDD). (1) provides centralized specimen management services for diagnostic, reference, and outbreak investigations; maintains a bank of biological specimens of epidemiological significance to CDC's research and diagnostic activities; manages and tracks systems of specimen collections; (2) receives, triages, processes, stores, and distributes specimens to CDC laboratories for reference diagnostic testing, research studies, and reports diagnostic and surveillance test results to submitting organizations; (3) provides extracted nucleic acids under a CLIA approved workflow that can be used for sequencing and molecular diagnostics; (4) maintains and manages the biological laboratory component of the LRN; (5) provides strategic guidance for LRN test development and reagent inventory operations; (6) provides technical input for assay development for federally managed environmental monitoring systems and guidelines developed through U.S. government collaborations for the validation and use of environmental detection devices; (7) develops LRN protocols for specimen handling and testing for bioterrorism agents; (8) produces and manages inventory of high-quality reagents available to LRN laboratories and expedites shipping of products to support emergency response needs; (9) collaborates with CDC and external partners to assist in administering proficiency testing programs for critical agents for LRN member laboratories; (10) evaluates and validates advanced technology for the identification and characterization of agents of bioterrorism and other emerging infectious diseases; (11) works with

CDC pathogen-specific programs in the evaluation of existing and in the design of innovative and novel diagnostic tests and assays (molecular and immunological); (12) provides laboratory triage capability at CDC for unknown biological and chemical agents; (13) produces hybridomas, monoclonal, and polyclonal antibodies, and in vitro diagnostic products for diagnostic research purposes, proficiency testing, pandemic preparedness, outbreak response and surveillance activities; (14) collaborates with subject matter experts in regulatory compliant development, production, packaging, storing and distribution of Biosafety Level 2 (BSL2)/Biosafety Level 3 (BSL3) reagents, select agents, novel immuno- chemical reagents and reference diagnostic reagents; (15) provides dispensing, lyophilizing, label production, and device assembly services; (16) improves the process of bench-top development and in-house pilot scale production, providing immediate availability for distribution, preventing backorders, and streamlining commercialization; (17) operates the CDC Biorepository as a centralized resource to preserve CDC's valuable samples and provide ongoing support to CDC programs; (18) manages sample collections, along with associated information and data obtained from CDC's public health surveillance, research, and outbreak responses; (19) serves as the administrator that issues CDC's required standardized identifiers: the CDC Sample Identifier and CDC Unique Identified; and (20) provides consultation in all of the above technical services.

Laboratory Products and Services Branch (CANDE). (1) maintains laboratory water treatment systems to ensure the quality of CDC reagent grade laboratory water; (2) produces, develops, evaluates, and distributes custom microbiological and cell culture media, buffers, chemical reagents, and cell cultures; (3) maintains CDC's Biological Reference Reagent Inventory and a serviceable inventory at the DCLSR Continuity of Operations storage facility; (4) packages infectious substances, clinical specimens, and other materials, ensuring compliance with shipping regulations; (5) manages all CDC exports and deemed exports ensuring compliance with regulations and serves as CDC liaison with Department of Commerce for export-related issues; (6) coordinates laboratory glassware and consumable stockroom operations; and (7) provides consultation in all of the above technical services.

Delegations of Authority

All delegations and redelegations of authority made to officials and employees of affected organizational components will continue in them or their successors pending further redelegation, provided they are consistent with this reorganization.

(Authority: 44 U.S.C. 3101)

Robin D. Bailey, Jr.,

Chief Operating Officer, Centers for Disease Control and Prevention.

[FR Doc. 2024-21412 Filed 9-18-24; 8:45 am]

BILLING CODE 4163-18-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Reorganization of the Office of Health Equity

AGENCY: Centers for Disease Control and Prevention (CDC), the Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: CDC has modified its structure. This notice announces the reorganization of the Office of Health Equity (OHE). OHE abolished an office and modified mission and function statements.

DATES: This reorganization of OHE was approved by the Director of CDC on September 13, 2024, and became effective September 13, 2024.

FOR FURTHER INFORMATION CONTACT: Kem Williams, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS TW-3, Atlanta, GA 30329; Telephone 404-639-7199; Email: ohepolicy@cdc.gov.

SUPPLEMENTARY INFORMATION: Part C (Centers for Disease Control and Prevention) of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health and Human Services (45 FR 67772-76, dated October 14, 1980, and corrected at 45 FR 69296, October 20, 1980, as amended most recently at 89 FR 68442-68443, dated August 26, 2024) is amended to reflect the reorganization of Office of Health Equity, Immediate Office of the Director, Centers for Disease Control and Prevention. Specifically, the changes are as follows:

I. Under Part C, Section C-B, Organization and Functions, make the following changes:

- Update the mission for the Office of Health Equity (CAG)

- Update the mission for the Office of the Director (CAG1)
- Abolish the Office of Equitable Population Health (CAGB)
- Update the mission for the Office of Minority Health (CAGC)
- Update the mission for the Office of Health Equity (CAGD)

II. Under Part C, Section C-B, Organization and Functions, within the Office of Health Equity (CAG), delete the mission or function statements for and replace with the following:

Office of Health Equity (CAG). The Office of Health Equity (OHE) is located in the CDC Immediate Office of the Director and serves as principal advisor to the CDC Director on all health equity matters domestic and global. In carrying out its mission, OHE: (1) leads an agency-wide health equity strategy that includes crosscutting multi-year initiatives that advance comprehensive, well-defined, and measurable health outcomes; (2) coordinates health equity science including advancing the surveillance of health equity indicators and the science of achieving health equity by consistently applying data collection and analysis standards in collaboration with the Office of Public Health Data, Surveillance, and Technology, as well as the Office of Science; (3) coordinates programs, practices, policies, and budget decisions across the agency with a health equity lens that includes a comprehensive view of disparities (including race, ethnicity, gender, sexual orientation, rurality, disability) and health inequities (e.g., social determinants of health); (4) works in collaboration with CDC's Office of Communications to develop and lead agency-wide communication efforts aimed at increasing awareness, transparency, language access, and cultural responsiveness; disseminate scientific and programmatic findings to the public; and foster synergy amongst CDC health equity initiatives; (5) shares best practices, coordinates, collaborates, and collectively advances health equity standards and principles in science, programs, and in communications with the public and our partners; (6) leads and supports a health equity approach for emergency responses across the agency that includes working with partners to reach communities that are underserved and subject to largely preventable health disparities and health-related needs; and (7) applies an intersectionality lens to addressing health disparities by working across units within OHE and CIOs to increase program efficacy closing gaps that perpetuate disparities and inequities.

Office of the Director (CAG1). The Office of the Director provides

leadership, oversight, fiscal management, and coordination to all units within the Office of Health Equity, including leading and coordinating the planning and implementation of an agency-wide strategy to address largely preventable health disparities and health inequities among persons with disabilities, people who identify as LGBTQ+, and people who live in rural and frontier communities. The Office of the Director ensures collaboration through a matrix management approach across all units within OHE to achieve an intersectional approach to reducing health disparities in populations that have experienced persistent patterns of poor health outcomes. Further, the Office of the Director: (1) drives Executive accountability and responsive decision-making relevant to health equity at all levels; (2) ensures agency-wide health equity approaches through the development of key deliverables and indicators (*e.g.*, standardized documents, processes, policies, and practices that advance health equity); (3) incorporates health equity into existing and future agency policies and programs building on current efforts that have been effective in achieving equity; (4) leads the advancement of intersectional health equity practices and principles across the agency; (5) leads efforts to build agency-wide competency in health equity and social determinants of health (SDOH) that effectively support cross-cutting equity considerations for both ongoing activities and during emergency response-related efforts; (6) leads and contributes technical expertise to the development of training materials which will support a cadre of professionals who will assist in emergency response work and who have expertise related to disproportionately affected communities (*e.g.*, racial and ethnic minority populations, people with disabilities, and non-U.S. born persons), prioritizing individuals who can assist in a culturally responsive and linguistically appropriate manner and who would easily be able to engage with appropriate community leaders in the response; (7) serves as the primary point of contact for efforts across the CDC's ecosystem to develop and share best practices, coordinate, collaborate, and collectively advance health equity standards and principles in science, programs, and in communications with the public; and (8) proactively fosters community engagement with existing partners, STLT health departments, engagement with people with lived experience from disproportionately affected communities and strengthen

relationships with national and community-based organizations (CBOs).

Office of Minority Health (CAGC). Office of Minority Health (OMH) (1) promotes public health research, evidence-based programs, policies, and strategies to improve the health and well-being of racial and ethnic minority populations; (2) focuses on the collective goal of the success, sustainability and dissemination of health equity promoting policies, programs, and practices; (3) provides subject matter expertise to the Office of Health Equity in areas that are related to racial and ethnic minority health; (4) works in a coordinated manner with the Office of Women's Health (OWH) to ensure an intersectionality lens is applied to the work to improve the health and well-being of people who identify with a racial and/or ethnic population as well as other identity groups such as people with disabilities; (5) applies an intersectionality lens, contributes subject matter expertise to the development of guidance documents and standards related to improving minority health; (6) applies an intersectionality lens, partners with CIOs to implement and refine how health equity approaches related to minority health are operationalized and institutionalized; (7) contributes technical expertise to the development of quantitative and qualitative indicators and metrics needed to assess minority health and associated health inequities; (8) partners with CIOs to use standardized tools and metrics relevant to minority health to monitor progress, measure effectiveness, and make changes to improve health outcomes; (9) contributes technical expertise to the development of minority health and equity-related technical communication products (*e.g.*, white papers, technical briefs, success stories); (10) provides thought leadership and technical consultation in the science and practice of minority health, health equity, and the elimination of health disparities; (11) applies an intersectionality lens, contributes technical expertise in minority health to agency-wide communication efforts aimed to increase awareness of CDC's equity approaches and infuse those approaches into CDC's public health work; (12) supports the Chief Health Equity Officer (CHEO) unit during emergency responses; and (13) assists the Immediate Office of the Director, as needed, to identify and develop partnerships with STLT health departments, minority health-focused national and CBOs.

Office of Women's Health (CAGD). (1) promotes public health research,

evidence-based programs, policies, and strategies to improve the health and well-being of women and girls; (2) serves as a central point for women's health and raises visibility of risk factors and other conditions that impact women's and girls' health; (3) provides subject matter expertise to support gender and women's health and collaborates with OMH to develop a whole of public health approach while contributing to and supporting the work of OHE/OD; (4) applies an intersectionality lens, contributes subject matter expertise to the development of guidance documents and standards related to women's health; (5) applies an intersectionality lens when partnering with CIOs to implement and refine how health equity approaches related to women's health are operationalized and institutionalized; (6) contributes technical expertise to the development of quantitative and qualitative indicators and metrics needed to assess women's health; (7) partners with CIOs to use standardized tools and metrics relevant to women's health to monitor progress, measure effectiveness, and make changes to improve health equity outcomes; (8) contributes technical expertise to the development of women's health and equity-related technical communication products (*e.g.*, white papers, technical briefs, success stories); (9) contributes technical expertise in women's health to agency-wide activities that include (a) developing and disseminating key guidance documents, where needed, that address social and structural determinants of health; (b) advancing the surveillance of health equity indicators and the science of achieving gender health equity; and (c) consistently applying data collection and analysis standards in collaboration with the Office of Public Health Data, Surveillance, and Technology and the Office of Science; (10) applies an intersectionality lens, contributes technical expertise in women's health to agency-wide communication efforts aimed to increase awareness of CDC's gender equity approaches and infuse those approaches into CDC's public health work; (11) applies an intersectionality lens to technical expertise in the design of training programs and technical assistance efforts implemented with CIOs, programs, partner organizations, and communities; and (12) assists the OHE Office of the Director, as needed, on partnership development and community engagement efforts,

including for emergency response events.

III. Under part C, Section C–B, Organization and Functions, delete the respective mission or functional statements for and replace with the following:

Meningitis, Pertussis, and Diphtheria Epidemiology Branch (CJEC). (1) provides epidemiologic subject matter expertise and technical assistance for surveillance, prevention, and control of bacterial illness, including meningococcal disease, *Haemophilus influenzae* disease, diphtheria, pertussis, tetanus, and bacterial meningitis syndrome; (2) develops, implements, and evaluates prevention strategies for these bacterial diseases, including vaccine and non-vaccine strategies; (3) supports development of vaccine policy through the ACIP process; (4) conducts surveillance and epidemiological research for meningococcal disease, *H. influenzae* disease, diphtheria, pertussis, tetanus, and bacterial meningitis syndrome; (5) provides consultation and support to domestic and international partners on the use of vaccines and other prevention measures for bacterial respiratory diseases; and (6) collaborates with other CDC groups, other federal agencies, state, tribal, local, and territorial groups, ministries of health, World Health Organization, private industry, academia, and other governmental and non-governmental organizations involved in public health.

Delegations of Authority

All delegations and redelegations of authority made to officials and employees of affected organizational components will continue in them or their successors pending further redelegation, provided they are consistent with this reorganization.

(Authority: 44 U.S.C. 3101)

Robin D. Bailey,

Chief Operating Officer, Centers for Disease Control and Prevention.

[FR Doc. 2024–21411 Filed 9–18–24; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[CMS–1823–N]

Medicare Program; Public Meeting for New Revisions to the Healthcare Common Procedure Coding System (HCPCS) Coding—November 6–8, 2024

AGENCY: Centers for Medicare & Medicaid Services (CMS), Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: This notice announces the dates and times of the virtual Healthcare Common Procedure Coding System (HCPCS) public meeting to be held from November 6, 2024, through November 8, 2024, to discuss CMS' preliminary coding, Medicare benefit category, and payment determinations, if applicable, for new revisions to the HCPCS Level II code set for non-drug and non-biological items and services, as well as how to register for those meetings.

DATES: *Virtual Meeting Dates:*

Wednesday, November 6, 2024, 9 a.m. to 5 p.m. Eastern Time (ET); Thursday, November 7, 2024, 9 a.m. to 5 p.m. ET; and Friday, November 8, 2024, 9 a.m. to 5 p.m. ET.

ADDRESSES: *Virtual Meeting Location:*

The HCPCS public meetings will be held virtually via Zoom only.

FOR FURTHER INFORMATION CONTACT:

Sundus Ashar, (410) 786–0750, Sundus.ashar1@cms.hhs.gov, or HCPCS@cms.hhs.gov.

SUPPLEMENTARY INFORMATION:

I. Background

On December 21, 2000, Congress enacted the Medicare, Medicaid, and the Children's Health Insurance Program (CHIP) Benefits Improvement and Protection Act of 2000 (BIPA) (Pub. L. 106–554). Section 531(b) of BIPA mandated that the Secretary establish procedures that permit public consultation for coding and payment determinations for new durable medical equipment (DME) under Medicare Part B of title XVIII of the Social Security Act (the Act). In the November 23, 2001, **Federal Register** (66 FR 58743), we published a notice providing information regarding the establishment of the annual public meeting process for DME.

In 2020, we implemented changes to our HCPCS Level II coding procedures, including the establishment of quarterly coding cycles for drugs and biological products and biannual coding cycles for

non-drug and non-biological items and services.

In the December 28, 2021, **Federal Register** (86 FR 73860), we published a final rule that established procedures for making Medicare benefit category and payment determinations for new items and services that are DME, prosthetic devices, orthotics and prosthetics, therapeutic shoes and inserts, surgical dressings, or splints, casts, and other devices used for reductions of fractures and dislocations under Medicare Part B.

II. Public Meeting Agendas

Prior to registering to attend a virtual public meeting, all potential participants and other attendees are advised to review the public meeting agendas at <https://www.cms.gov/Medicare/Coding/MedHCPCSGenInfo/HCPCSPublicMeetings>, which identify CMS' preliminary coding, Medicare benefit category, and payment determinations, if applicable, and the date each item will be discussed. In establishing the public meeting agendas, CMS may group multiple, related code applications under the same agenda item.

III. Virtual Meeting Registration

The November 6, 2024 through November 8, 2024, HCPCS public meetings will be virtual and available for remote audio attendance and participation only via Zoom. The Zoom link and registration instructions will be posted in the Guidelines for Participation in HCPCS Public Meetings document on the CMS website at <https://www.cms.gov/Medicare/Coding/MedHCPCSGenInfo/HCPCSPublicMeetings> and in an announcement on the HCPCS General Information page at <https://www.cms.gov/medicare/coding-billing/healthcare-common-procedure-system>. The same website also contains detailed information on how attendees can join the virtual public meetings using Zoom, including dial-in information. All individuals who plan to speak (15 or 5 minutes) at the virtual public meetings must register by 5 p.m. ET on October 25, 2024. All participants and other attendees can access the virtual public meeting through the Zoom link, which will be posted on the HCPCS Level II website. Attendees can attend more than 1 day of the public meeting.

A. Required Information for Registration

The following information must be provided when registering to be a speaker:

- Name;
- Company name (if applicable);

- Agenda item and application number;
- Email address;
- Any special assistance requests (will be considered if the registration is submitted by 5 p.m. ET, October 25, 2024);
- Whether the registrant is a primary speaker or a 5-minute speaker for an agenda item; and
- Whether the primary speaker will use a PowerPoint presentation.

B. Speakers and Attendees

1. Primary Speakers

Each applicant that submitted a HCPCS Level II code application that will be discussed at the virtual public meetings is permitted to designate a primary speaker. Fifteen minutes is the total time interval for a primary speaker per agenda item. Any unused time from the primary speaker will be forfeited and cannot be delegated to another speaker. The deadline for primary speakers to register and submit any supporting PowerPoint presentation is 5 p.m. ET, October 25, 2024. CMS will accept PowerPoint presentations if those materials are emailed to HCPCS@cms.hhs.gov by the stated deadline. Due to the timeframe needed for the planning and coordination of the HCPCS virtual public meetings, materials that are not submitted in accordance with this deadline cannot be accommodated.

All PowerPoint presentation materials must not exceed 10 slides and should be in PowerPoint presentation format, not PDF. We will not play videos, transitions, or animations during the public meeting sessions and request that the speakers exclude these materials from their PowerPoint presentation and instead submit any relevant video or animation materials along with their written comments. We request that speakers ensure the presentation does not include any inappropriate content before submission.

Every primary speaker must declare at the beginning of their presentation at the meeting, as well as in their written summary, whether they have any financial involvement with the manufacturer of the item that is the subject of the HCPCS Level II application that the primary speaker presented, or any competitors of that manufacturer with respect to the item. This includes any payment, salary, remuneration, or benefit provided to that speaker by the applicant.

2. 5-Minute Speakers

Any individual related to the public meeting agenda item, including but not

limited to, an employee, interested parties, competitor, insurer, public consumer, etc., may register and speak as a 5-minute speaker. The deadline for registering to be a 5-minute speaker is 5 p.m. ET, October 25, 2024.

Every 5-minute speaker must declare at the beginning of their presentation at the meeting, as well as in their written summary, whether they have any financial involvement with the manufacturer of the item that is the subject of the HCPCS Level II code application or agenda item that the 5-minute speaker presented, or with any competitors of that manufacturer with respect to the item. This includes any payment, salary, remuneration, or benefit provided to that speaker by the applicant. We will not accept any other written materials, outside of the written comments, from a 5-minute speaker.

3. All Other Attendees

All individuals who plan to attend the virtual public meetings to listen and do not plan to speak, may access the virtual public meeting using the Zoom link posted on the HCPCS Level II website at <https://www.cms.gov/medicare/coding-billing/healthcare-common-procedure-system> as well as the guidelines document.

Individuals who require special assistance must register and request special assistance services by 5 p.m. ET, October 25, 2024.

IV. Written Comments

The primary and 5-minute speaker(s) must email a brief, written summary (one paragraph) of their comments and conclusions. Written comments from anyone, including the primary and 5-minute speaker(s), will only be accepted when emailed to: HCPCS@cms.hhs.gov before 5 p.m. ET on the date of the virtual public meeting at which the HCPCS Level II code application that is the subject of the comments is discussed.

V. Additional Information

The HCPCS section of the CMS website also includes details regarding the public meeting process for new revisions to the HCPCS Level II code set, including information on how to join the meeting remotely, and guidelines for an effective presentation. The HCPCS section of the CMS website also contains a document titled “Healthcare Common Procedure Coding System (HCPCS) Level II Coding Procedures (PDF),” which is a description of the HCPCS Level II coding process, including a detailed explanation of the procedures CMS uses to make HCPCS Level II coding determinations.

When CMS refers to a HCPCS code or HCPCS Level II coding application above, CMS may also be referring to circumstances when a HCPCS code has already been issued, but a Medicare benefit category and/or payment has not been determined. CMS is working diligently to address Medicare benefit category and payment determinations for new items and services that may be DME, prosthetic devices, orthotics and prosthetics, therapeutic shoes and inserts, surgical dressings, or splints, casts, and other devices used for reductions of fractures and dislocations under Medicare Part B. Please check the CMS website listed above for the final agenda.

VI. Collection of Information Requirements

This document does not impose information collection requirements, that is, reporting, recordkeeping, or third-party disclosure requirements. Consequently, there is no need for review by the Office of Management and Budget under the authority of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

The Administrator of CMS, Chiquita Brooks-LaSure, having reviewed and approved this document, authorizes Trenesha Fultz-Mimms, who is the Federal Register Liaison, to electronically sign this document for purposes of publication in the **Federal Register**.

Trenesha Fultz-Mimms,

Federal Register Liaison, Centers for Medicare & Medicaid Services.

[FR Doc. 2024–21297 Filed 9–18–24; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[CMS–3464–FN]

Medicare Program; Application by the National Association of Boards of Pharmacy (NABP) for Continued CMS Approval of Its Home Infusion Therapy (HIT) Accreditation Program

AGENCY: Centers for Medicare & Medicaid Services (CMS), Health and Human Services (HHS).

ACTION: Final notice.

SUMMARY: This final notice announces our decision to approve the National Association of Boards of Pharmacy (NABP) for continued recognition as a national accrediting organization that accredits suppliers of home infusion

therapy (HIT) services that wish to participate in the Medicare or Medicaid programs.

DATES: The approval announced in this final notice is effective September 26, 2024 through September 26, 2030.

FOR FURTHER INFORMATION CONTACT: Shannon Freeland, (410) 786-4348.

SUPPLEMENTARY INFORMATION:

I. Background

Home infusion therapy (HIT) is a treatment option for Medicare beneficiaries with a wide range of acute and chronic conditions. Section 5012 of the 21st Century Cures Act (Pub. L. 114-255, enacted December 13, 2016) added section 1861(iii) to the Social Security Act (the Act), establishing a new Medicare benefit for HIT services. Section 1861(iii)(1) of the Act defines “home infusion therapy” as professional services, including nursing services; training and education not otherwise covered under the Durable Medical Equipment (DME) benefit; remote monitoring; and other monitoring services. Home infusion therapy must be furnished by a qualified HIT supplier and furnished in the individual’s home. Sections 1861(iii)(A) and (B) of the Act require that the individual (patient) must:

- Be under the care of an applicable provider (that is, physician, nurse practitioner, or physician assistant); and
- Have a plan of care established and periodically reviewed by a physician in coordination with the furnishing of home infusion drugs under Part B, which prescribes the type, amount, and duration of infusion therapy services that are to be furnished.

Section 1861(iii)(3)(D)(i)(III) of the Act requires that a qualified HIT supplier be accredited by an accrediting organization (AO) designated by the Secretary in accordance with section 1834(u)(5) of the Act.

Section 1834(u)(5)(A) of the Act identifies factors for designating HIT AOs and for reviewing and modifying the list of designated HIT AOs. These statutory factors are as follows:

- The ability of the accrediting organization to conduct timely reviews of HIT accreditation applications.
- The ability of the accrediting organization to take into account the capacities of HIT suppliers located in a rural area (as defined in section 1886(d)(2)(D) of the Act).
- Whether the accrediting organization has established reasonable fees to be charged to HIT suppliers applying for accreditation.
- Such other factors as the Secretary determines appropriate.

Section 1834(u)(5)(B) of the Act requires the Secretary to designate AOs to accredit HIT suppliers furnishing HIT not later than January 1, 2021. Section 1861(iii)(3)(D)(i)(III) of the Act requires a “qualified home infusion therapy supplier” to be accredited by a CMS-approved AO, pursuant to section 1834(u)(5) of the Act.

The current term of approval for the National Association of Boards of Pharmacy (NABP) HIT accreditation program expires September 26, 2024.

II. Approval of Deeming Organization

Section 1834(u)(5) of the Act and § 488.1010 require that our findings concerning review and approval of a national accrediting organization’s requirements consider, among other factors, the applying accrediting organization’s requirements for accreditation; survey procedures; resources for conducting required surveys; capacity to furnish information for use in enforcement activities; monitoring procedures for provider entities found not in compliance with the conditions or requirements; and ability to provide CMS with the necessary data.

Our rules at 42 CFR 488.1020(a) require that we publish, after receipt of an organization’s complete application, a notice identifying the national accrediting body making the request, describing the nature of the request, and providing at least a 30-day public comment period. Pursuant to our rules at 42 CFR 488.1010(d), we have 210 days from the receipt of a complete application to publish notice of approval or denial of the application.

III. Provisions of the Proposed Notice

In the April 26, 2024 **Federal Register** (89 FR 32434), we published a proposed notice announcing NABP’s request for continued recognition as a national accrediting organization for suppliers providing HIT services that wish to participate in the Medicare or Medicaid programs. In that proposed notice, we detailed our evaluation criteria. Under section 1834(u)(5) the Act and in our regulations at § 488.1010, we conducted a review of NABP’s Medicare HIT accreditation application in accordance with the criteria specified by our regulations, which include, but are not limited to, the following:

- An administrative review of NABP’s:
 - ++ Corporate policies;
 - ++ Financial and human resources available to accomplish the proposed surveys;

++ Procedures for training, monitoring, and evaluation of its HIT surveyors;

++ Ability to investigate and respond appropriately to complaints against accredited HITs; and

++ Survey review and decision-making process for accreditation.

- The equivalency of NABP’s standards for HIT as compared with CMS’ HIT conditions for participation.
- NABP’s survey process to determine the following:

++ The composition of the survey team, surveyor qualifications, and the ability of the organization to provide continuing surveyor training;

++ The comparability of NABP’s to CMS’ standards and processes, including survey frequency, and the ability to investigate and respond appropriately to complaints against accredited facilities;

++ NABP’s processes and procedures for monitoring a HIT supplier found out of compliance with NABP’s program requirements;

++ NABP’s capacity to report deficiencies to the surveyed HIT facilities and respond to the facility’s evidence of standards compliance in a timely manner;

++ NABP’s capacity to provide CMS with electronic data and reports necessary for effective assessment and interpretation of the organization’s survey process;

++ NABP’s capacity to adequately fund required surveys;

++ NABP’s policies with respect to whether surveys are announced or unannounced, to ensure that surveys are unannounced; and

++ NABP’s agreement to provide CMS with a copy of the most current accreditation survey together with any other information related to the survey as CMS may require (including corrective action plans or NABP’s evidence of standards compliance).

- The adequacy of NABP’s staff and other resources, and its financial viability.

• NABP’s agreement or policies for voluntary and involuntary termination of suppliers.

• NABP’s agreement or policies for voluntary and involuntary termination of the HIT AO program.

• NABP’s policies and procedures to avoid conflicts of interest, including the appearance of conflicts of interest, involving individuals who conduct surveys or participate in accreditation decisions.

IV. Analysis of and Responses to Public Comments on the Proposed Notice

In accordance with section 1834(u)(5) of the Act, the April 26, 2024, proposed

notice also solicited public comments regarding whether NABP's requirements met or exceeded the Medicare conditions for participation for HIT. No comments were received in response to our proposed notice.

V. Provisions of the Final Notice

A. Differences Between NABP's Standards and Requirements for Accreditation and Medicare Conditions and Survey Requirements

We compared NABP's HIT accreditation requirements and survey process with the Medicare Conditions for Coverage of 42 CFR part 486, and the survey and certification process requirements of part 488. Our review and evaluation of NABP's HIT application, which were conducted as described in section III of this final notice, yielded the following areas where, as of the date of this notice, NABP has completed revising its standards and certification processes to meet the conditions at §§ 486.500 to 486.525.

- Section 486.520(a), to address the requirement that all patients must be under the care of an applicable provider.
- Section 486.520(b), to address the requirement that the plan of care must be established by a physician and that it prescribes the type, amount, and duration of the home infusion therapy services that are to be furnished.
- Section 486.520(c), to address the requirement that the plan of care for each patient must be periodically reviewed by the physician.
- Section 486.525(a), to address the requirement that the HIT supplier must provide the following services on a 7-day a week, 24 hour-a-day basis in accordance with the plan of care:
 - ++ Section 486.525(a)(1), to provide professional services, including nursing services.
 - ++ Section 486.525(a)(2), to address the requirement for patient training and education and not otherwise paid for as durable medical equipment.
 - ++ Section 486.525(a)(3), to address the requirement of remote monitoring services for the provision of HIT services and home infusion drugs.

Section 486.525(b), to address the requirement that all home infusion therapy suppliers must provide HIT services in accordance with nationally recognized standards of practice, and in accordance with all applicable state and federal laws and regulations.

B. Term of Approval

Based on the review and observations described in section III. of this final

notice, we have determined that NABP's requirements for HIT meet or exceed our requirements. Therefore, we approve NABP as a national accreditation organization for HITs that request participation in the Medicare program, effective September 26, 2024 through September 26, 2030.

VI. Collection of Information Requirements

This document does not impose information collection requirements, that is, reporting, recordkeeping, or third-party disclosure requirements. Consequently, there is no need for review by the Office of Management and Budget under the authority of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35).

The Administrator of the Centers for Medicare & Medicaid Services (CMS), Chiquita Brooks-LaSure, having reviewed and approved this document, authorizes Trenesha Fultz-Mimms, who is the Federal Register Liaison, to electronically sign this document for purposes of publication in the **Federal Register**.

Trenesha Fultz-Mimms,

Federal Register Liaison, Centers for Medicare & Medicaid Services.

[FR Doc. 2024–21409 Filed 9–18–24; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[CMS–3462–FN]

Medicare Program; Application by The Compliance Team (TCT) for Continued CMS Approval of Its Home Infusion Therapy (HIT) Accreditation Program

AGENCY: Centers for Medicare & Medicaid Services (CMS), Health and Human Services (HHS).

ACTION: Final notice.

SUMMARY: This final notice announces our decision to approve The Compliance Team (TCT) for continued recognition as a national accrediting organization that accredits suppliers of home infusion therapy (HIT) services that wish to participate in the Medicare or Medicaid programs.

DATES: The approval announced in this final notice is effective September 28, 2024, through September 28, 2030.

FOR FURTHER INFORMATION CONTACT: Shannon Freeland, (410) 786–4348.

SUPPLEMENTARY INFORMATION:

I. Background

Home infusion therapy (HIT) is a treatment option for Medicare beneficiaries with a wide range of acute and chronic conditions. Section 5012 of the 21st Century Cures Act (Pub. L. 114–255, enacted December 13, 2016) added section 1861(iii) to the Social Security Act (the Act), establishing a new Medicare benefit for HIT services. Section 1861(iii)(1) of the Act defines “home infusion therapy” as professional services, including nursing services; training and education not otherwise covered under the Durable Medical Equipment (DME) benefit; remote monitoring; and other monitoring services. Home infusion therapy must be furnished by a qualified HIT supplier and furnished in the individual's home. Sections 1861(iii)(A) and (B) of the Act require that the individual (patient) must:

- Be under the care of an applicable provider (that is, physician, nurse practitioner, or physician assistant); and
- Have a plan of care established and periodically reviewed by a physician in coordination with the furnishing of home infusion drugs under Part B, which prescribes the type, amount, and duration of infusion therapy services that are to be furnished.

Section 1861(iii)(3)(D)(i)(III) of the Act requires that a qualified HIT supplier be accredited by an accrediting organization (AO) designated by the Secretary in accordance with section 1834(u)(5) of the Act.

Section 1834(u)(5)(A) of the Act identifies factors for designating HIT AOs and for reviewing and modifying the list of designated HIT AOs. These statutory factors are as follows:

- The ability of the accrediting organization to conduct timely reviews of HIT accreditation applications.
- The ability of the accrediting organization to take into account the capacities HIT suppliers located in a rural area (as defined in section 1886(d)(2)(D) of the Act).
- Whether the accrediting organization has established reasonable fees to be charged to HIT suppliers applying for accreditation.
- Such other factors as the Secretary determines appropriate.

Section 1834(u)(5)(B) of the Act requires the Secretary to designate AOs to accredit HIT suppliers furnishing HIT not later than January 1, 2021. Section 1861(iii)(3)(D)(i)(III) of the Act requires a “qualified home infusion therapy supplier” to be accredited by a CMS-approved AO, pursuant to section 1834(u)(5) of the Act.

The current term of approval for The Compliance Team (TCT) HIT

accreditation program expires September 28, 2024.

II. Approval of Deeming Organization

Section 1834(u)(5) of the Act and § 488.1010 require that our findings concerning review and approval of a national accrediting organization's requirements consider, among other factors, the applying accrediting organization's requirements for accreditation; survey procedures; resources for conducting required surveys; capacity to furnish information for use in enforcement activities; monitoring procedures for provider entities found not in compliance with the conditions or requirements; and ability to provide CMS with the necessary data.

Our rules at 42 CFR 488.1020(a) require that we publish, after receipt of an organization's complete application, a notice identifying the national accrediting body making the request, describing the nature of the request, and providing at least a 30-day public comment period. Pursuant to our rules at 42 CFR 488.1010(d), we have 210 days from the receipt of a complete application to publish notice of approval or denial of the application.

III. Provisions of the Proposed Notice

In the April 29, 2024, **Federal Register** (89 FR 33354), we published a proposed notice announcing TCT's request for continued recognition as a national accrediting organization for suppliers providing HIT services that wish to participate in the Medicare or Medicaid programs. In that proposed notice, we detailed our evaluation criteria. Under section 1834(u)(5) the Act and in our regulations at § 488.1010, we conducted a review of TCT's Medicare HIT accreditation application in accordance with the criteria specified by our regulations, which include, but are not limited to, the following:

- An administrative review of TCT's:
 - ++ Corporate policies;
 - ++ Financial and human resources available to accomplish the proposed surveys;
 - ++ Procedures for training, monitoring, and evaluation of its HIT surveyors;
 - ++ Ability to investigate and respond appropriately to complaints against accredited HITs; and
 - ++ Survey review and decision-making process for accreditation.
- The equivalency of TCT's standards for HIT as compared with CMS' HIT conditions for participation.
- TCT's survey process to determine the following:

++ The composition of the survey team, surveyor qualifications, and the ability of the organization to provide continuing surveyor training;

++ The comparability of TCT's to CMS' standards and processes, including survey frequency, and the ability to investigate and respond appropriately to complaints against accredited facilities;

++ TCT's processes and procedures for monitoring a HIT supplier found out of compliance with TCT's program requirements;

++ TCT's capacity to report deficiencies to the surveyed HIT facilities and respond to the facility's evidence of standards compliance in a timely manner;

++ TCT's capacity to provide CMS with electronic data and reports necessary for effective assessment and interpretation of the organization's survey process;

++ TCT's capacity to adequately fund required surveys;

++ TCT's policies with respect to whether surveys are announced or unannounced, to ensure that surveys are unannounced; and

++ TCT's agreement to provide CMS with a copy of the most current accreditation survey together with any other information related to the survey as CMS may require (including corrective action plans or TCT's evidence of standards compliance).

• The adequacy of TCT's staff and other resources, and its financial viability.

• TCT's agreement or policies for voluntary and involuntary termination of suppliers.

• TCT's agreement or policies for voluntary and involuntary termination of the HIT AO program.

• TCT's policies and procedures to avoid conflicts of interest, including the appearance of conflicts of interest, involving individuals who conduct surveys or participate in accreditation decisions.

IV. Analysis of and Responses to Public Comments on the Proposed Notice

In accordance with section 1834(u)(5) of the Act, the April 29, 2024, proposed notice also solicited public comments regarding whether TCT's requirements met or exceeded the Medicare conditions for participation for HIT. No comments were received in response to our proposed notice.

V. Provisions of the Final Notice

A. Differences Between TCT's Standards and Requirements for Accreditation and Medicare Conditions and Survey Requirements

We compared TCT's HIT accreditation requirements and survey process with the Medicare Conditions for Coverage of 42 CFR part 486, and the survey and certification process requirements of part 488. Our review and evaluation of TCT's HIT application, which were conducted as described in section III of this final notice, yielded the following areas where, as of the date of this notice, TCT has completed revising its standards and certification processes to meet the conditions at §§ 486.500 to 486.525.

- Section 486.520(a), to address the requirement of all patients must be under the care of an applicable provider.

- Section 486.520(b), to address the requirement that the plan of care must be established by a physician and that it prescribes the type, amount, and duration of the home infusion therapy services that are to be furnished.

- Section 486.520(c), to address the requirement that the plan of care for each patient must be periodically reviewed by the physician.

- Section 486.525(a), to address the requirement that the HIT supplier must provide the following services on a 7-day a week, 24 hour-a-day basis in accordance with the plan of care:

- ++ Section 486.525(a)(1), to provide professional services, including nursing services.

- ++ Section 486.525(a)(2), to address the requirement for patient training and education and not otherwise paid for as durable medical equipment.

- ++ Section 486.525(a)(3), to address the requirement of remote monitoring services for the provision of HIT services and home infusion drugs.

- Section 486.525(b), to address the requirement that all home infusion therapy suppliers must provide HIT services in accordance with nationally recognized standards of practice, and in accordance with all applicable state and federal laws and regulations.

B. Term of Approval

Based on the review and observations described in section III. of this final notice, we have determined that TCT's requirements for HIT meet or exceed our requirements. Therefore, we approve TCT as a national accreditation organization for HITs that request participation in the Medicare program, effective September 28, 2024 through September 28, 2030.

VI. Collection of Information Requirements

This document does not impose information collection requirements, that is, reporting, recordkeeping, or third-party disclosure requirements. Consequently, there is no need for review by the Office of Management and Budget under the authority of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35).

The Administrator of the Centers for Medicare & Medicaid Services (CMS), Chiquita Brooks-LaSure, having reviewed and approved this document, authorizes Trenesha Fultz-Mimms, who is the Federal Register Liaison, to electronically sign this document for purposes of publication in the **Federal Register**.

Trenesha Fultz-Mimms,

Federal Register Liaison, Centers for Medicare & Medicaid Services.

[FR Doc. 2024–21410 Filed 9–18–24; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifiers: CMS–372(S) and CMS–R–284]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Centers for Medicare & Medicaid Services, Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (PRA), Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, and to allow a second opportunity for public comment on the notice. Interested persons are invited to send comments regarding the burden estimate or any other aspect of this collection of information, including the necessity and utility of the proposed information collection for the proper performance of the agency's functions, the accuracy of the estimated burden, ways to enhance the quality, utility, and clarity of the information to be collected, and the use

of automated collection techniques or other forms of information technology to minimize the information collection burden.

DATES: Comments on the collection(s) of information must be received by the OMB desk officer by October 21, 2024.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, please access the CMS PRA website by copying and pasting the following web address into your web browser: <https://www.cms.gov/Regulations-and-Guidance/Legislation/PaperworkReductionActof1995/PRA-Listing>

FOR FURTHER INFORMATION CONTACT: William Parham at (410) 786–4669.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term "collection of information" is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal agencies to publish a 30-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice that summarizes the following proposed collection(s) of information for public comment:

1. *Type of Information Collection Request:* Revision of a currently approved collection; *Title of Information Collection:* Section 1915(c) Home and Community-Based Services Waivers and Supporting Regulations; *Use:* We use this report to compare actual data to the approved waiver estimates. In conjunction with the waiver compliance review reports, the information provided will be compared to that in the Medicaid Statistical

Information System (MSIS) (CMS–R–284; OMB control number: 0938–0345) report and FFP claimed on a State's Quarterly Expenditure Report (CMS–64; OMB control number: 0938–1265), to determine whether to continue the State's home and community-based services waiver. States' estimates of cost and utilization for renewal purposes are based upon the data compiled in the CMS–372(S) reports. *Form Number:* CMS–372(S) (OMB control number: 0938–0272); *Frequency:* Yearly; *Affected Public:* State, Local, or Tribal Governments; *Number of Respondents:* 47; *Total Annual Responses:* 259; *Total Annual Hours:* 11,396. (For policy questions regarding this collection contact George Failla at 410–786–7561.)

2. *Type of Information Collection Request:* Revision of a currently approved collection; *Title of Information Collection:* Transformed—Medicaid Statistical Information System (T–MSIS); *Use:* The data reported in T–MSIS are used by Federal, State, and local officials, as well as by private researchers and corporations to monitor past and projected future trends in the Medicaid program. The data provide the only national level information available on enrollees, beneficiaries, and expenditures. It also provides the only national level information available on Medicaid utilization. The information is the basis for analyses and for cost savings estimates for the Department's cost sharing legislative initiatives to Congress. The collected data are also crucial to our actuarial forecasts. *Form Number:* CMS–R–284 (OMB control number: 0938–0345); *Frequency:* Quarterly and monthly; *Affected Public:* State, Local, or Tribal Governments; *Number of Respondents:* 54; *Total Annual Responses:* 648; *Total Annual Hours:* 7,290. (For policy questions regarding this collection contact Connie Gibson at 410–786–0755.)

William N. Parham, III,

Director, Division of Information Collections and Regulatory Impacts, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2024–21444 Filed 9–18–24; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES**Administration for Children and Families****[CFDA Number: 93.568]****Proposed Reallotment of Fiscal Year 2023 Funds for the Low Income Home Energy Assistance Program**

AGENCY: Office of Community Services (OCS), Administration for Children and Families (ACF), Department of Health and Human Services (HHS).

ACTION: Notice for public comment.

SUMMARY: The ACF, OCS, Division of Energy Assistance announces a preliminary determination that funds from the federal fiscal year 2023 (FY23) Low Income Home Energy Assistance Program (LIHEAP) are available for reallotment to states, territories, tribes, and tribal organizations that received FY24 direct LIHEAP awards. The purpose of this award is to redistribute FY23 annual LIHEAP funds that recipients were unable to obligate or carry over to FY24. No sub-recipients of these recipients or other entities may apply for these funds.

DATES: Comments are due by: October 21, 2024.

ADDRESSES: Comments may be submitted to: Peter Edelman, Program

Analyst, Office of Community Services, Administration for Children and Families, 330 C Street SW, 5th Floor; Mail Room 5425; Washington, DC 20201 or via email: peter.edelman@acf.hhs.gov. Comments may also be faxed to 202–401–5661.

FOR FURTHER INFORMATION CONTACT:

Akm Rahman, Program Operations Branch Chief, Division of Energy Assistance, Office of Community Services, 330 C Street SW, 5th Floor; Mail Room 5425; Washington, DC 20201. Telephone: 202–401–5306; email: Akm.Rahman@acf.hhs.gov.

SUPPLEMENTARY INFORMATION: After receiving Federal Financial Reports (FFRs), Carryover and Reallotment Reports (CRRs), and fourth-quarter Quarterly Reports (QRs) from FY23 LIHEAP recipients, ACF has determined that \$18,363,980 in FY23 LIHEAP funds may be available for reallotment for FY24. This determination was based on the reports of 75 recipients and the total obligations of 4 recipients. LIHEAP recipients submitted the FY23 CRRs to OCS, as required by regulations applicable to LIHEAP at 45 CFR 96.81(b).

The LIHEAP statute allows recipients who have funds unobligated at the end of the FY for which they are awarded to request that they be allowed to carry over up to 10 percent of their full-year

allotments to the next FY (42 U.S.C. 8626(b)(2)). Funds in excess of this amount must be returned to the U.S. Department of Health and Human Services and are subject to reallotment under 42 U.S.C. 8626(b)(1).

In accordance with 42 U.S.C. 8626(b)(3), ACF notified each of the 79 recipients that reported or, in the absence of reporting, had potentially \$18,363,980 of unobligated funds above their carryover caps. In these notices, ACF told each recipient about the amount that, according to the recipients' reports, it needed to return for de-obligation and redistribution to FY24 recipients as part of the reallotment. It also gave each recipient 30 calendar days to provide comments directly to ACF.

All LIHEAP recipients that receive a portion of these funds will be notified of the final reallotment amount redistributed to them for FY24. This decision will also be published in the **Federal Register** and in a Dear Colleague Letter that is posted to ACF's website under LIHEAP Dear Colleague Letters.

The FY23 LIHEAP funds that ACF preliminarily expects to become available for reallotment determination come from the following recipients in the following amounts:

Name of recipient that has funds to be returned for reallotment	Preliminary amount available for reallotment ¹
Alaska	\$4,917,545
Idaho	4,896,940
Michigan	55,139
Commonwealth of the Northern Mariana Islands	47,429
Absentee Shawnee Tribe of Indians of Oklahoma	14,595
Alabama-Quassarte Tribal Town	18,204
Aniak Traditional Council	49,847
Berry Creek Rancheria	11,727
Big Valley Band of Pomo Indians	3,150
Bishop Paiute Tribe	17,447
Blackfeet Tribe	66,242
Catawba Indian Nation	14,656
Cheyenne and Arapaho Tribes	7,692
Choctaw Nation of Oklahoma	80,195
Chuathbaluk Traditional Council	34,383
Cocopah Indian Tribe	20,605
Coeur d'Alene Tribe	18,278
Comanche Nation	4,726
Confederated Salish and Kootenai Tribes	360,718
Confederated Tribes of Siletz Indians of Oregon	42,360
Confederated Tribes of the Grand Ronde Community of Oregon	15,524
Cow Creek Band of Umpqua Tribe of Indians	511
Dena'Nena'Henash—Tanana Chiefs Conference	26,018
Eastern Shoshone Tribe	135,825
Fort Peck Assiniboine and Sioux Tribes	584,537
Gila River Indian Community	73,461
Hoh Tribe	2,212
Hoopa Valley Tribe	12,878
Hopland Band of Pomo Indians	2,852
Houlton Band of Maliseet Indians	201,488
Indian Township Tribal Government	528,130

Name of recipient that has funds to be returned for reallocation	Preliminary amount available for reallocation ¹
Inter-Tribal Council of MI, Inc	129,655
Jicarilla Apache Nation	42,275
Karuk Tribe	1,746
Kaw Nation	5,017
Kiowa Tribe of Oklahoma	89,127
Little River Band of Ottawa Indians	10,074
Lower Elwha Klallam Tribe	7,986
Lummi Nation	19,363
Makah Tribe	25,257
Mashpee Wampanoag Tribe	171,286
Mi'kmaq Nation	44,858
Mississippi Band of Choctaw Indians	8,426
Modoc Nation	1,426
Muckleshoot Indian Tribe	1,110
Navajo Nation	800,838
Nooksack Indian Tribe	36,196
Northern Arapaho Tribe	19,950
Northern California Indian Development Council, Inc	846
Northern Cheyenne Tribe	25,583
Oglala Sioux Tribe	28,490
Orutsarmiut Native Council	276,283
Otoe-Missouria Tribe of Indians	6,087
Paiute Indian Tribe of Utah	140,249
Pawnee Nation of Oklahoma	6,740
Pleasant Point Tribal Government	50,685
Poarch Band of Creek Indians	146,887
Pueblo of Jemez	12,562
Pueblo of Zuni	28,337
Quapaw Nation	22,161
Quileute Tribe	69,502
Quinault Indian Nation	17,503
Riverside-San Bernardino County Indian Health, Inc	6,645
Sac and Fox Nation of Oklahoma	6,573
Samish Indian Nation	14,590
San Carlos Apache Tribe	8,904
Sault Ste. Marie Tribe of Chippewa Indians	1,064
Sitka Tribe of Alaska	53,222
Spirit Lake Nation	101,127
Spokane Tribe of Indians	23,773
Standing Rock Sioux Tribe	2,896,833
Swinomish Indian Tribal Community	39,631
The Delaware Tribe of Indians	4,501
The Klamath Tribes	162,427
Tonkawa Tribe of Oklahoma	3,374
Turtle Mountain Band of Chippewa Indians	69,032
United Cherokee Ani-Yun-Wiya Nation	55,932
Ute Indian Tribe	8,647
Yankton Sioux Tribe	395,886
Total	18,363,980

¹ Preliminary funds for reallocation consist of the funds in excess of LIHEAP's 10 percent carryover cap that (1) 75 recipients indicated on the FFRs or reported on the CRRs or QRs as unobligated; or (2) amounted to 100 percent of regular funds or IJA funds for the 4 recipients that failed to submit the associated FFRs and their CRRs or QRs.

If funds are reallocated, then they will be allocated in accordance with 42 U.S.C. 8623 and must be treated by LIHEAP recipients that receive them as funds appropriated for FY24. As FY24 funds, they will be subject to all requirements of the LIHEAP statute, including 42 U.S.C. 8626(b)(2), which requires that a recipient obligate at least 90 percent of its total block grant allocation for a fiscal year by the end of the fiscal year for which the funds are appropriated; that is, by September 30, 2024. Furthermore, recipients that

receive these funds may use these funds for any purpose authorized under LIHEAP and must add them to their total LIHEAP funds payable for FY24 for purposes of calculating statutory caps on administrative costs, carryover, Assurance 16 activities, and weatherization assistance.

Additionally, all recipients of these funds must (1) ensure that these funds are included in the amounts on Lines 1.1 of their FY24 CRRs; (2) reconcile these funds, to the extent that they received them, on their corresponding

FFRs; and (3) record, on their FY24 Household Reports, households that receive benefits at least partly from these funds. State recipients must also ensure that these funds are included in the Grantee Survey sections of their FY24 LIHEAP Performance Data Forms.

Statutory Authority: 42 U.S.C. 8626(b).

Anthony Petrucci,
Senior Grants Policy Specialist, Office of
Grants Policy, Office of Administration.

[FR Doc. 2024–21390 Filed 9–18–24; 8:45 am]

BILLING CODE 4184–80–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2024–N–4246]

Fee Rate for Using a Priority Review Voucher in Fiscal Year 2025

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or the Agency) is announcing the fee rate for using a priority review voucher for fiscal year (FY) 2025. The Federal Food, Drug, and Cosmetic Act (FD&C Act), as amended, authorizes FDA to determine and collect priority review user fees for certain applications for review of human drug or biological products when those applications use a tropical disease, rare pediatric disease, or material threat medical countermeasure (MCM) priority review voucher. These vouchers are awarded to the sponsors of tropical disease, rare pediatric disease, or material threat MCM product applications, respectively, that meet the requirements of the FD&C Act, upon FDA approval of such applications. The amount of the fee for using a priority review voucher is determined each fiscal year, based on the difference between the average cost incurred by FDA to review a human drug application designated as priority review in the previous fiscal year, and the average cost incurred in the review of an application that is not subject to priority review in the previous fiscal year. This notice establishes the FY 2025 priority review fee rate applicable to submission of eligible applications for review of human drug or biological products using a rare pediatric disease, material threat MCM, or tropical disease priority review voucher and outlines the payment procedures for such fees.

DATES: This rate is effective on October 1, 2024, and will remain in effect through September 30, 2025.

FOR FURTHER INFORMATION CONTACT: Olufunmilayo Ariyo, Office of Financial Management, Food and Drug Administration, 4041 Powder Mill Rd., 6th Floor, Beltsville, MD 20705–4304,

240–402–4989; or the User Fees Support Staff at OO-OFBAP-OFM-UFSS-Government@fda.hhs.gov.

SUPPLEMENTARY INFORMATION:

I. Background

A. Establishment of the Tropical Disease Priority Review Voucher

Section 1102 of the Food and Drug Administration Amendments Act of 2007 (Pub. L. 110–85) added section 524 to the FD&C Act (21 U.S.C. 360n). In section 524 of the FD&C Act, Congress encouraged development of new human drug and biological products for prevention and treatment of tropical diseases by offering additional incentives for obtaining FDA approval of such products. Under section 524 of the FD&C Act, the sponsor of an eligible human drug application for a tropical disease (as defined in section 524(a)(3) of the FD&C Act) shall receive a priority review voucher upon approval of the tropical disease product application (as defined in section 524(a)(4) of the FD&C Act).

B. Establishment of the Rare Pediatric Disease Priority Review Voucher

Section 908 of the Food and Drug Administration Safety and Innovation Act (Pub. L. 112–144) added section 529 of the FD&C Act (21 U.S.C. 360ff). In section 529 of the FD&C Act, Congress encouraged development of new human drugs and biological products for prevention and treatment of certain rare pediatric diseases by offering additional incentives for obtaining FDA approval of such products. Under section 529 of the FD&C Act, the sponsor of an eligible human drug for a rare pediatric disease (as defined in section 529(a)(3)) shall receive a priority review voucher upon approval of the rare pediatric disease product application (as defined in section 529(a)(4) of the FD&C Act).¹

C. Establishment of the Material Threat MCM Priority Review Voucher

Section 3086 of the 21st Century Cures Act (Pub. L. 114–255) added section 565A to the FD&C Act (21 U.S.C.

360bbb–4a). In section 565A of the FD&C Act, Congress encouraged development of material threat MCMs by offering additional incentives for obtaining FDA approval of such products. Under section 565A of the FD&C Act, the sponsor of an eligible material threat MCM application (as defined in section 565A(a)(4)) shall receive a priority review voucher upon approval of the material threat MCM application.²

D. Transferability of the Priority Review Voucher

The recipient of a priority review voucher may either use the voucher for a future human drug application submitted to FDA under section 505(b)(1) of the FD&C Act (21 U.S.C. 355(b)(1)) (or section 351(a) of the Public Health Service Act (PHS Act) (42 U.S.C. 262(a)), or transfer (including by sale) the voucher to another party. The voucher may be transferred repeatedly until it ultimately is used for a human drug application submitted to FDA under section 505(b)(1) of the FD&C Act or section 351(a) of the PHS Act. As further described below, a priority review is a review conducted with a Prescription Drug User Fee Act (PDUFA) goal date of 6 months after the receipt or filing date, depending on the type of application. Information regarding review goals for FY 2025 is available at: <https://www.fda.gov/media/151712/download>.

The sponsor that uses a priority review voucher is entitled to a priority review of its eligible human drug application, but must pay FDA a priority review user fee in addition to any other fee required by PDUFA. FDA published information on its website about how the priority review voucher program operates.^{3,4,5}

This notice establishes the FY 2025 priority review fee rate for use of

² Although under section 565A(g) of the FD&C Act, material threat MCM priority review vouchers may not be awarded after October 1, 2023, this “sunset” of authority to award vouchers does not affect the ability to use material threat MCM priority review vouchers that have already been issued.

³ Information regarding the tropical disease priority review voucher program is available at: <https://www.fda.gov/regulatory-information/search-fda-guidance-documents/tropical-disease-priority-review-vouchers>.

⁴ Information regarding the rare pediatric disease priority review voucher program is available at: <https://www.fda.gov/Drugs/Development/ApprovalProcess/DevelopmentResources/ucm375479.htm>.

⁵ Information regarding the material threat MCM priority review voucher program is available at: <https://www.fda.gov/emergency-preparedness-and-response/mcm-legal-regulatory-and-policy-framework/21st-century-cures-act-mcm-related-cures-provisions>.

¹ The FD&C Act includes a sunset of authority to award rare pediatric disease priority review vouchers. Section 529(b)(5) of the FD&C Act provides that after September 30, 2024, FDA may not award any rare pediatric disease priority review vouchers unless a rare pediatric disease product application: (1) is for a drug that, not later than September 30, 2024, is designated under section 529(d) of the Act as a drug for a rare pediatric disease, and (2) is, not later than September 30, 2026, approved under section 505(b)(1) of the FD&C Act or section 351(a) of the PHS Act. This limit of FDA’s authority to award rare pediatric disease vouchers does not affect the ability to use rare pediatric disease priority review vouchers issued by FDA.

tropical disease, rare pediatric disease, and material threat MCM priority review vouchers at \$2,482,446 and outlines FDA's process for implementing the collection of priority review user fees. This rate is effective on October 1, 2024, and will remain in effect through September 30, 2025.

II. Priority Review User Fee Rate for FY 2025

FDA interprets section 524(c)(2) (tropical disease priority review user fee), section 529(c)(2) (rare pediatric disease priority review user fee), and section 565A(c)(2) (material threat MCM priority review user fee) of the FD&C Act as requiring that FDA determine the amount of each priority review user fee for each fiscal year based on the difference between the average cost incurred by FDA in the review of a human drug application subject to priority review in the previous fiscal year, and the average cost incurred by FDA in the review of a human drug application that is not subject to priority review in the previous fiscal year.

A priority review is a review conducted within a timeframe prescribed in FDA commitments for such reviews made in connection with PDUFA reauthorization for FYs 2023—2027, known as PDUFA VII. For the FYs 2023 through 2027, FDA has committed to a goal date to review and act on 90 percent of the applications granted priority review status within the expedited timeframe of 6 months after receipt or filing date (filing date for new molecular entity (NME) new drug application (NDA) and original biologics license application (BLA) submissions; receipt date for priority non-NME original NDA submissions). Normally, an application for a human drug or biological product will qualify for priority review if the product is intended to treat a serious condition

and, if approved, would provide a significant improvement in safety or effectiveness. An application that does not receive a priority designation receives a standard review. A priority review involves a more intensive level of effort and a higher level of resources than a standard review.

FDA is setting a fee for FY 2025, which is to be based on standard cost data from the previous fiscal year, FY 2024. However, the FY 2024 submission cohort has not been closed out yet, thus the cost data for FY 2024 are not complete. The latest year for which FDA has complete cost data is FY 2023. Furthermore, because FDA has never tracked the cost of reviewing applications that get priority review as a separate cost subset, FDA estimated this cost based on other data that the Agency has tracked. The Agency expects all applications that received priority review would contain clinical data. The application categories with clinical data for which FDA tracks the cost of review are (1) NDAs for an NME with clinical data and (2) BLAs.

The total cost for FDA to review NME NDAs with clinical data and BLAs in FY 2023 was \$305,296,115. There was a total of 61 applications in these 2 categories (34 NME NDAs with clinical data and 27 BLAs). (Note: These numbers exclude the President's Emergency Plan for AIDS Relief NDAs; no investigational new drug review costs are included in this amount.) Of these applications, 37 (19 NDAs and 18 BLAs) received priority review and the remaining 24 (15 NDAs and 9 BLAs) received standard reviews. Because a priority review compresses a review that ordinarily takes 10 months into 6 months, FDA estimates that a multiplier of 1.67 (10 months divided by 6 months) should be applied to nonpriority review costs in estimating the effort and cost of a priority review as compared to a

standard review. This multiplier is consistent with published research on this subject, which supports a priority review multiplier in the range of 1.48 to 2.35 (Ref. 1). Using FY 2023 figures, the costs of a priority and standard review are estimated using the following formula:

$$(37 \alpha \times 1.67) + (24 \alpha) = \$305,296,115$$

where “ α ” is the cost of a standard review and “ α times 1.67” is the cost of a priority review. Using this formula, the cost of a standard review for NME NDAs and BLAs is calculated to be \$3,558,645 (rounded to the nearest dollar) and the cost of a priority review for NME NDAs and BLAs is 1.67 times that amount, or \$5,942,937 (rounded to the nearest dollar). The difference between these two cost estimates, or \$2,384,292, represents the incremental cost of conducting a priority review rather than a standard review.

For the FY 2025 fee, FDA will need to adjust the FY 2023 incremental cost by the average amount by which FDA's average costs increased in the 3 years prior to FY 2024, to adjust the FY 2023 amount for cost increases in FY 2024. That adjustment, published in the **Federal Register** setting the FY 2025 PDUFA fees, is 4.1167 percent for the most recent year, not compounded. Increasing the FY 2023 incremental priority review cost of \$2,384,292 by 4.1167 percent (or 0.041167) results in an estimated cost of \$2,482,446 (rounded to the nearest dollar). This is the priority review user fee amount for FY 2025 that must be submitted with a priority review voucher for a human drug application in FY 2025, in addition to any PDUFA fee that is required for such an application.

III. Fee Rate Schedule for FY 2025

The fee rate for FY 2025 is set in table 1:

TABLE 1—PRIORITY REVIEW FEE SCHEDULE FOR FY 2025

Fee category	Priority review fee rate for FY 2025
Application submitted with a tropical disease priority review voucher in addition to the normal PDUFA fee	\$2,482,446
Application submitted with a rare pediatric disease priority review voucher in addition to the normal PDUFA fee	2,482,446
Application submitted with a material threat MCM priority review voucher in addition to the normal PDUFA fee	2,482,446

IV. Implementation of Priority Review User Fee

Sections 524(c)(4)(B), 529(c)(4)(B), and 565A(c)(4)(B) of the FD&C Act specify that the human drug application for which the sponsor requests the use of a priority review voucher will be considered incomplete if the priority

review user fee and all other applicable user fees are not paid in accordance with FDA payment procedures. In addition, FDA may not grant a waiver, exemption, reduction, or refund of any fees due and payable under these sections of the FD&C Act (see sections 524(c)(4)(C), 529(c)(4)(C), and 565A(c)(4)(C)). FDA may not collect

priority review voucher fees for any fiscal year “except to the extent provided in advance in appropriation Acts.” (Section 524(c)(5)(B), 529(c)(5)(B), and 565A(c)(6) of the FD&C Act.)

The priority review fee established in the new fee schedule must be paid for any application received on or after

October 1, 2024, submitted with a priority review voucher. As noted in section II, this fee must be paid in addition to any PDUFA fee that is required for the application. The sponsor would need to follow normal requirements for timely payment of any PDUFA fee for the human drug application. For more information regarding payment of PDUFA application fees generally, please see section 736(a)(1) of the FD&C Act.⁶

A. Priority Review Voucher Notification of Intent Requirement

All three priority review vouchers have a notification requirement. To comply with this requirement, the sponsor must notify FDA not later than 90 days prior to submission of the human drug or biological application that is the subject of a priority review voucher of an intent to submit the human drug application, including the estimated submission date. See sections 524(b)(4), 529(b)(4)(B), and 565A(b)(3)(A) of the FD&C Act.

B. Priority Review Voucher User Fee Due Date

Under sections 524(c)(4)(A) (tropical disease priority review user fee) and 565A(c)(4)(A) (material threat MCM priority review user fee) of the FD&C Act, the priority review user fee is due (*i.e.*, the obligation to pay the fee is incurred) upon submission of a human drug application for which the priority review voucher is used.⁷

Under section 529(c)(4)(A) (rare pediatric disease priority review user fee) of the FD&C Act, the priority review user fee is due (*i.e.*, the obligation to pay the fee is incurred) when a sponsor notifies FDA of its intent to use the voucher. Upon receipt of this notification, FDA will issue an invoice to the sponsor for the rare pediatric

disease priority review voucher fee. The invoice will include instructions on how to pay the fee via wire transfer, check, or online payments.

V. Fee Payment Options and Procedures

Payment must be made in U.S. currency by electronic check, check, bank draft, wire transfer, credit card, or U.S. postal money order payable to the order of the Food and Drug Administration. The preferred payment method is online using electronic check (Automated Clearing House (ACH) also known as eCheck). Secure electronic payments can be submitted using the User Fees Payment Portal at <https://userfees.fda.gov/pay>. (Note: Only full payments are accepted. No partial payments can be made online.) Once you search for your invoice, select “Pay Now” to be redirected to *Pay.gov*. Note that electronic payment options are based on the balance due. Payment by credit card is available for balances that are less than \$25,000. If the balance exceeds this amount, only the ACH option is available. Payments must be made using U.S. bank accounts as well as U.S. credit cards.

FDA has partnered with the U.S. Department of the Treasury to use *Pay.gov*, a web-based payment application, for online electronic payment. The *Pay.gov* feature is available on the FDA website after the user fee identification (ID) number is generated.

A. Paper Check Payment Process

If paying by paper check, the sponsor should include on the check the appropriate reference number and the type of review requested. For rare pediatric disease priority review, please use the invoice number issued by FDA. The invoice number is issued by FDA upon receipt of the rare pediatric disease priority review notification (see section IV.A). For tropical disease priority review and for material threat MCM priority review, please use the user fee ID number generated for the *Pay.gov* feature.

Tropical disease priority review: A paper check for a tropical disease priority review fee should include the user fee ID number and the words: “Tropical Disease Priority Review”.

Rare pediatric disease priority review: A paper check for a rare pediatric disease priority review fee should include the invoice number followed by the words: “Rare Pediatric Disease Priority Review”.

Material threat MCM priority review: A paper check for a material threat MCM priority review fee should include

the user fee ID number and the words: “Material Threat Medical Countermeasure Priority Review” (or “MCMPR”).

All paper checks should be in U.S. currency from a U.S. bank made payable and mailed to: Food and Drug Administration, P.O. Box 979107, St. Louis, MO 63197-9000.

If checks are sent by a courier that requests a street address, the courier can deliver the checks to: U.S. Bank, Attention: Government Lockbox 979107, 3180 Rider Trail S, Earth City, MO 63045. (Note: This U.S. Bank address is for courier delivery only. If you have any questions concerning courier delivery, contact the U.S. Bank at 855-259-3064. This telephone number is only for questions about courier delivery.) The FDA post office box number (P.O. Box 979107) must be written on the check. If needed, FDA’s tax identification number is 53-0196965.

B. Wire Transfer Payment Process

If paying by wire transfer, please reference your invoice number/unique user fee ID number when completing your transfer. (For rare pediatric disease priority review, please use your invoice number issued by FDA upon receipt of notification. For all other priority reviews, please use the unique user fee ID number generated for the *Pay.gov* feature.) The originating financial institution may charge a wire transfer fee. If the financial institution charges a wire transfer fee, it is required to add that amount to the payment to ensure that the invoice is paid in full. The account information is as follows: U.S. Dept. of the Treasury, TREAS NYC, 33 Liberty St., New York, NY 10045, Account Number: 75060099, Routing Number: 021030004, SWIFT: FRNYUS33.

VI. Reference

The following reference is on display with the Dockets Management Staff (HFA-305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240-402-7500, and is available for viewing by interested persons between 9 a.m. and 4 p.m., Monday through Friday; it is not available electronically at <https://www.regulations.gov> as this reference is copyright protected. FDA has verified the website address, as of the date this document publishes in the **Federal Register**, but websites are subject to change over time.

1. Ridley, D.B., H.G. Grabowski, and J.L. Moe, “Developing Drugs for Developing Countries,” *Health Affairs*, vol. 25, no. 2, pp. 313-324, 2006, available at: <https://>

⁶ Additional information is also available in the guidance for industry entitled *Assessing User Fees Under the Prescription Drug User Fee Amendments of 2022*. FDA updates guidance periodically. To make sure you have the most recent version of a guidance, check the FDA Drugs guidance web page at: <https://www.fda.gov/Drugs/Guidance/ComplianceRegulatoryInformation/Guidances/default.htm>.

⁷ In the case of “rolling review” of an application (as discussed in FDA’s May 2014 guidance entitled *Expedited Programs for Serious Conditions—Drugs and Biologics*, available at: <https://www.fda.gov/files/drugs/published/Expedited-Programs-for-Serious-Conditions-Drugs-and-Biologics.pdf>) for which a tropical disease priority review voucher (PRV) or material threat MCM PRV is redeemed, the PRV fee is due upon submission of the final portion of the application, given that the Agency generally views “submission of a human drug application” (including as used in sections 524(c)(4)(A) and 565A(c)(4)(A)) to mean the submission of a complete application. Also see section 506(d) of the FD&C Act, relating to review of incomplete applications for approval of a fast track product.

www.healthaffairs.org/doi/full/10.1377/hlthaff.25.2.313.

Dated: September 16, 2024.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2024–21433 Filed 9–18–24; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2024–N–4289]

Allergan, Inc., et al.; Withdrawal of Approval of Nine Abbreviated New Drug Applications

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or Agency) is withdrawing approval of nine abbreviated new drug applications (ANDAs) from multiple applicants. The applicants notified the Agency in writing that the drug products were no longer marketed and requested that the approval of the applications be withdrawn.

DATES: Approval is withdrawn as of October 21, 2024.

FOR FURTHER INFORMATION CONTACT: Martha Nguyen, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 75, Rm. 1676,

Silver Spring, MD 20993–0002, 301–796–3471, Martha.Nguyen@fda.hhs.gov.

SUPPLEMENTARY INFORMATION: The applicants listed in table 1 have informed FDA that these drug products are no longer marketed and have requested that FDA withdraw approval of the applications under the process in § 314.150(c) (21 CFR 314.150(c)). The applicants have also, by their requests, waived their opportunity for a hearing. Withdrawal of approval of an application or abbreviated application under § 314.150(c) is without prejudice to refiling.

TABLE 1—ANDAS FOR WHICH APPROVAL IS WITHDRAWN

Application No.	Drug	Applicant
ANDA 062452	Gentamicin Sulfate solution/drop, Equivalent to (EQ) 0.3% base.	Allergan, Inc., 2525 Dupont Dr., P.O. Box 19534, Irvine, CA 92612.
ANDA 064124	Cefuroxime Sodium injectable, EQ 7.5 grams (g) base/vial ...	ACS Dobfar S.p.A., U.S. Agent Interchem Corp., 120 Route 17 North, Paramus, NJ 07652.
ANDA 077151	Milrinone Lactate injectable, EQ 40 milligrams (mg) base/200 milliliters (mL) (EQ 0.2 mg base/mL) EQ 20 mg base/100 mL (EQ 0.2 mg base/mL).	Woodward Pharma Services, LLC, 47220 Cartier Dr., Suite A, Wixom, MI 48393.
ANDA 079032	Ondansetron Hydrochloride preservative free injectable, EQ 2 mg base/mL.	American Regent, Inc., 5 Ramsey Rd., Shirley, NY 11967.
ANDA 079075	Fentanyl Citrate tablet, EQ 0.1 mg base, EQ 0.2 mg base, EQ 0.4 mg base, EQ 0.6 mg base, and EQ 0.8 mg base.	Watson Laboratories, Inc., (an indirect, wholly owned subsidiary of Teva Pharmaceuticals USA, Inc.), 400 Interpace Pkwy., Bldg. A, Parsippany, NJ 07054.
ANDA 206155	Olanzapine tablet, 2.5 mg, 5 mg, 7.5 mg, 10 mg, 15 mg, and 20 mg.	Indoco Remedies Ltd., U.S. Agent RegCon Solutions, LLC, 9920 Pacific Heights Blvd., Suite 250, San Diego, CA 92121.
ANDA 206204	Piperacillin Sodium and Tazobactam Sodium injectable, EQ 12 gm base/vial, EQ 1.5 gm base/vial.	Fresenius Kabi USA, LLC, Three Corporate Dr., Lake Zurich, IL 60047.
ANDA 207919	Acyclovir Sodium injectable, EQ 50 mg base/mL	Dr. Reddy's Laboratories, Inc., 107 College Rd. East, Princeton, NJ 08540.
ANDA 209708	Mivacurium Chloride solution, EQ 10 mg base/5 mL (EQ 2 mg base/mL) and EQ 20 mg base/10 mL (EQ 2 mg base/mL).	Woodward Pharma Services, LLC.

Therefore, approval of the applications listed in table 1, and all amendments and supplements thereto, is hereby withdrawn as of October 21, 2024. Approval of each entire application is withdrawn, including any strengths and dosage forms inadvertently missing from table 1. Introduction or delivery for introduction into interstate commerce of products listed in table 1 without an approved new drug application or ANDA violates sections 505(a) and 301(d) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(a) and 331(d)). Drug products that are listed in table 1 that are in inventory on October 21, 2024 may continue to be dispensed until the inventories have been depleted or the drug products have reached their expiration dates or

otherwise become violative, whichever occurs first.

Dated: September 16, 2024.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2024–21432 Filed 9–18–24; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2024–N–4189]

Vaccines and Related Biological Products Advisory Committee; Notice of Meeting; Establishment of a Public Docket; Request for Comments: Strain Selection for Influenza Vaccines

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; establishment of a public docket; request for comments.

SUMMARY: The Food and Drug Administration (FDA) announces a forthcoming public advisory committee meeting of the Vaccines and Related

Biological Products Advisory Committee (the Committee). The general function of the Committee is to provide advice and recommendations to FDA on regulatory issues. The Committee will meet in open session to discuss three separate topics. At least one portion of the meeting will be closed to the public. FDA is establishing a docket for public comment on this document.

DATES: The meeting will be held virtually on October 10, 2024, from 8 a.m. to 5:30 p.m. Eastern Time.

ADDRESSES: All meeting participants will be heard, viewed, captioned, and recorded for this advisory committee meeting via an online teleconferencing and/or video conferencing platform.

The online web conference meeting will be available at the following link on the day of the meeting: <https://youtube.com/live/RXdJ2BfutAE>.

Answers to commonly asked questions about FDA advisory committee meetings may be accessed at: <https://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm408555.htm>.

FDA is establishing a docket for public comment on this meeting. The docket number is FDA-2024-N-4189. The docket will close on October 9, 2024. Please note that late, untimely filed comments will not be considered. The <https://www.regulations.gov> electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of October 9, 2024. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are received on or before that date.

Comments received on or before October 2, 2024, will be provided to the Committee. Comments received after that date will be taken into consideration by FDA. In the event that the meeting is cancelled, FDA will continue to evaluate any relevant applications or information, and consider any comments submitted to the docket, as appropriate.

You may submit comments as follows:

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal:* <https://www.regulations.gov>. Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to <https://www.regulations.gov> will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any

confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on <https://www.regulations.gov>.

- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see "Written/Paper Submissions" and "Instructions").

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand Delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA-305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in "Instructions."

Instructions: All submissions received must include the Docket No. FDA-2024-N-4189 for "Vaccines and Related Biological Products Advisory Committee; Notice of Meeting; Establishment of a Public Docket; Request for Comments." Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as "Confidential Submissions," publicly viewable at <https://www.regulations.gov> or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240-402-7500.

- *Confidential Submissions*—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states "THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION." FDA will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on <https://www.regulations.gov>. Submit both

copies to the Dockets Management Staff. If you do not wish your name and contact information be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify the information as "confidential." Any information marked as "confidential" will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: <https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf>.

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to <https://www.regulations.gov> and insert the docket number, found in brackets in the heading of this document, into the "Search" box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240-402-7500.

FOR FURTHER INFORMATION CONTACT:

Kathleen Hayes or Sussan Paydar, Center for Biologics Evaluation and Research (CBER), Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Silver Spring, MD 20993-0002, 202-657-8533, CBERVRBPAC@fda.hhs.gov, or FDA Advisory Committee Information Line, 1-800-741-8138 (301-443-0572 in the Washington, DC area). A notice in the **Federal Register** about last-minute modifications that impact a previously announced advisory committee meeting cannot always be published quickly enough to provide timely notice. Therefore, you should always check FDA's website at <https://www.fda.gov/AdvisoryCommittees/default.htm> and scroll down to the appropriate advisory committee meeting link, or call the advisory committee information line to learn about possible modifications before the meeting.

SUPPLEMENTARY INFORMATION:

Agenda: The meeting presentations will be heard, viewed, captioned, and recorded through an online teleconferencing and/or video conferencing platform. On October 10, 2024, the Committee will meet in open session to discuss the following three separate topics. Under Topic I, the Committee will discuss and make recommendations on the strain selection for the influenza virus vaccines for the 2025 southern hemisphere influenza season. Under Topic II, the Committee will discuss pandemic preparedness for highly pathogenic avian influenza virus

including considerations for vaccine composition for (H5) vaccines. Under Topic III, the Committee will hear an overview of the research programs in the Laboratory of Pediatric & Respiratory Viral Diseases and the Laboratory of DNA Viruses in the Division of Viral Products, Office of Vaccines Research and Review, CBER. After the open session, the meeting will be closed to the public for committee deliberations.

FDA intends to make background material available to the public no later than 2 business days before the meeting. If FDA is unable to post the background material on its website prior to the meeting, the background material will be made publicly available on FDA's website at the time of the advisory committee meeting. Background material and the link to the online teleconference and/or video conference meeting will be available at: <https://www.fda.gov/AdvisoryCommittees/Calendar/default.htm>. Scroll down to the appropriate advisory committee meeting link. The meeting will include slide presentations with audio and video components to allow the presentation of materials in a manner that most closely resembles an in-person advisory committee meeting.

Procedure: On October 10, 2024, from 8 a.m. to 11:15 a.m. Eastern Time for Topic I, from 11:45 a.m. to 2:30 p.m. Eastern Time for Topic II, and from 2:40 p.m. to 4:20 p.m. Eastern Time for Topic III, the meeting is open to the public. Interested persons may present data, information, or views, orally or in writing, on issues pending before the Committee. All electronic and written submissions to the Docket (see **ADDRESSES**) on or before October 2, 2024, will be provided to the Committee. Comments received on or after October 2, 2024, and by October 9, 2024, will be taken into consideration by FDA. Oral presentations from the public will be scheduled between approximately 9:55 a.m. to 10:15 a.m. Eastern Time for Topic I, 1:10 p.m. to 1:30 p.m. Eastern Time for Topic II, and 4 p.m. to 4:20 p.m. Eastern Time for Topic III. Those individuals interested in making formal oral presentations should notify the contact person and submit a brief statement of the general nature of the evidence or arguments they wish to present, along with their names, email addresses, and direct contact phone numbers of proposed participants, and an indication of the approximate time requested to make their presentation on or before 12 p.m. Eastern Time on September 24, 2024. Time allotted for each presentation may be limited. If the number of registrants

requesting to speak is greater than can be reasonably accommodated during the scheduled open public hearing session, FDA may conduct a lottery to determine the speakers for the scheduled open public hearing session. The contact person will notify interested persons regarding their request to speak by September 27, 2024.

Closed Committee Deliberations: On October 10, 2024, the meeting will be closed from 4:30 p.m. to 5:30 p.m. to permit discussion where disclosure would constitute a clearly unwarranted invasion of personal privacy (5 U.S.C. 552b(c)(6)). The recommendations of the advisory committee regarding the progress of the individual investigators' research programs, along with other information, will be discussed during this session. We believe that public discussion of these discussions and committee recommendations on individual scientists would constitute an unwarranted invasion of personal privacy.

For press inquiries, please contact the Office of Media Affairs at fdaoma@fda.hhs.gov or 301-796-4540.

FDA welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with disabilities. If you require accommodations due to a disability, please contact Kathleen Hayes or Sussan Paydar (see **FOR FURTHER INFORMATION CONTACT**) at least 7 days in advance of the meeting.

FDA is committed to the orderly conduct of its advisory committee meetings. Please visit our website at <https://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm111462.htm> for procedures on public conduct during advisory committee meetings.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. 1001 *et seq.*). This meeting notice also serves as notice that, pursuant to 21 CFR 10.19, the requirements in 21 CFR 14.22(b), (f), and (g) relating to the location of advisory committee meetings are hereby waived to allow for this meeting to take place using an online meeting platform. This waiver is in the interest of allowing greater transparency and opportunities for public participation, in addition to convenience for advisory committee members, speakers, and guest speakers. The conditions for issuance of a waiver under 21 CFR 10.19 are met.

Dated: September 16, 2024.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2024-21431 Filed 9-18-24; 8:45 am]

BILLING CODE 4164-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA-2024-N-0022]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Medical Device User Fee Cover Sheet, Form FDA 3601 and Device Facility User Fee Cover Sheet, Form FDA 3601a

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Submit written comments (including recommendations) on the collection of information by October 21, 2024.

ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written comments be submitted to <https://www.reginfo.gov/public/do/PRAMain>. Find this particular information collection by selecting "Currently under Review—Open for Public Comments" or by using the search function. The OMB control number for this information collection is 0910-0511. Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Amber Sanford, Office of Operations, Food and Drug Administration, Three White Flint North, 10A-12M, 11601 Landsdown St., North Bethesda, MD 20852, 301-796-8867, PRAStaff@fda.hhs.gov.

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Medical Device User Fee Cover Sheet, Form FDA 3601 and Device Facility User Fee Cover Sheet, Form FDA 3601a

OMB Control Number 0910-0511—Revision

This information collection supports the FDA medical device and device user fee programs. The Federal Food, Drug, and Cosmetic Act (FD&C Act), as amended by the Medical Device User Fee and Modernization Act of 2002

(MDUFMA) (Pub. L. 107–250), and the Medical Device User Fee Amendments of 2007 (Title II of the Food and Drug Administration Amendments Act of 2007 (FDAAA) (Pub. L. 110–85)), authorizes FDA to collect user fees for certain medical device applications. Under this authority, companies pay a fee for certain new medical device applications or supplements submitted to the Agency for review. Because the submission of user fees concurrently with applications and supplements is required, the review of an application cannot begin until the fee is submitted. Form FDA 3601, the “Medical Device User Fee Cover Sheet,” is designed to provide the minimum necessary information to determine whether a fee is required for review of an application, to determine the amount of the fee required, and to account for and track user fees. Form FDA 3601 and instructions are available online for registered users. The form provides a cross-reference between the fees submitted for an application with the actual submitted application by using a unique number tracking system. The information collected is used by FDA’s Center for Devices and Radiological Health (CDRH) and FDA’s Center for

Biologics Evaluation and Research (CBER) to initiate the administrative screening of new medical device applications and supplemental applications.

Owners or operators of places of business (also called establishments or facilities) that are involved in the production and distribution of medical devices intended for use in the United States are required to register annually with FDA, a process known as establishment registration (21 CFR part 807, subparts A through D). (The information collection for medical device establishment registration and listing is approved under OMB control number 0910–0625.) All establishments required to register must pay a user fee. Form FDA 3601a, the “Device Facility User Fee Cover Sheet,” is designed to collect payments for the annual establishment registration fee for medical device establishments.

Under section 704(g) of the FD&C Act (21 U.S.C. 374(g)), FDA may accredit persons to inspect qualified manufacturers of class II and class III devices. An eligible establishment is permitted to select any FDA-accredited person to conduct an inspection in lieu of an FDA inspection, but the eligible

establishment must submit notice to FDA for selection approval (see 21 U.S.C. 374(g)(1) and (g)(6)(B)). Referred to as the “Accredited Persons Inspection Program,” FDA publishes a complete list of accredited persons and the activities for which they are accredited on our website at Third Party Device Inspection,¹ along with additional information about the program.

The guidance document entitled “FDA and Industry Procedures for Section 513(g) Requests for Information under the Federal Food, Drug, and Cosmetic Act” (December 2019)² provides FDA’s recommendations regarding provision of user fees for 513(g) requests for information under section 738(a)(2)(A)(ix) of the FD&C Act (21 U.S.C. 379j(a)(2)(A)(ix)). Instructions for submission and specific content elements are discussed in the guidance document in sections IV and V, respectively.

In the **Federal Register** of February 29, 2024 (89 FR 14890), FDA published a 60-day notice requesting public comment on the proposed collection of information. No comments were received.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN ¹

FDA form or activity	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
User Fee Cover Sheet					
Form FDA 3601 (Medical Device User Fee Cover Sheet)	6,182	1	6,182	0.30 (18 minutes)	1,855
Form FDA 3601a (Device Facility User Fee Cover Sheet)	24,086	1	24,086	0.17 (10 minutes)	4,095
Subtotal			30,268		5,950
Inspection by Accredited Persons Program Under Section 704 of the FD&C Act					
Request for accreditation	1	1	1	80	80
Notification of the intent to use an Accredited Person	10	1	10	15	150
Subtotal			11		230
Request for Information Under Section 513(g) of the FD&C Act					
Sections IV and V of Guidance; CDRH 513(g) requests	114	1	114	12	1,368
Sections IV and V of Guidance; CBER 513(g) requests	4	1	4	12	48
Subtotal			118		1,416
Total					7,596

¹ There are no capital costs or operating and maintenance costs associated with this collection of information.

User Fee Cover Sheet

According to FDA’s database system, manufacturers of products subject to

MDUFMA submit an average of 6,182 applications annually and submit an average of 24,086 Device Facility User Fee applications. However, not all

² <https://www.fda.gov/regulatory-information/search-fda-guidance-documents/fda-and-industry-procedures-section-513g-requests-information-under-federal-food-drug-and-cosmetic>

manufacturers will have any cover sheet submissions in a given year and some may have multiple cover sheet submissions. The estimated hours per

<https://www.fda.gov/medical-devices/postmarket-requirements-devices/third-party-inspection-devices>

response are based on past FDA experience with the various cover sheet submissions and range from 5 to 30 minutes. The hours per response are based on the average of these estimates (18 minutes). The total hours are rounded to the nearest whole number.

Inspection by Accredited Persons Program Under Section 704 of the FD&C Act

Section 704(g) of the FD&C Act provides for accreditation of persons for the purpose of conducting inspections and provides the minimum requirements a person must meet to be accredited to conduct inspections (an Accredited Person (AP)). The burden estimate for requests for accreditation is based on the number of applications we've received. Once an organization is accredited, it will not be required to reapply.

The AP Program permits eligible manufacturers to use APs to perform certain inspections. While all firms remain subject to inspection by FDA, eligible manufacturers have the option of requesting inspection by an AP. A device establishment is eligible for inspection by APs if the establishment meets certain conditions of section 704(g)(6) of the FD&C Act, including that they provide notice of their intention to use an AP to conduct inspections of the establishment.

We estimate there are 4,000 domestic manufacturers and 4,000 foreign manufacturers that are eligible for inclusion under the AP program. Based on informal communications with industry, approximately 10 of these manufacturers may submit a request to use an AP in any given year.

Request for Information Under Section 513(g) of the FD&C Act

Respondents may elect to prepare their 513(g) request for information using CDRH's electronic Submission Template and Resource (eSTAR) voluntary guided submission preparation tool, which was developed to improve submission consistency and enhance efficiency in the review process. The total number of annual responses is based on the average number of 513(g) requests received each year by CDRH and CBER respectively.

Based on a review of the information collection since our last request for OMB approval, we have made modifications to our burden estimate. In our March 2023 change request submission, we erroneously excluded the information collection entitled, "Notification of the intent to use an Accredited Person." We have included the information collection activity to

this renewal. The information collection, therefore, reflects a cumulative increase in burden by 10 annual responses and 150 burden hours.

Dated: September 16, 2024.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2024-21435 Filed 9-18-24; 8:45 am]

BILLING CODE 4164-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA-2024-N-4167]

Agency Information Collection Activities; Proposed Collection; Comment Request; Labeling Requirements for Prescription Drugs

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing an opportunity for public comment on the proposed collection of certain information by the Agency. Under the Paperwork Reduction Act of 1995 (PRA), Federal Agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed revision of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on information collection associated with labeling requirements for prescription drugs.

DATES: Either electronic or written comments on the collection of information must be submitted by November 18, 2024.

ADDRESSES: You may submit comments as follows. Please note that late, untimely filed comments will not be considered. The <https://www.regulations.gov> electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of November 18, 2024. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are received on or before that date.

Electronic Submissions

Submit electronic comments in the following way:

- **Federal eRulemaking Portal:** <https://www.regulations.gov>. Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to [https://](https://www.regulations.gov)

www.regulations.gov will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on <https://www.regulations.gov>.

- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see "Written/Paper Submissions" and "Instructions").

Written/Paper Submissions

Submit written/paper submissions as follows:

- **Mail/Hand Delivery/Courier (for written/paper submissions):** Dockets Management Staff (HFA-305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in "Instructions."

Instructions: All submissions received must include Docket No. FDA-2024-N-4167 for "Agency Information Collection Activities; Proposed Collection; Comment Request; Labeling Requirements for Prescription Drugs." Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as "Confidential Submissions," publicly viewable at <https://www.regulations.gov> or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240-402-7500.

- **Confidential Submissions**—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states "THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION." The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the

claimed confidential information redacted/blacked out, will be available for public viewing and posted on <https://www.regulations.gov>. Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as "confidential." Any information marked as "confidential" will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: <https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf>.

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to <https://www.regulations.gov> and insert the docket number, found in brackets in the heading of this document, into the "Search" box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240-402-7500.

FOR FURTHER INFORMATION CONTACT: Domini Bean, Office of Operations, Food and Drug Administration, Three White Flint North, 10A-12M, 11601 Landsdown St., North Bethesda, MD 20852, 301-796-5733, PRASStaff@fda.hhs.gov.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501-3521), Federal Agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. "Collection of information" is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes Agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal Agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed revision of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on these topics: (1) whether

the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Labeling Requirements for Prescription Drugs

OMB Control Number 0910-0572—
Revision

This information collection helps implement statutory and regulatory requirements that govern the labeling of prescription drugs. FDA regulations codified in part 201 (21 CFR part 201), subpart B (§ 201.50 to § 201.58) apply to requisite labeling elements that include a statement of identity; a declaration of net quantity of contents; a statement of dosage; and specific content and formatting of information. The regulations also provide for requesting that FDA waive any requirement under §§ 201.56, 201.57, and 201.80. Since last approval of the information collection, FDA requested, and OMB approved, adding tasks provided for under § 201.25(d), requiring that manufacturers submit a written request for exemption from applicable bar code requirements, and tasks relating to exceptions or alternatives to the labeling requirements of products in the Strategic National Stockpile (SNS) as provided for in § 201.26, to the scope of the activity. Under the Public Health Service Act (PHS Act), the Department of Health and Human Services stockpiles medical products that are essential to the security of the Nation (section 319F-2 of the PHS Act (42 U.S.C. 247d-6b)). Information regarding the SNS is available at the following website: www.phe.gov/about/sns/Pages/default.aspx.

Relevant information regarding applicable statutory and regulatory requirements are also discussed in topic-specific guidance documents issued consistent with 21 CFR 314.445, 21 CFR 601.29 (guidance documents), and Agency Good Guidance Practice regulations in 21 CFR 10.115, which provide for public comment at any time.

The following guidance documents discuss activities included in the information collection:

"Safety Labeling Changes—Implementation of Section 505(o)(4) of the Federal Food, Drug, and Cosmetic Act," (July 2013). The guidance document includes instruction on communicating with FDA regarding labeling changes required under section 505(o)(4) (Section IV—Procedures) and is available for download from our website at <https://www.fda.gov/regulatory-information/search-fda-guidance-documents/safety-labeling-changes-implementation-section-505o4-federal-food-drug-and-cosmetic-act>.

"Guidance for Industry on Hypertension Indication: Drug Labeling for Cardiovascular Outcome Claims," (March 2011). The guidance document is intended to help respondents with developing labeling for cardiovascular outcome claims for drugs that are indicated to treat hypertension. The guidance document is available for download from our website at <https://www.fda.gov/regulatory-information/search-fda-guidance-documents/hypertension-indication-drug-labeling-cardiovascular-outcome-claims>.

Respondents to the information collection are sponsors of product labeling subject to the applicable labeling requirements. We characterize the information collection activities as recordkeeping, consistent with 5 CFR 1320.3(m), noting that a recordkeeping requirement means a requirement to maintain specified records, including the requirement to retain, notify third parties, the Federal government, or the public regarding such records. Regulations in part 201 govern the statement of ingredients and declaration of net quantity of contents with regard to prescription drug product labeling. The regulations require that firms identify bulk or transport containers with the name of the product contained therein and that containers be accompanied by documentation that identifies the product as meeting applicable compendial standards. New drug product and biological product applicants must: (1) design and create prescription drug labeling containing "Highlights," "Contents," and "Full Prescribing Information;" (2) test the designed labeling (for example, to ensure that the designed labeling fits into carton-enclosed products); and (3) submit it to FDA for approval.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL RECORDKEEPING BURDEN¹

Activity/21 CFR section	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
Labeling requirements for prescription drugs; §§ 201.56 and 201.57.	414	1.326	549	3,349	1,838,601
Labeling applicable to medical gas containers; §§ 201.161(b) and 201.328.	260	1,663	432,380	0.17 (10 minutes) ..	73,505
Exemption from barcode requirements § 201.25(d)	2	1	2	24	48
Safety labeling required under section 505(o)(4) of the Federal Food, Drug, and Cosmetic Act (FD&C Act), and rebuttal statement.	36	1	36	6	216
Safety labeling changes; posting approved letter on application holder's website.	351	1	351	4	1,404
Exceptions or alternatives to labeling requirements for human drug product held by SNS; § 201.26.	1	1	1	32	32
Hypertension claims; recommended labeling considerations.	5	1	5	18	90
Total .....	.....	.....	433,324	.....	1,913,896

¹ There are no capital costs or operating and maintenance costs associated with this collection of information.

Based on our evaluation, we have retained the currently approved estimate that 414 applicants will prepare an average of 549 prescription drug labels annually, and assume it will require 3,349 hours to design, test, and submit to FDA as part of a new drug application or a biologics license application.

New medical gas containers must meet applicable requirements found in 21 CFR part 211, as well as specific labeling requirements in § 201.328. Consistent with statutory authority under the Consolidated Appropriations Act, 2017 (Pub. L. 115–31), we have revised the information collection to include burden associated new medical gas labeling requirements under § 201.161(b), established by a final rule published in the **Federal Register** of June 18, 2024 (89 FR 51738). We estimate 260 respondents will incur burden for the design, testing, production, and submission of labeling for new medical gas containers as established in § 201.328 and assume an average of 10 minutes (0.17) is required for these activities.

Based on our evaluation, few requests for exemption from barcode requirements are received and we have therefore made no changes to the currently approved estimate for this activity. Likewise, we have also retained the currently approved estimate for information collection activities

associated with safety labeling requirements established in section 505(o)(4) of the FD&C Act. Similarly, we retain the currently approved estimate for exceptions to labeling under § 201.26, however this activity was previously approved in OMB control number 0910–0614 and is a new element to the collection, adding 1 response and 32 hours annually.

Finally, we have combined activity elements associated with labeling recommendations regarding drug products that include a hypertension indication as discussed in the applicable guidance, reducing the overall estimate for this element by 4 hours annually.

Dated: September 16, 2024.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2024–21436 Filed 9–18–24; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Notice of Supplemental Funding, Poison Control Centers Program

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services.

ACTION: Notice of supplemental award.

SUMMARY: HRSA is awarding supplemental funds in fiscal year 2024 to provide coverage for calls to the toll-free Poison Help line that originate from Puerto Rico. The current program period of performance ends on August 31, 2024.

FOR FURTHER INFORMATION CONTACT: Maureen Perkins, MPH; Team Lead; Poison Control Program; Division of Child, Adolescent and Family Health; Maternal and Child Health Bureau; HRSA, at mperkins@hrsa.gov and 301–443–9163.

SUPPLEMENTARY INFORMATION:

Intended Recipient(s) of the Award: New York City Health & Hospitals Corporation.

Amount of Non-Competitive Award(s): One award of \$265,188.

Project Period: September 1, 2024, to August 31, 2025.

Assistance Listing (CFDA) Number: 93.253.

Award Instrument: Supplement for Poison Control Services.

Authority: 42 U.S.C. 300d–73 (title XII, 1273 of the Public Health Service Act).

TABLE 1—RECIPIENT AND AWARD AMOUNT

Grant No.	Award recipient name	State	Award amount
H4BHS15477	New York City Health & Hospitals Corporation	NY	\$265,188

Justification: This non-competitive supplement will award \$265,188 to New York City Health & Hospitals Corporation to fund the New York City Poison Control Center (NYCPCC) to provide coverage of calls to the toll-free Poison Help line originating from Puerto Rico from September 1, 2024, through August 31, 2025. The Poison Control Program ensures that individuals can call a national toll-free Poison Help line (1-800-222-1222) to connect to a local poison control center in a poisoning emergency. As required by statute, calls to the Poison Help line must be directed to poison control centers that are accredited. In the most recent Notice of Funding Opportunity, HRSA-24-045, no application was received to respond to calls from Puerto Rico. To ensure uninterrupted poison control center coverage for Puerto Rico, HRSA identified NYCPCC as an accredited center that is capable of responding to Puerto Rico’s approximately 5,000 calls annually. NYCPCC historically has been able to provide temporary coverage for Puerto Rico’s calls on an ad hoc basis and has the qualifications, experience, and personnel to do so on a longer-term basis. Funds will be used for project activities within the scope of the current

award (as announced in HRSA-24-045); supplemental funds will support NYCPCC to provide coverage to calls to the Poison Help line originating from Puerto Rico for a period of 1 year. Future funds for coverage for Puerto Rico may be made available in a Notice of Funding Opportunity for a project period of September 1, 2025, to August 31, 2028, subject to the availability of funding for the activity.

Carole Johnson,
Administrator.
[FR Doc. 2024-21402 Filed 9-18-24; 8:45 am]
BILLING CODE 4165-15-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Notice of Supplemental Award; Alumni Peer Navigator Services Pilot

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services.

ACTION: Notice of supplemental award.

SUMMARY: HRSA will provide supplemental award funds in fiscal year

2024 to the current recipient of the Supporting Healthy Start (HS) Performance Project cooperative agreement (HRSA-24-038) to support the second year of the Alumni Peer Navigator (APN) Services Pilot.

FOR FURTHER INFORMATION CONTACT: Aaron M. Lopata, MD, MPP, Senior Medical Officer, Division of HS and Perinatal Services, Maternal and Child Health Bureau, HRSA, at alopata@hrsa.gov and (312) 315-4270.

SUPPLEMENTARY INFORMATION:
Intended Recipient(s) of the Award: The National Institute for Children’s Health Quality (NICHQ).

Amount of Competitive or Non-Competitive Award(s): \$601,851.

Supplemental funding for similar activities may be considered in future years, subject to the availability of funding for the activity and the satisfactory performance of the recipient.

Project Period: June 1, 2024, to May 31, 2029.

Assistance Listing (CFDA) Number: 93.926.

Award Instrument: Supplement.
Authority: 42 U.S.C. 254c-8 (title III, 330H of the Public Health Service Act).

TABLE 1—RECIPIENT AND AWARD AMOUNTS

Grant No.	Award recipient name	City, State	Award amount
UF5MC32750	National Institute for Children’s Health Quality	Boston, MA	\$601,851

Justification: NICHQ, as the current HS Technical Assistance Support Center, and recipient of the Supporting HS Performance Project, provides national support to all HRSA HS project grantees. The supplemental funds will support new and continued APN activities. APN activities aim to reduce infant mortality rates, address disparities in maternal and infant health outcomes, and address social determinants of health. APNs are former HS participants who have navigated complex and often disparate health, education, and social services. These former HS participants, known as “peer navigators,” help current HS families by providing guidance and information about public benefits and help to address issues such as food insecurity, unstable housing, and lack of transportation.

NICHQ will use supplemental funds to support HS grantees to implement this peer-to-peer workforce model, the APN Services Pilot. The APN Services Pilot was previously known as the

Benefits Bundle Pilot. The APN Services Pilot is an interagency collaboration between the Department of Health and Human Services and the Office of Management and Budget/U.S. Digital Service.

The pilot consists of five HS projects in Florence, SC, Atlanta, GA, Baton Rouge, LA, Los Angeles, CA and Stoneville, Mississippi.

Carole Johnson,
Administrator.
[FR Doc. 2024-21407 Filed 9-18-24; 8:45 am]
BILLING CODE 4165-15-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

National Vaccine Injury Compensation Program; List of Petitions Received

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: HRSA is publishing this notice of petitions received under the National Vaccine Injury Compensation Program (the Program), as required by the Public Health Service (PHS) Act, as amended. While the Secretary of HHS is named as the respondent in all proceedings brought by the filing of petitions for compensation under the Program, the United States Court of Federal Claims is charged by statute with responsibility for considering and acting upon the petitions.

FOR FURTHER INFORMATION CONTACT: For information about requirements for filing petitions, and the Program in general, contact Lisa L. Reyes, Clerk of Court, United States Court of Federal Claims, 717 Madison Place NW, Washington, DC 20005, (202) 357-6400. For information on HRSA's role in the Program, contact the Director, National Vaccine Injury Compensation Program, 5600 Fishers Lane, Room 8W-25A, Rockville, Maryland 20857; (301) 443-6593, or visit our website at: <http://www.hrsa.gov/vaccinecompensation/index.html>.

SUPPLEMENTARY INFORMATION: The Program provides a system of no-fault compensation for certain individuals who have been injured by specified childhood vaccines. Subtitle 2 of title XXI of the PHS Act, 42 U.S.C. 300aa-10 *et seq.*, provides that those seeking compensation are to file a petition with the United States Court of Federal Claims and to serve a copy of the petition to the Secretary of HHS, who is named as the respondent in each proceeding. The Secretary has delegated this responsibility under the Program to HRSA. The Court is directed by statute to appoint special masters who take evidence, conduct hearings as appropriate, and make initial decisions as to eligibility for, and amount of, compensation.

A petition may be filed with respect to injuries, disabilities, illnesses, conditions, and deaths resulting from vaccines described in the Vaccine Injury Table (the Table) set forth at 42 CFR 100.3. This Table lists for each covered childhood vaccine the conditions that may lead to compensation and, for each condition, the time period for occurrence of the first symptom or manifestation of onset or of significant aggravation after vaccine administration. Compensation may also be awarded for conditions not listed in the Table and for conditions that are manifested outside the time periods specified in the Table, but only if the petitioner shows that the condition was caused by one of the listed vaccines.

Section 2112(b)(2) of the PHS Act, 42 U.S.C. 300aa-12(b)(2), requires that "[w]ithin 30 days after the Secretary receives service of any petition filed under section 2111 the Secretary shall publish notice of such petition in the **Federal Register**." Set forth below is a list of petitions received by HRSA on August 1, 2024, through August 31, 2024. This list provides the name of the petitioner, city, and state of vaccination (if unknown then the city and state of the person or attorney filing the claim), and case number. In cases where the

Court has redacted the name of a petitioner and/or the case number, the list reflects such redaction.

Section 2112(b)(2) also provides that the special master "shall afford all interested persons an opportunity to submit relevant, written information" relating to the following:

1. The existence of evidence "that there is not a preponderance of the evidence that the illness, disability, injury, condition, or death described in the petition is due to factors unrelated to the administration of the vaccine described in the petition," and

2. Any allegation in a petition that the petitioner either:

a. "[S]ustained, or had significantly aggravated, any illness, disability, injury, or condition not set forth in the Vaccine Injury Table but which was caused by" one of the vaccines referred to in the Table, or

b. "[S]ustained, or had significantly aggravated, any illness, disability, injury, or condition set forth in the Vaccine Injury Table the first symptom or manifestation of the onset or significant aggravation of which did not occur within the time period set forth in the Table but which was caused by a vaccine" referred to in the Table.

In accordance with section 2112(b)(2), all interested persons may submit written information relevant to the issues described above in the case of the petitions listed below. Any person choosing to do so should file an original and three (3) copies of the information with the Clerk of the United States Court of Federal Claims at the address listed above (under the heading **FOR FURTHER INFORMATION CONTACT**), with a copy to HRSA addressed to Director, Division of Injury Compensation Programs, Health Systems Bureau, 5600 Fishers Lane, 8W-25A, Rockville, Maryland 20857. The Court's caption (Petitioner's Name v. Secretary of HHS) and the docket number assigned to the petition should be used as the caption for the written submission. Chapter 35 of Title 44, United States Code, related to paperwork reduction, does not apply to information required for purposes of carrying out the Program.

Carole Johnson,
Administrator.

List of Petitions Filed

- David Keifrider, Pottstown, Pennsylvania, Court of Federal Claims No: 24-1176V
- Amber Pennington, Benton, Arkansas, Court of Federal Claims No: 24-1178V
- Brittney Hendricks, Vancouver, Washington, Court of Federal Claims No: 24-1182V
- Audrie Thorpe, Springfield, Missouri, Court of Federal Claims No: 24-1183V

- Crystal Taisipic, Honolulu, Hawaii, Court of Federal Claims No: 24-1184V
- Denise Pracht, Broomfield, Colorado, Court of Federal Claims No: 24-1185V
- Joseph Azulay, New York, New York, Court of Federal Claims No: 24-1186V
- Jennifer Salazar, San Diego, California, Court of Federal Claims No: 24-1188V
- Quailer Sessums, Brenham, Texas, Court of Federal Claims No: 24-1190V
- Nikki Deary, Cranston, Rhode Island, Court of Federal Claims No: 24-1191V
- Jacqueline McGinty, Westlake, Ohio, Court of Federal Claims No: 24-1192V
- Sarah E. Braun, Apex, North Carolina, Court of Federal Claims No: 24-1195V
- Joshua Langner, Washington, District of Columbia, Court of Federal Claims No: 24-1196V
- Erik Scheetz, Boulder, Colorado, Court of Federal Claims No: 24-1197V
- Michael Bowman, St. Charles, Missouri, Court of Federal Claims No: 24-1200V
- Albert Henson, Jr., Dallas, Texas, Court of Federal Claims No: 24-1201V
- Cindy Arancio, Rochester, Michigan, Court of Federal Claims No: 24-1203V
- Bonita Rogers, Saraland, Alabama, Court of Federal Claims No: 24-1205V
- Erin D. Page, Ogden, Utah, Court of Federal Claims No: 24-1206V
- Paul Striso, Boston, Massachusetts, Court of Federal Claims No: 24-1207V
- Genaro Flores, Round Rock, Texas, Court of Federal Claims No: 24-1208V
- Regina James, Ashburn, Virginia, Court of Federal Claims No: 24-1209V
- Gregory Mundy, Irmo, South Carolina, Court of Federal Claims No: 24-1212V
- Diana Alvarado, Columbus, Ohio, Court of Federal Claims No: 24-1214V
- Windy Irwin, Frederick, Maryland, Court of Federal Claims No: 24-1215V
- Jasmine Felder, Fishers, Indiana, Court of Federal Claims No: 24-1218V
- Tykhon Benderskyi, Clemson, South Carolina, Court of Federal Claims No: 24-1220V
- Priscilla Woolridge, Burkeville, Virginia, Court of Federal Claims No: 24-1225V
- Alayna Helgason, Arden Hills, Minnesota, Court of Federal Claims No: 24-1226V
- Nolan Meilinger, Detroit, Michigan, Court of Federal Claims No: 24-1231V
- Katherine Mack on behalf of James R. Carhartt, Deceased, Seattle, Washington, Court of Federal Claims No: 24-1232V
- Tykhon Benderskyi, Brookfield, Wisconsin, Court of Federal Claims No: 24-1233V
- Juliette Jandel, Boston, Massachusetts, Court of Federal Claims No: 24-1239V
- Madison Clark, Saranac Lake, New York, Court of Federal Claims No: 24-1244V
- Mary Welling, Boston, Massachusetts, Court of Federal Claims No: 24-1247V
- Kathryn Green, Lithonia, Georgia, Court of Federal Claims No: 24-1248V
- Tiffany Adams, Richmond, Virginia, Court of Federal Claims No: 24-1249V
- Michael Sochor, Plain City, Ohio, Court of Federal Claims No: 24-1250V
- Melanie Stanbery on behalf of K.S., Tampa, Florida, Court of Federal Claims No: 24-1251V

40. Ryan D. Maxwell, Spokane, Washington, Court of Federal Claims No: 24–1252V
41. William Joyce, Cleveland, Ohio, Court of Federal Claims No: 24–1254V
42. Brittany Tant, Bossier City, Louisiana, Court of Federal Claims No: 24–1255V
43. Gregory Marks, Naples, Florida, Court of Federal Claims No: 24–1256V
44. Claudia Burgos on behalf of B. B., Gurnee, Illinois, Court of Federal Claims No: 24–1257V
45. Alexander Thomas, Boston, Massachusetts, Court of Federal Claims No: 24–1258V
46. Zachary Clary, Bracey, Virginia, Court of Federal Claims No: 24–1261V
47. Lori A. Brannan, Dakota Dunes, South Dakota, Court of Federal Claims No: 24–1262V
48. Nicole Rapson, Minneapolis, Minnesota, Court of Federal Claims No: 24–1263V
49. Kathie Wells on behalf of C.B., Forty Fort, Pennsylvania, Court of Federal Claims No: 24–1264V
50. Jeanmarie Walsh, Wilmington, Delaware, Court of Federal Claims No: 24–1268V
51. Jeffrey Arditti, Winston-Salem, North Carolina, Court of Federal Claims No: 24–1269V
52. Shari Lovelace, Middletown, Ohio, Court of Federal Claims No: 24–1270V
53. Jumar Busto, Los Angeles, California, Court of Federal Claims No: 24–1271V
54. Sonja Shoemaker, Richmond Hill, Georgia, Court of Federal Claims No: 24–1274V
55. Valerie Albright, Dallas, Texas, Court of Federal Claims No: 24–1277V
56. Gregory Cardona, Syosset, New York, Court of Federal Claims No: 24–1280V
57. Michelle Hagen, Oshkosh, Wisconsin, Court of Federal Claims No: 24–1283V
58. Kristen Sujung Han, New York, New York, Court of Federal Claims No: 24–1284V
59. Ava Watson, Los Angeles, California, Court of Federal Claims No: 24–1285V
60. Kelly Pepin, Wareham, Massachusetts, Court of Federal Claims No: 24–1286V
61. Soojin Kim, Burke, Virginia, Court of Federal Claims No: 24–1287V
62. Annie Bergenheier on behalf of D.B., Wichita Falls, Texas, Court of Federal Claims No: 24–1288V
63. Cathy Ann Kallman, Carson City, Nevada, Court of Federal Claims No: 24–1289V
64. Richard Imlay, Roseville, Michigan, Court of Federal Claims No: 24–1291V
65. Nicole Haymon, Culver City, California, Court of Federal Claims No: 24–1292V
66. Tannista Banerjee, Peachtree City, Georgia, Court of Federal Claims No: 24–1293V
67. Jeremy Cochran, Arden, North Carolina, Court of Federal Claims No: 24–1294V
68. Carmen Alfaro Balcaceres, Baltimore, Maryland, Court of Federal Claims No: 24–1295V
69. Laura Watts, Elizabethtown, Kentucky, Court of Federal Claims No: 24–1297V
70. Gabrielle Ronn, New York, New York, Court of Federal Claims No: 24–1298V
71. Veronica E. Johnson, Jamaica, New York, Court of Federal Claims No: 24–1299V
72. Sohui Lee, Chicago, Illinois, Court of Federal Claims No: 24–1302V
73. Lisa Gulcher, Washington, District of Columbia, Court of Federal Claims No: 24–1306V
74. Pammie Kurth, Green Bay, Wisconsin, Court of Federal Claims No: 24–1307V
75. Lorraine Dugan, Leesburg, Virginia, Court of Federal Claims No: 24–1309V
76. Linda M. Miller, Fuquay Varina, North Carolina, Court of Federal Claims No: 24–1311V
77. Bryan Bower, Olean, New York, Court of Federal Claims No: 24–1312V
78. Jace Bundy, Chicago, Illinois, Court of Federal Claims No: 24–1317V
79. Jacklyn Bennison, Asheville, North Carolina, Court of Federal Claims No: 24–1318V
80. Ann Heiden, Edgerton, Wisconsin, Court of Federal Claims No: 24–1319V
81. Michael McKrae, Sussex, New Jersey, Court of Federal Claims No: 24–1321V
82. Joseph Franke, Albuquerque, New Mexico, Court of Federal Claims No: 24–1323V
83. Linda Radding, Vancouver, Washington, Court of Federal Claims No: 24–1324V
84. Lori Benjamin, Granger, Indiana, Court of Federal Claims No: 24–1325V
85. Claudia Hernandez, Diamond Bar, California, Court of Federal Claims No: 24–1326V
86. Rachael Tamara Vasquez, Stockton, California, Court of Federal Claims No: 24–1327V
87. Kipp Mickles, Apple Valley, California, Court of Federal Claims No: 24–1328V
88. Francis McKenna, Palm Bay, Florida, Court of Federal Claims No: 24–1329V
89. Josephine Trawick, Odenton, Maryland, Court of Federal Claims No: 24–1330V
90. Cristina Novoa, Miami, Florida, Court of Federal Claims No: 24–1331V
91. Jeffrey Allensworth, Lenexa, Kansas, Court of Federal Claims No: 24–1336V
92. Davee Davis, Washington, District of Columbia, Court of Federal Claims No: 24–1338V
93. Sonja D. White, Englewood, Ohio, Court of Federal Claims No: 24–1339V
94. Charlotte Mesimore, Chicago, Illinois, Court of Federal Claims No: 24–1340V
95. Gregory Reilly on behalf of L.R., Springfield, Pennsylvania, Court of Federal Claims No: 24–1341V
96. Benjamin Gleason, Tacoma, Washington, Court of Federal Claims No: 24–1343V
97. Sean Booker, East Providence, Rhode Island, Court of Federal Claims No: 24–1344V
98. Naomi Rawitz, Ann Arbor, Michigan, Court of Federal Claims No: 24–1346V
99. Bethany Barry, Boston, Massachusetts, Court of Federal Claims No: 24–1348V
100. Leon Gulley, Cincinnati, Ohio, Court of Federal Claims No: 24–1350V
101. Eliza Shumway, Lindon, Utah, Court of Federal Claims No: 24–1354V
102. Thomas Van Horn, Jr., Springfield, Pennsylvania, Court of Federal Claims No: 24–1356V
103. David Ormsbee, Apopka, Florida, Court of Federal Claims No: 24–1358V

[FR Doc. 2024–21434 Filed 9–18–24; 8:45 am]

BILLING CODE 4165–15-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES**National Institutes of Health****National Heart, Lung, and Blood Institute; Cancellation of Meeting**

Notice is hereby given of the cancellation of the National Asthma Education Prevention Program Coordinating Committee, September 23, 2024, 11:00 a.m. to September 23, 2024, 1:00 p.m., National Institutes of Health, 6100 Executive Boulevard, Rockville, MD 20852 which was published in the **Federal Register** on July 30, 2024, 89 FR 61131.

The meeting is being postponed to a later date. A new **Federal Register** Notice will be posted once a new date has been set.

Dated: September 13, 2024.

Bruce A. George,
Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2024–21388 Filed 9–18–24; 8:45 am]

BILLING CODE 4140–01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES**National Institutes of Health****National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Closed Meeting**

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; RFA–DK25–008: Diabetes Research Centers (P30 Clinical Trial Optional).

Date: November 13–14, 2024.

Time: 10:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, NIDDK, Democracy II, Suite 7000A, 6707 Democracy Boulevard, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Lan Tian, Ph.D., Scientific Review Officer, National Institute of Diabetes

and Digestive and Kidney Diseases, National Institutes of Health, 6707 Democracy Boulevard, Bethesda, MD 20892, (301) 496–7050, lan.tian@nih.gov.
(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: September 15, 2024.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2024–21419 Filed 9–18–24; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Closed Meeting

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; RFA–DK–23–011: CKM for the Safe Use of SGLT2i in T1D.

Date: October 29, 2024.

Time: 10:00 a.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, NIDDK, Democracy II, Suite 7000A, 6707 Democracy Boulevard, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Lan Tian, Ph.D., Scientific Review Officer, National Institute of Diabetes and Digestive and Kidney Diseases, National Institutes of Health, 6707 Democracy Boulevard, Bethesda, MD 20892, (301) 496–7050, lan.tian@nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: September 15, 2024.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2024–21416 Filed 9–18–24; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Closed Meeting

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; PAR 22–069 High Impact, Interdisciplinary Science in NIDDK Research Areas (RC2).

Date: November 15, 2024.

Time: 2:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, NIDDK, Democracy II, Suite 7000A, 6707 Democracy Boulevard, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Tori Stone, Ph.D., Scientific Review Officer, National Institute of Diabetes and Digestive and Kidney, National Institute of Health, 6707 Democracy Boulevard, Bethesda, MD 20892, (301) 827–0994, tori.stone@nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: September 15, 2024.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2024–21421 Filed 9–18–24; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Neurological Disorders and Stroke; Notice of Closed Meetings

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Neurological Disorders and Stroke Initial Review Group; Neurological Sciences and Disorders C Study Section.

Date: October 15–16, 2024.

Time: 9:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Virtual Meeting).

Contact Person: Ana Olariu, Ph.D., Scientific Review Officer, Scientific Review Branch, Division of Extramural Activities, INDS/NIH/DHHS, NSC, 6001 Executive Boulevard, Rockville, MD 20852, 301–496–9223, Ana.Olariu@nih.gov.

Name of Committee: National Institute of Neurological Disorders and Stroke Special Emphasis Panel; DMFP Contract Proposal Review Meeting.

Date: October 18, 2024.

Time: 10:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Virtual Meeting).

Contact Person: Surojeet Sengupta, Ph.D., Scientific Review Officer, Scientific Review Branch, Division of Extramural Activities, NINDS/NIH/DHHS, NSC, 6001 Executive Boulevard, Rockville, MD 20852, 301–496–9223, surojeet.sengupta@nih.gov.

Name of Committee: National Institute of Neurological Disorders and Stroke Special Emphasis Panel; NSD–C Member Conflict.

Date: October 31, 2024.

Time: 1:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Virtual Meeting).

Contact Person: Bo-Shiun Chen, Ph.D., Scientific Review Officer, Scientific Review Branch, Division of Extramural Activities, NINDS/NIH/DHHS, NSC, 6001 Executive Boulevard, Rockville, MD 20852, 301-496-9223, bo-shiun.chen@nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.853, Clinical Research Related to Neurological Disorders; 93.854, Biological Basis Research in the Neurosciences, National Institutes of Health, HHS).

Dated: September 13, 2024.

David W. Freeman,

Supervisory Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2024-21386 Filed 9-18-24; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the Career Development for Early Career Investigators Study Section, October 08, 2024, 09:30 a.m. to October 09, 2024, 06:00 p.m., National Institute on Aging, 8th Floor, 5601 Fishers Lane, Rockville, MD 20852 which was published in the **Federal Register** on August 19, 2024, 89 FR 67097.

Dates changes from 10/8-9/2024 to 10/24-25/2024 due to Dr. Dieguez having conflict of interest with the Society of Neuroscience conference and the ad hoc reviewers are attending the meeting. The meeting is closed to the public.

Dated: September 15, 2024.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2024-21414 Filed 9-18-24; 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: Surgical Sciences, Biomedical Imaging and Bioengineering Integrated Review Group; Imaging Guided Interventions and Surgery Study Section.

Date: October 17-18, 2024.

Time: 8:00 a.m. to 8:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Ritz-Carlton Hotel, 1700 Tysons Boulevard, McLean, VA 22102 (In-Person Meeting).

Contact Person: Ella Fung Jones, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 496-0777, ella.jones@nih.gov.

Name of Committee: Applied Immunology and Disease Control Integrated Review Group; Transmission of Vector-Borne and Zoonotic Diseases Study Section

Date: October 17-18, 2024.

Time: 8:00 a.m. to 8:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Crowne Plaza Washington National Airport, 1489 Jefferson Davis Hwy., Arlington, VA 22202 (In-Person Meeting).

Contact Person: Haruhiko Murata, Ph.D., Scientific Review Officer, Center for Scientific Review, 6701 Rockledge Drive, National Institutes of Health, Bethesda, MD 20892, (301) 594-3245, muratah@csr.nih.gov.

Name of Committee: Oncology 2—Translational Clinical Integrated Review Group; Cellular Immunotherapy of Cancer Study Section.

Date: October 17-18, 2024.

Time: 8:00 a.m. to 6:30 p.m.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites at the Chevy Chase Pavilion, 4300 Military Road NW, Washington, DC 20015 (In-Person and Virtual Meeting).

Contact Person: Shahana Majid, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 867-5309, shahana.majid@nih.gov.

Name of Committee: Applied Therapeutics for Cancer Integrated Review Group; Mechanisms of Cancer Therapeutics B Study Section.

Date: October 17-18, 2024.

Time: 8:00 a.m. to 8:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Canopy by Hilton, 940 Rose Avenue, North Bethesda, MD 20852 (In-Person Meeting).

Contact Person: Maria Dolores Arjona Mayor, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 806D, Bethesda, MD 20892, (301) 827-8578, dolores.arjonamayor@nih.gov.

Name of Committee: Endocrinology, Metabolism, Nutrition and Reproductive Sciences Integrated Review Group; Cell Signaling and Molecular Endocrinology Study Section.

Date: October 17-18, 2024.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: The Watergate, 2650 Virginia Avenue NW, Washington, DC 20037 (In-Person Meeting).

Contact Person: Latha Malaiyandi, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 812Q, Bethesda, MD 20892, (301) 435-1999, malaiyandilm@csr.nih.gov.

Name of Committee: Digestive, Kidney and Urological Systems Integrated Review Group; Hepatobiliary Pathophysiology Study Section.

Date: October 17-18, 2024.

Time: 9:00 a.m. to 8:30 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: Jianxin Hu, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2156, Bethesda, MD 20892, 301-827-4417, jianxinh@csr.nih.gov.

Name of Committee: Oncology 2—Translational Clinical Integrated Review Group; Molecular Cancer Diagnosis and Classification Study Section.

Date: October 17-18, 2024.

Time: 9:00 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Lawrence Ka-Yun Ng, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6152, MSC 7804, Bethesda, MD 20892, 301-435-1719, ngkl@csr.nih.gov.

Name of Committee: Cell Biology Integrated Review Group; Maximizing Investigators' Research Award—D Study Section.

Date: October 17-18, 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: Anne Marie Strohecker, Ph.D., Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (202) 924-4186, stroheckeram@csr.nih.gov.

Name of Committee: Applied Immunology and Disease Control Integrated Review Group; Vaccines Against Infectious Diseases Study Section.

Date: October 17-18, 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: Jian Wang, MD, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4218, MSC 7812, Bethesda, MD 20892, (301) 213-9853, wangjia@csr.nih.gov.

Name of Committee: Healthcare Delivery and Methodologies Integrated Review Group; Clinical Data Management and Analysis Study Section.

Date: October 17–18, 2024.

Time: 9:00 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Shivakumar V. Chittari, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 408-9098, chittari.shivakumar@nih.gov.

Name of Committee: Brain Disorders and Clinical Neuroscience Integrated Review Group; Brain Injury and Neurovascular Pathologies Study Section.

Date: October 17–18, 2024.

Time: 10:00 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Alexander Yakovlev, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5206, MSC 7846, Bethesda, MD 20892, 301-435-1254, yakovleva@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Topics in Bacterial Virulence.

Date: October 17, 2024.

Time: 1:30 p.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: Liying Guo, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4198, MSC 7812, Bethesda, MD 20892, (301) 827-7728, lguo@mail.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: September 16, 2024.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2024-21420 Filed 9-18-24; 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: Cardiovascular and Respiratory Sciences Integrated Review Group; Pulmonary Injury, Repair, and Remodeling Study Section (PIRR).

Date: October 17–18, 2024.

Time: 8:00 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: Ghenima Dirami, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4122, MSC 7814, Bethesda, MD 20892, 240-498-7546, diramig@csr.nih.gov.

Name of Committee: Integrative, Functional and Cognitive Neuroscience Integrated Review Group; Neurobiology of Pain and Itch Study Section.

Date: October 17–18, 2024.

Time: 8:00 a.m. to 8:00 p.m.

Agenda: To review and evaluate grant applications.

Place: EVEN Hotel Rockville, Previously Holiday Inn, 1775 Rockville Pike, Rockville, MD 20852 (In Person).

Contact Person: Anne-Sophie Marie Lucie Wattiez, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 594-4642, anne-sophie.wattiez@nih.gov.

Name of Committee: Musculoskeletal, Oral and Skin Sciences Integrated Review Group; Skeletal Biology Structure and Regeneration Study Section.

Date: October 17–18, 2024.

Time: 8:00 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Tysons Corner Marriott, 8028 Leesburg Pike, Vienna, VA 22182 (In Person).

Contact Person: Yanming Bi, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4214,

MSC 7814, Bethesda, MD 20892, (301) 451-0996, ybi@csr.nih.gov.

Name of Committee: Surgical Sciences, Biomedical Imaging and Bioengineering Integrated Review Group; Emerging Imaging Technologies and Applications Study Section.

Date: October 17–18, 2024.

Time: 8:00 a.m. to 8:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hilton Washington/Rockville, 1750 Rockville Pike, Rockville, MD 20852 (In Person).

Contact Person: Zheng Li, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 594-3385, zheng.li3@nih.gov.

Name of Committee: Risk, Prevention and Health Behavior Integrated Review Group; Lifestyle Change and Behavioral Health Study Section.

Date: October 17–18, 2024.

Time: 8:00 a.m. to 8:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hyatt Place Georgetown, 2121 M Street NW, Washington, DC 20037 (In Person).

Contact Person: Pamela Jeter, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 10J08, Bethesda, MD 20892, (301) 827-6401, pamela.jeter@nih.gov.

Name of Committee: Integrative, Functional and Cognitive Neuroscience Integrated Review Group; Auditory System Study Section.

Date: October 17–18, 2024.

Time: 8:30 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: Brian H. Scott, Ph.D., Scientific Review Officer, National Institutes of Health, Center for Scientific Review, 6701 Rockledge Drive, Bethesda, MD 20892, 301-827-7490, brianscott@mail.nih.gov.

Name of Committee: Biological Chemistry and Macromolecular Biophysics Integrated Review Group; Macromolecular Structure and Function A Study Section.

Date: October 17–18, 2024.

Time: 8:30 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Residence Inn Bethesda, 7335 Wisconsin Avenue, Bethesda, MD 20814 (In Person).

Contact Person: Ian Frederick Thorpe, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 903K, Bethesda, MD 20892, (301) 480-8662, ian.thorpe@nih.gov.

Name of Committee: Genes, Genomes, and Genetics Integrated Review Group; Therapeutic Approaches to Genetic Diseases Study Section.

Date: October 17–18, 2024.

Time: 8:30 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: Karobi Moitra, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 480-6893, karobi.moitra@nih.gov.

Name of Committee: Molecular, Cellular and Developmental Neuroscience Integrated Review Group; Molecular and Cellular Neuropharmacology Study Section.

Date: October 17–18, 2024.

Time: 9:00 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Vanessa S. Boyce, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Rm. 4185, MSC 7850, Bethesda, MD 20892, (301) 402-3726, boycevs@csr.nih.gov.

Name of Committee: Vascular and Hematology Integrated Review Group; Basic Biology of Blood, Heart and Vasculature Study Section.

Date: October 17–18, 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: Aisha Lanette Walker, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 594-3527, aisha.walker@nih.gov.

Name of Committee: Cardiovascular and Respiratory Sciences Integrated Review Group; Clinical Integrative Cardiovascular and Hematological Sciences Study Section.

Date: October 17–18, 2024.

Time: 9:00 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites Alexandria Old Town, 1900 Diagonal Road, Alexandria, VA 22314 (In Person).

Contact Person: Sara Ahlgren, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, RM 4136, Bethesda, MD 20892, 301-435-0904, sara.ahlgren@nih.gov.

Name of Committee: Brain Disorders and Clinical Neuroscience Integrated Review Group; Clinical Neuroimmunology and Brain Tumors Study Section.

Date: October 17–18, 2024.

Time: 9:00 a.m. to 8:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Aleksey G. Kazantsev, Ph.D., Scientific Review Officer, Center for

Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5201, Bethesda, MD 20817, 301-435-1042, aleksey.kazantsev@nih.gov.

Name of Committee: Population Sciences and Epidemiology Integrated Review Group; Kidney Endocrine and Digestive Disorders Study Section.

Date: October 17–18, 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: Lisa Steele, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3139, MSC 7770, Bethesda, MD 20892, (301) 257-2638, steeleln@csr.nih.gov.

Name of Committee: Biological Chemistry and Macromolecular Biophysics Integrated Review Group; Chemical Biology and Probes Study Section.

Date: October 17–18, 2024.

Time: 10:00 a.m. to 7:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Michael Eissenstat, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4166, MSC 7806, Bethesda, MD 20892, (301) 435-1722, eissenstatma@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: September 13, 2024.

David W. Freeman,

Supervisory Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2024-21389 Filed 9-18-24; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; Notice of Closed Meeting

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning

individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Aging Special Emphasis Panel; T32 Institute Training Grants Jan 2025.

Date: October 28, 2024.

Time: 10:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute on Aging, 5601 Fishers Lane, Rockville, MD 20892 (Virtual Meeting).

Contact Person: Kaitlyn Noel Lewis Hardell, Ph.D., MPH, Scientific Review Officer, National Institute of Aging, National Institute of Health, 5601 Fishers Lane, Rm. 2E405, Rockville, MD 20814, (301) 555-1234, kaitlyn.hardell@nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: September 15, 2024.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2024-21418 Filed 9-18-24; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Neurological Disorders and Stroke; Notice of Closed Meetings

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Neurological Sciences Training Initial Review Group; NST-4 Study Section.

Date: October 22, 2024.

Time: 9:30 a.m. to 6:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Virtual Meeting).

Contact Person: Steven G. Britt, M.D., Scientific Review Officer, Scientific Review Branch, Division of Extramural Activities,

NINDS/NIH/DHHS, NSC, 6001 Executive Boulevard, Rockville, MD 20852, 301-480-1953, steve.britt@nih.gov.

Name of Committee: National Institute of Neurological Disorders and Stroke Initial Review Group; Neurological Sciences and Disorders B Study Section.

Date: October 24–25, 2024.

Time: 10:00 a.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: InterContinental Chicago Hotel, 505 North Michigan Avenue, Chicago, IL 60611 (In-person and Virtual Meeting).

Contact Person: Joel A. Saydoff, Ph.D., Scientific Review Officer, Scientific Review Branch, Division of Extramural Activities, NINDS/NIH/DHHS, NSC, 6001 Executive Boulevard, Rockville, MD 20852, 301-496-9223, joel.saydoff@nih.gov.

Name of Committee: National Institute of Neurological Disorders and Stroke Initial Review Group; Neurological Sciences and Disorders A Study Section.

Date: October 21–22, 2024.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Melrose Hotel, 2430 Pennsylvania Ave. NW, Washington, DC 20037 (In-person and Virtual Meeting).

Contact Person: Natalia Strunnikova, Ph.D., Scientific Review Officer, Scientific Review Branch, Division of Extramural Activities, NINDS/NIH/DHHS, NSC, 6001 Executive Boulevard, Rockville, MD 20852, 301-402-0288, natalia.strunnikova@nih.gov.

Name of Committee: National Institute of Neurological Disorders and Stroke Special Emphasis Panel; HEAL Initiative: Non-addictive Analgesic Therapeutics Development to Treat Pain.

Date: October 17, 2024.

Time: 10:00 a.m. to 3:00 p.m.

Agenda: To review and evaluate cooperative agreement applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Virtual Meeting).

Contact Person: W. Ernest Lyons, Ph.D., Scientific Review Officer, Scientific Review Branch, Division of Extramural Activities, NINDS/NIH/DHHS, NSC, 6001 Executive Boulevard, Rockville, MD 20852, 301-496-4056, lyonse@ninds.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.853, Clinical Research Related to Neurological Disorders; 93.854, Biological Basis Research in the Neurosciences, National Institutes of Health, HHS).

Dated: September 13, 2024.

David W. Freeman,

Supervisory Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2024-21385 Filed 9-18-24; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Closed Meeting

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Initial Review Group; Diabetes, Endocrinology and Metabolic Diseases B Study Section.

Date: October 23–25, 2024.

Time: 10:00 a.m. to 3:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, NIDDK, Democracy II, Suite 7000A, 6707 Democracy Boulevard, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Charlene J. Repique, Ph.D., Scientific Review Officer, National Institute of Diabetes and Digestive and Kidney Diseases, National Institutes of Health, 6707 Democracy Boulevard, Rm 7347, Bethesda, MD 20892-5452, (301) 451-3638, charlene.repique@nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: September 15, 2024.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2024-21415 Filed 9-18-24; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer 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 National Cancer Institute Clinical Trials and Translational Research Advisory Committee.

This will be a hybrid meeting held in-person and virtually and will be open to the public. Individuals who plan to attend in-person or view the virtual meeting and need special assistance or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting. The meeting can be accessed from the NIH Videocast at the following link: <https://videocast.nih.gov/>.

Name of Committee: National Cancer Institute Clinical Trials and Translational Research Advisory Committee.

Date: November 6, 2024.

Time: 8:30 a.m. to 3:00 p.m.

Agenda: Strategic Discussion of NCI's Clinical and Translational Research Programs.

Place: National Cancer Institute, 9609 Medical Center Drive, East Wing, Conference Room TE406/408/410, Rockville, MD 20850 (In Person and Virtual Meeting).

Contact Person: Sheila A. Prindiville, M.D., M.P.H., Director, Coordinating Center for Clinical Trials, National Cancer Institute, National Institutes of Health, 9609 Medical Center Drive, Room 6W136, Rockville, MD 20850, 240-276-6173, prindivs@mail.nih.gov.

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

In the interest of security, NIH has instituted stringent procedures for entrance onto the NCI-Shady Grove campus. All visitors will be asked to show one form of identification (for example, a government-issued photo ID, driver's license, or passport) and to state the purpose of their visit.

Information is also available on the Institute's/Center's home page: <http://deainfo.nci.nih.gov/advisory/ctac/ctac.htm>, where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: September 13, 2024.

David W. Freeman,

Supervisory Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2024-21363 Filed 9-18-24; 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 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: Heart, Lung, and Blood Initial Review Group; NHLBI Mentored Patient-Oriented Research Study Section.

Date: October 17–18, 2024.

Time: 9:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge I, 6705 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Fungai Chanetsa, MPH, Ph.D., Scientific Review Officer, Office of Scientific Review/DERA, National Heart, Lung, and Blood Institute, National Institutes of Health, 6705 Rockledge Drive, Room 206–B, Bethesda, MD 20817, (301) 402–9394, email: fungai.chanetsa@nih.gov.

(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: September 13, 2024.

Bruce A. George,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2024–21387 Filed 9–18–24; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES**National Institutes of Health****National Institute of General Medical 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 General Medical Sciences Special Emphasis Panel; Review of ARC F99/K00 and MOSAIC K99/R00 Applications.

Date: November 18–19, 2024.

Time: 10:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, National Institute of General Medical Sciences, Natcher Building, 45 Center Drive, Bethesda, Maryland 20892 (Virtual Meeting).

Contact Person: Tracy Koretsky, Ph.D., Scientific Review Officer, National Institute of General Medical Sciences, National Institutes of Health, 45 Center Drive, MSC 6200, Room 3AN12F, Bethesda, Maryland 20892, 301–594–2886, tracy.koretsky@nih.gov.

(Catalogue of Federal Domestic Assistance Program No. 93.859, Biomedical Research and Research Training, National Institutes of Health, HHS)

Dated: September 15, 2024.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2024–21417 Filed 9–18–24; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY**U.S. Customs and Border Protection**

[OMB Control Number 1651–0028]

Agency Information Collection Activities; Extension; Cost Submission (CBP Form 247)

AGENCY: U.S. Customs and Border Protection (CBP), Department of Homeland Security.

ACTION: 60-Day notice and request for comments.

SUMMARY: The Department of Homeland Security, U.S. Customs and Border Protection (CBP) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). The information collection is published in the **Federal Register** to obtain comments from the public and affected agencies.

DATES: Comments are encouraged and must be submitted (no later than November 18, 2024) to be assured of consideration.

ADDRESSES: Written comments and/or suggestions regarding the item(s) contained in this notice must include the OMB Control Number 1651–0028 in the subject line and the agency name. Please submit written comments and/or suggestions in English. Please use the following method to submit comments: Email. Submit comments to: CBP_PRA@cbp.dhs.gov.

FOR FURTHER INFORMATION CONTACT:

Requests for additional PRA information should be directed to Seth Renkema, Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection, Office of Trade, Regulations and Rulings, 90 K Street NE, 10th Floor, Washington, DC 20229–1177, Telephone number 202–325–0056 or via email CBP_PRA@cbp.dhs.gov. Please note that the contact information provided here is solely for questions regarding this notice. Individuals seeking information about other CBP programs should contact the CBP National Customer Service Center at 877–227–5511, (TTY) 1–800–877–8339, or CBP website at <https://www.cbp.gov/>.

SUPPLEMENTARY INFORMATION: CBP invites the general public and other Federal agencies to comment on the proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). This process is conducted in accordance with 5 CFR 1320.8. Written comments and suggestions from the public and affected agencies should address one or more of the following four points: (1) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) suggestions to enhance the quality, utility, and clarity of the information to be collected; and (4) suggestions to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses. The comments that are submitted will be summarized and included in the request for approval. All comments will become a matter of public record.

Overview of This Information Collection

Title: Cost Submission.
OMB Number: 1651–0028.
Form Number: 247.

Current Actions: CBP proposes to extend the expiration date of this information collection. There is no change to the burden hours or to the information collected.

Type of Review: Extension (without change).

Affected Public: Businesses.

Abstract: The information collected on CBP Form 247, Cost Submission, is used by CBP to assist in correctly calculating the duty on imported merchandise. This form includes details on actual costs and helps CBP determine which costs are dutiable and which are not.

This collection of information is provided for by subheadings 9801.00.10, 9802.00.40, 9802.00.50, 9802.00.60 and 9802.00.80 of the Harmonized Tariff Schedule of the United States (HTSUS), and by 19 U.S.C. 1508 through 1509, 19 CFR 10.11–10.24, 19 CFR 141.88 and 19 CFR 152.106.

CBP Form 247 can be found at <http://www.cbp.gov/xp/cgov/toolbox/forms/>.

Type of Information Collection: Form 247.

Estimated Number of Respondents: 1,000.

Estimated Number of Annual Responses per Respondent: 1.

Estimated Number of Total Annual Responses: 1,000.

Estimated Time per Response: 50 hours.

Estimated Total Annual Burden Hours: 50,000.

Dated: September 16, 2024.

Seth D. Renkema,

Branch Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection.

[FR Doc. 2024–21438 Filed 9–18–24; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY**U.S. Customs and Border Protection**

[OMB Control Number 1651–0004]

Agency Information Collection Activities; Extension; Application for Exportation of Articles Under Special Bond (CBP Form 3495)

AGENCY: U.S. Customs and Border Protection (CBP), Department of Homeland Security.

ACTION: 60-Day notice and request for comments.

SUMMARY: The Department of Homeland Security, U.S. Customs and Border Protection (CBP) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). The information collection is published in the **Federal Register** to obtain comments from the public and affected agencies.

DATES: Comments are encouraged and must be submitted (no later than November 18, 2024) to be assured of consideration.

ADDRESSES: Written comments and/or suggestions regarding the item(s) contained in this notice must include the OMB Control Number 1651–0004 in the subject line and the agency name. Please submit written comments and/or suggestions in English. Please use the following method to submit comments:

Email. Submit comments to: CBP_PRA@cbp.dhs.gov.

FOR FURTHER INFORMATION CONTACT:

Requests for additional PRA information should be directed to Seth Renkema, Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection, Office of Trade, Regulations and Rulings, 90 K Street NE, 10th Floor, Washington, DC 20229–1177, Telephone number 202–325–0056 or via email CBP_PRA@cbp.dhs.gov. Please note that the contact information provided here is solely for questions regarding this notice. Individuals seeking information about other CBP programs should contact the CBP National Customer Service Center at 877–227–5511, (TTY) 1–800–877–8339, or CBP website at <https://www.cbp.gov/>.

SUPPLEMENTARY INFORMATION: CBP invites the general public and other Federal agencies to comment on the proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). This process is conducted in accordance with 5 CFR 1320.8. Written comments and suggestions from the public and affected agencies should address one or more of the following four points: (1) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) suggestions to enhance the quality, utility, and clarity of the information to be collected; and (4) suggestions to minimize the burden of the collection of

information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses. The comments that are submitted will be summarized and included in the request for approval. All comments will become a matter of public record.

Overview of This Information Collection

Title: Application for Exportation of Articles under Special Bond.

OMB Number: 1651–0004.

Form Number: 3495.

Current Actions: CBP proposes to extend the expiration date of this information collection with no change to the burden hours or to the information being collected.

Type of Review: Extension (without change).

Affected Public: Businesses.

Abstract: CBP Form 3495, *Application for Exportation of Articles Under Special Bond*, is an application for exportation of articles entered under temporary bond pursuant to 19 U.S.C. 1202, chapter 98, subchapter XIII, Harmonized Tariff Schedule of the United States, and 19 CFR 10.38. CBP Form 3495 is used by importers to notify CBP that the importer intends to export goods that were subject to a duty exemption based on a temporary stay in this country. It also serves as a permit to export in order to satisfy the importer's obligation to export the same goods and thereby get a duty exemption. This form is accessible at: <https://www.cbp.gov/newsroom/publications/forms?title=3495&=Apply>.

Type of Information Collection: Form 3495.

Estimated Number of Respondents: 500.

Estimated Number of Annual Responses per Respondent: 30.

Estimated Number of Total Annual Responses: 15,000.

Estimated Time per Response: 8 minutes.

Estimated Total Annual Burden Hours: 2,000.

Dated: September 16, 2024.

Seth D. Renkema,

Branch Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection.

[FR Doc. 2024–21440 Filed 9–18–24; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY**U.S. Customs and Border Protection****[OMB Control Number 1651–0006]****Agency Information Collection Activities; Extension; Application and Approval To Manipulate, Examine, Sample or Transfer Goods (CBP Form 3499)**

AGENCY: U.S. Customs and Border Protection (CBP), Department of Homeland Security.

ACTION: 60-Day notice and request for comments.

SUMMARY: The Department of Homeland Security, U.S. Customs and Border Protection (CBP) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). The information collection is published in the **Federal Register** to obtain comments from the public and affected agencies.

DATES: Comments are encouraged and must be submitted (no later than November 18, 2024) to be assured of consideration.

ADDRESSES: Written comments and/or suggestions regarding the item(s) contained in this notice must include the OMB Control Number 1651–0006 in the subject line and the agency name. Please submit written comments and/or suggestions in English. Please use the following method to submit comments:

Email. Submit comments to: CBP_PRA@cbp.dhs.gov.

FOR FURTHER INFORMATION CONTACT:

Requests for additional PRA information should be directed to Seth Renkema, Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection, Office of Trade, Regulations and Rulings, 90 K Street NE, 10th Floor, Washington, DC 20229–1177, Telephone number 202–325–0056 or via email CBP_PRA@cbp.dhs.gov. Please note that the contact information provided here is solely for questions regarding this notice. Individuals seeking information about other CBP programs should contact the CBP National Customer Service Center at 877–227–5511, (TTY) 1–800–877–8339, or CBP website at <https://www.cbp.gov/>.

SUPPLEMENTARY INFORMATION: CBP invites the general public and other Federal agencies to comment on the proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.). This process is conducted in

accordance with 5 CFR 1320.8. Written comments and suggestions from the public and affected agencies should address one or more of the following four points: (1) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) suggestions to enhance the quality, utility, and clarity of the information to be collected; and (4) suggestions to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses. The comments that are submitted will be summarized and included in the request for approval. All comments will become a matter of public record.

Overview of This Information Collection

Title: Application and Approval to Manipulate, Examine, Sample or Transfer Goods.

OMB Number: 1651–0006.

Form Number: 3499.

Current Actions: This submission will renew the expiration date while updating the burden hours to reflect current usage. No change to information collected or method of collection.

Type of Review: Extension (with/ change).

Affected Public: Businesses.

Abstract: CBP Form 3499,

“Application and Approval to Manipulate, Examine, Sample or Transfer Goods,” is used as an application to perform various operations on merchandise located at a Customs and Border Protection (CBP) approved bonded facility. This form is filed by importers, bonded warehouse proprietors, consignees, transferees, or owners of merchandise, and is subject to approval by the port director. The data requested on the form identifies the merchandise for which action is being sought and specifies the operation that is to be performed. The form may also be approved as a blanket application to manipulate goods for a period of up to one year for continuous or repetitive manipulation. CBP Form 3499 is provided for by 19 U.S.C. 1562, and 19 CFR 158.43, 19.8, 19.11 and is accessible at: <https://www.cbp.gov/>

[newsroom/publications/forms?title=3499&=Apply](https://www.cbp.gov/newsroom/publications/forms?title=3499&=Apply).

Type of Information Collection: Form 3499.

Estimated Number of Respondents: 4,200.

Estimated Number of Annual Responses per Respondent: 60.

Estimated Number of Total Annual Responses: 252,000.

Estimated Time per Response: 6 minutes.

Estimated Total Annual Burden Hours: 25,200.

Dated: September 16, 2024.

Seth D. Renkema,

Branch Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection.

[FR Doc. 2024–21439 Filed 9–18–24; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY**Federal Emergency Management Agency**

[Docket ID: FEMA–2024–0016; OMB No. 1660–0151]

Agency Information Collection Activities: Submission for OMB Review, Comment Request; Facility Access Request

AGENCY: Federal Emergency Management Agency, Department of Homeland Security.

ACTION: 30-Day notice of extension and request for comments.

SUMMARY: The Federal Emergency Management Agency (FEMA) will submit the information collection abstracted below to the Office of Management and Budget for review and clearance in accordance with the requirements of the Paperwork Reduction Act of 1995. FEMA invites the general public to take this opportunity to comment on an extension, without change, of a currently approved information collection. In accordance with the requirements of the Paperwork Reduction Act of 1995, this notice seeks comments concerning access to all FEMA controlled facilities. This information is used to create a profile within the system boundary of FEMA.

DATES: Comments must be submitted on or before October 21, 2024.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular

information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function.

FOR FURTHER INFORMATION CONTACT:

Requests for additional information or copies of the information collection should be made to Director, Information Management Division, 500 C Street SW, Washington, DC 20472, email address FEMA-Information-Collections-Management@fema.dhs.gov or Kymlee Murphy Perroni, Security Technology Branch Chief, Federal Emergency Management Agency Office of the Chief Security Officer, 202–710–5587, and FEMA-Information-Collections-Management@fema.dhs.gov.

SUPPLEMENTARY INFORMATION: Visitor management is governed by DHS Instruction Manual 121–01–011–01, Visitor Management for DHS Headquarters and DHS Component Headquarters Facilities; FEMA Directive 121–1, Personal Identification Standard; FEMA Directive 121–3, Facility Access; and FEMA Instruction 121–3–1, Credential and Access Reference.

This proposed information collection previously published in the **Federal Register** on May 31, 2024 at 89 FR 47159 with a 60-day public comment period. FEMA received zero comments. The purpose of this notice is to notify the public that FEMA will submit the information collection abstracted below to the Office of Management and Budget for review and clearance.

Collection of Information

Title: Facility Access Request.

Type of Information Collection: Extension, without change, of a currently approved information collection.

OMB Number: 1660–0151.

FEMA Forms: FEMA Form FF–900–FY–21–100 Facility Access Request and FEMA Form FF–900–FY–21–101 Facility Access Request.

Abstract: The purpose of these forms is to apply for access to all FEMA controlled facilities. This information is used to create a profile in the FEMA Electronic Security System under the subsystem Physical Access Control System (PACS). The personally identifiable information (PII) is used to authenticate the identity of Federal employees, contractors, and visitors who have entry authorization, and in the event of an emergency, to contact individuals. Respondents are typically individuals.

Affected Public: Federal Government & State, local or Tribal Government.

Estimated Number of Respondents: 20,500.

Estimated Number of Responses: 20,500.

Estimated Total Annual Burden Hours: 3,417.

Estimated Total Annual Respondent Cost: \$180,178.

Estimated Respondents’ Operation and Maintenance Costs: \$0.

Estimated Respondents’ Capital and Start-Up Costs: \$0.

Estimated Total Annual Cost to the Federal Government: \$27,201.

Comments

Comments may be submitted as indicated in the ADDRESSES caption above. Comments are solicited to (a) evaluate whether the proposed data collection is necessary for the proper performance of the Agency, including whether the information shall have practical utility; (b) 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; (c) enhance the quality, utility, and clarity of the information to be collected; and (d) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Millicent Brown Wilson,

Records Management Branch Chief, Office of the Chief Administrative Officer, Mission Support, Federal Emergency Management Agency, Department of Homeland Security.

[FR Doc. 2024–21281 Filed 9–18–24; 8:45 am]

BILLING CODE 9111–19–P

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[XXDX4523WT, DS61200000, DWT000000.000000, DP61201]

Draft Outline for the First National Nature Assessment

AGENCY: Office of Policy Analysis, Interior.

ACTION: Annotated outline for the first National Nature Assessment, request for public comment.

SUMMARY: The U.S. Global Change Research Program seeks public comment on the proposed themes and topics of the first National Nature Assessment as indicated by the chapter annotated outlines linked here. Based on input received in response to this

notice, chapter author teams will develop their draft chapters.

DATES: Comments must be submitted by 11:59 p.m. on November 4, 2024.

ADDRESSES: Comments from the public will be accepted electronically via <https://review.globalchange.gov/>. Instructions for submitting comments are available on the website. Submitters may enter text or upload files in response to this notice.

FOR FURTHER INFORMATION CONTACT:

Tessa Francis, (202) 419–3498, tfrancis@usgcrp.gov, U.S. Global Change Research Program.

SUPPLEMENTARY INFORMATION: The U.S. Global Change Research Program (USGCRP) was created by Congress in 1990 to “assist the Nation and the world to understand, assess, predict, and respond to human-induced and natural processes of global change.” USGCRP comprises 15 Federal agencies that work together to carry out its legislative mandate. USGCRP is conducting the first National Nature Assessment (NNA1) to assess the condition of nature as an aspect of global change.

The scope of NNA1 is to assess the status, observed trends, and future projections of America’s lands, waters, wildlife, biodiversity, and ecosystems and the benefits they provide, including connections to the economy, public health, equity, climate mitigation and adaptation, and national security.

Background information, additional details, and instructions for submitting comments can be found at <https://www.globalchange.gov/notices>.

Responses to this request for comment can be entered via that website.

The USGCRP seeks public comment on the annotated outlines of each chapter of the NNA1, in particular on the scope and framing of chapter’s proposed topic areas. Input received on proposed themes within each chapter’s annotated outline will be used by chapter author teams to develop their draft chapters.

Authors of each NNA1 chapter will develop chapter content structured around the topic areas proposed in the annotated outlines. The outlines highlight what nature provides to us in terms of its inherent worth, our well-being, economic value, and more, while looking ahead to understand how these benefits might change in the future. Because chapter 1 will provide an overview summary of the final report, chapter 1 does not have an annotated outline currently.

Chapter titles reflect the target topics for the chapters. Final titles for the chapter may evolve as authors assess published literature.

1. Overview
2. Nature and Equity in the U.S.
3. Bright Spots in Nature in the U.S.
4. Status, Trends, and Future Projections of Nature in the U.S.
5. Status, Trends, and Future Projections of Drivers of Change in Nature in the U.S.
6. Nature and Cultural Heritage in the U.S.
7. Nature and the Economy in the U.S.
8. Nature and Human Health and Well-Being in the U.S.
9. Nature and Risk, Resilience, and Security in the U.S.
10. Nature and Climate Change in the U.S.
11. Opportunities for Nature in the U.S.
12. Frameworks and Approaches for Assessing Nature in the U.S.

As noted in the November 2023 notice (88 FR 80747; <https://www.federalregister.gov/documents/2023/11/20/2023-25573/request-for-public-nominations-for-authors-and-scientific-technical-inputs-for-the-first-national>), public engagement efforts by the author teams will be undertaken during the comment period announced in this notice.

Chapter authors will hold virtual public engagement workshops to solicit public feedback on a chapter's annotated outlines. The schedule for these workshops and registration opportunities will be posted on <https://www.globalchange.gov/our-work/national-nature-assessment> and announced in the USGCRP newsletter.

Responses: Response to this request for comment is voluntary. Respondents need not comment on all topics. Before including your address, phone number, email address, or other personal identifying information in your written comments, 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.

Responses may be used by the U.S. Government for program planning on a non-attribution basis. The U.S. Department of the Interior requests that neither business proprietary information nor third-party copyrighted information be submitted in response to this request for comment. Please note that the U.S. Government will not pay for response

preparation or for the use of any information contained in the response.

Jacob Malcom,

Director, Office of Policy Analysis, Office of Policy, Management, and Budget.

[FR Doc. 2024–21558 Filed 9–17–24; 4:15 pm]

BILLING CODE 4334–63–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLHQ300000.L19900000.PO0000.24X; OMB Control No. 1004–0121]

Agency Information Collection Activities; Leasing of Solid Minerals Other Than Coal and Oil Shale (43 CFR 3500–3590)

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (PRA), the Bureau of Land Management (BLM) proposes to renew an information collection.

DATES: Interested persons are invited to submit comments on or before November 18, 2024.

ADDRESSES: Send your written comments on this information collection request (ICR) by mail to Darrin King, Information Collection Clearance Officer, U.S. Department of the Interior, Bureau of Land Management, Attention PRA Office, 440 W 200 S #500, Salt Lake City, UT 84101; or by email to BLM_HQ_PRA_Comments@blm.gov. Please reference Office of Management and Budget (OMB) Control Number 1004–0121 in the subject line of your comments. Please note that the electronic submission of comments is recommended.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact John Grasso by email at jgrasso@blm.gov, or by telephone at (303) 239–3777. 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. You may also view the ICR at <http://www.reginfo.gov/public/do/PRAMain>.

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork

Reduction Act of 1995 (PRA, 44 U.S.C. 3501 *et seq.*) and 5 CFR 1320.8(d)(1), all information collections require approval under the PRA. We may not conduct or sponsor, and you are not required to respond to a collection of information unless it displays a currently valid OMB control number.

As part of our continuing effort to reduce paperwork and respondent burdens, we invite the public and other Federal agencies to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

We are especially interested in public comment addressing the following:

- (1) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- (2) The accuracy of our estimate of the burden for this collection of information, including the validity of the methodology and assumptions used;
- (3) Ways to enhance the quality, utility, and clarity of the information to be collected; and
- (4) How might the agency minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of response.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this ICR. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Abstract: The BLM seeks to renew the information collection pertaining to the leasing of solid minerals other than coal and oil shale other than coal and oil shale on Federal land, and the development of those lease. Respondents affected by this information collection request are those

who desire to obtain lease for Federal minerals other than coal and oil shale, and operators of such leases. The regulations at 43 CFR part 3590 apply to operations for discovery, testing, development, mining, reclamation, and processing. OMB control number 1004–0121 is currently scheduled to expire on August 31, 2025. The BLM plans to request that OMB renew this OMB control number of an additional three (3) years.

Title of Collection: Leasing of Solid Minerals Other Than Coal and Oil Shale (43 CFR 3500–3590).

OMB Control Number: 1004–0121.

Form Numbers: BLM Form 3504–001; BLM Form 3504–003; BLM Form 3504–004; BLM Form 3510–001; BLM Form 3510–002; and BLM Form 3520–007.

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public: Holders of Federal leases of solid minerals other than coal and oil shale.

Total Estimated Number of Annual Respondents: 170.

Total Estimated Number of Annual Responses: 507.

Estimated Completion Time per Response: Varies from 1 hour to 400 hours, depending on activity.

Total Estimated Number of Annual Burden Hours: 27,296.

Respondent's Obligation: Required to obtain or retain a benefit.

Frequency of Collection: On occasion.

Total Estimated Annual Nonhour Burden Cost: \$2,051,105.

An agency may not conduct or sponsor and, notwithstanding any other provision of law, a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

The authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Darrin A. King,

Information Collection Clearance Officer.

[FR Doc. 2024–21422 Filed 9–18–24; 8:45 am]

BILLING CODE 4310–84–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–365–366 and 731–TA–734–735 (Fifth Review)]

Certain Pasta From Italy and Turkey

Determinations

On the basis of the record¹ developed in the subject five-year reviews, the

¹ The record is defined in § 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

United States International Trade Commission ("Commission") determines, pursuant to the Tariff Act of 1930 ("the Act"), that revocation of the antidumping and countervailing duty orders on certain pasta from Italy and Turkey would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.

Background

The Commission instituted these reviews on March 1, 2024 (89 FR 15217) and determined on June 4, 2024 that it would conduct expedited reviews (89 FR 59160, July 22, 2024).

The Commission made these determinations pursuant to section 751(c) of the Act (19 U.S.C. 1675(c)). It completed and filed its determinations in these reviews on September 13, 2024. The views of the Commission are contained in USITC Publication 5544 (September 2024), entitled *Certain Pasta from Italy and Turkey: Investigation Nos. 701–TA–365–366 and 731–TA–734–735 (Fifth Review)*.

By order of the Commission.

Issued: September 13, 2024.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2024–21399 Filed 9–18–24; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1365]

Certain Photovoltaic Connectors and Components Thereof; Notice of Request for Submissions on the Public Interest

AGENCY: International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that on August 30, 2024, the presiding administrative law judge ("ALJ") issued an Initial Determination on Violation of section 337. On September 13, 2024, the presiding ALJ issued a Recommended Determination on remedy and bonding should a violation be found in the above-captioned investigation. The Commission is soliciting submissions on public interest issues raised by the recommended relief should the Commission find a violation. This notice is soliciting comments from the public and interested government agencies only.

FOR FURTHER INFORMATION CONTACT: 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 on (202) 205–1810.

SUPPLEMENTARY INFORMATION: Section 337 of the Tariff Act of 1930 provides that, if the Commission finds a violation, it shall exclude the articles concerned from the United States unless, after considering the effect of such exclusion upon the public health and welfare, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, and United States consumers, it finds that such articles should not be excluded from entry. (19 U.S.C. 1337(d)(1)).

The Commission is soliciting submissions on public interest issues raised by the recommended relief should the Commission find a violation, specifically: a limited exclusion order directed to certain photovoltaic connectors and components thereof imported, sold for importation, and/or sold after importation by respondents Voltage, LLC and Ningbo Voltage Smart Production Co. Parties are to file public interest submissions pursuant to 19 CFR 210.50(a)(4).

The Commission is interested in further development of the record on the public interest in this investigation. Accordingly, members of the public and interested government agencies are invited to file submissions of no more than five (5) pages, inclusive of attachments, concerning the public interest in light of the ALJ's Recommended Determination on Remedy and Bonding issued in this investigation on September 13, 2024. Comments should address whether issuance of the recommended remedial orders in this investigation, should the Commission find a violation, would affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers.

In particular, the Commission is interested in comments that:

(i) explain how the articles potentially subject to the recommended remedial orders are used in the United States;

(ii) identify any public health, safety, or welfare concerns in the United States relating to the recommended orders;

(iii) identify like or directly competitive articles that complainant, its licensees, or third parties make in the United States which could replace the subject articles if they were to be excluded;

(iv) indicate whether complainant, complainant's licensees, and/or third-party suppliers have the capacity to replace the volume of articles potentially subject to the recommended orders within a commercially reasonable time; and

(v) explain how the recommended orders would impact consumers in the United States.

Written submissions must be filed no later than by close of business on October 15, 2024.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above. The Commission's paper filing requirements in 19 CFR 210.4(f) are currently waived. 85 FR 15798 (Mar. 19, 2020). Submissions should refer to the investigation number ("Inv. No. 337-TA-1365") in a prominent place on the cover page and/or the first page. (See Handbook for Electronic Filing Procedures, https://www.usitc.gov/secretary/fed_reg_notices/rules/handbook_on_electronic_filing.pdf). Persons with questions regarding filing should contact the Secretary (202-205-2000).

Any person desiring to submit a document to the Commission in confidence must request confidential treatment by marking each document with a header indicating that the document contains confidential information. This marking will be deemed to satisfy the request procedure set forth in Rules 201.6(b) and 210.5(e)(2) (19 CFR 201.6(b) & 210.5(e)(2)). Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. Any non-party wishing to submit comments containing confidential information must serve those comments on the parties to the investigation pursuant to the applicable Administrative Protective Order. A redacted non-confidential version of the document must also be filed simultaneously with any confidential filing and must be served in accordance with Commission Rule 210.4(f)(7)(ii)(A) (19 CFR 210.4(f)(7)(ii)(A)). All

information, including confidential business information and documents for which confidential treatment is properly sought, submitted to the Commission for purposes of this investigation may be disclosed to and used: (i) by the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel, solely for cybersecurity purposes. All contract personnel will sign appropriate nondisclosure agreements. All nonconfidential written submissions will be available for public inspection on EDIS.

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in Part 210 of the Commission's Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.

Issued: September 13, 2024.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2024-21394 Filed 9-18-24; 8:45 am]

BILLING CODE 7020-02-P

JUDICIAL CONFERENCE OF THE UNITED STATES

Advisory Committee on Criminal Rules; Meeting of the Judicial Conference

AGENCY: Judicial Conference of the United States.

ACTION: Advisory Committee on Criminal Rules; notice of open meeting.

SUMMARY: The Advisory Committee on Criminal Rules will hold a meeting in a hybrid format with remote attendance options on November 6-7, 2024 in New York, NY. 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: November 6-7, 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: September 13, 2024.

Shelly L. Cox,

Management Analyst, Rules Committee Staff.

[FR Doc. 2024-21274 Filed 9-18-24; 8:45 am]

BILLING CODE 2210-55-P

JUDICIAL CONFERENCE OF THE UNITED STATES

Advisory Committee on Evidence Rules; Meeting of the Judicial Conference

AGENCY: Judicial Conference of the United States.

ACTION: Advisory Committee on Evidence Rules; notice of open meeting.

SUMMARY: The Advisory Committee on Evidence Rules will hold a meeting in a hybrid format with remote attendance options on November 8, 2024 in New York, NY. 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: November 8, 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: September 13, 2024.

Shelly L. Cox,

Management Analyst, Rules Committee Staff.

[FR Doc. 2024-21273 Filed 9-18-24; 8:45 am]

BILLING CODE 2210-55-P

NUCLEAR REGULATORY COMMISSION

719th Meeting of the Advisory Committee on Reactor Safeguards (ACRS)

In accordance with the purposes of Sections 29 and 182b of the Atomic Energy Act (42 U.S.C. 2039, 2232(b)), the Advisory Committee on Reactor Safeguards (ACRS) will hold meetings on October 2-4, 2024. The Committee will be conducting meetings that will include some Members being physically

present at the NRC while other Members participate remotely. Interested members of the public are encouraged to participate remotely in any open sessions via MS Teams or via phone at 301-576-2978, passcode 841 316 508#. A more detailed agenda including the MSTeams link may be found at the ACRS public website at <https://www.nrc.gov/reading-rm/doc-collections/acrs/agenda/index.html>. If you would like the MSTeams link forwarded to you, please contact the Designated Federal Officer (DFO) as follows: Quynh.Nguyen@nrc.gov, or Lawrence.Burkhart@nrc.gov.

Wednesday, October 2, 2024

8:30 a.m.–8:35 a.m.: Opening Remarks by the ACRS Chair (Open)—The ACRS Chair will make opening remarks regarding the conduct of the meeting.

8:35 a.m.–10:30 a.m.: Topical Report PWROG-18068, “Use of Direct Fracture Toughness for Evaluation of RPV [Reactor Pressure Vessel] Integrity” (Open)—The Committee will have presentations and discussion with the applicant representatives and NRC staff regarding the subject topic.

10:30 a.m.–1:00 p.m.: Committee Deliberation PWROG-18068, “Use of Direct Fracture Toughness for Evaluation of RPV Integrity” (Open)—The Committee will deliberate with the NRC staff regarding the subject topic.

1:00 p.m.–6:00 p.m.: Planning and Procedures Session/Future ACRS Activities/Reconciliation of ACRS Comments and Recommendations/Preparation of Reports (Open/Closed)—The Committee will hear discussion of the recommendations of the Planning and Procedures Subcommittee regarding items proposed for consideration by the Full Committee during future ACRS meetings, and/or proceed to preparation of reports. [Note: Pursuant to 5 U.S.C. 552b(c)(2), a portion of this meeting may be closed to discuss organizational and personnel matters that relate solely to internal personnel rules and practices of the ACRS.]

[Note: Pursuant to 5 U.S.C. 552b(c)(4), a portion of this session may be closed in order to discuss and protect information designated as proprietary.].

Thursday, October 3, 2024

8:30 a.m.–1:00 p.m.: Palisades Nuclear Plant Restart Information Briefing (Open)—The Committee will have presentations and discussion with the NRC staff regarding the subject topic.

1:00 p.m.–6:00 p.m.: Committee Deliberation and Preparation of Reports (Open)—The Committee will proceed to

preparation of reports and Committee deliberation.

Friday, October 4, 2024

8:30 a.m.–6:00 p.m.: Committee Deliberation and Preparation of Reports (Open)—The Committee will proceed to preparation of reports and Committee deliberation.

Procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on June 13, 2019 (84 FR 27662). In accordance with those procedures, oral or written views may be presented by members of the public, including representatives of the nuclear industry. Persons desiring to make oral statements should notify Quynh Nguyen, Cognizant ACRS Staff and the DFO (Telephone: 301-415-5844, Email: Quynh.Nguyen@nrc.gov), 5 days before the meeting, if possible, so that appropriate arrangements can be made to allow necessary time during the meeting for such statements. In view of the possibility that the schedule for ACRS meetings may be adjusted by the Chair as necessary to facilitate the conduct of the meeting, persons planning to attend should check with the cognizant ACRS staff if such rescheduling would result in major inconvenience.

An electronic copy of each presentation should be emailed to the cognizant ACRS staff at least one day before the meeting.

In accordance with Subsection 10(d) of Public Law 92-463 and 5 U.S.C. 552b(c), certain portions of this meeting may be closed, as specifically noted above. Use of still, motion picture, and television cameras during the meeting may be limited to selected portions of the meeting as determined by the Chair. Electronic recordings will be permitted only during the open portions of the meeting.

ACRS meeting agendas, meeting transcripts, and letter reports are available through the NRC Public Document Room (PDR) at pdr.resource@nrc.gov, or by calling the PDR at 1-800-397-4209, or from the Publicly Available Records System component of NRC's Agencywide Documents Access and Management System, which is accessible from the NRC website at <https://www.nrc.gov/reading-rm/adams.html> or <https://www.nrc.gov/reading-rm/doc-collections/#ACRS/>.

Dated: September 10, 2024.

Russell E. Chazell,

Federal Advisory Committee Management Officer, Office of the Secretary.

[FR Doc. 2024-20941 Filed 9-18-24; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

[Docket No. 70-7004; NRC-2024-0145]

American Centrifuge Operating, LLC; American Centrifuge Plant; Environmental Assessment and Finding of No Significant Impact

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is considering an amendment of Special Nuclear Material (SNM) License No. SNM-2011, issued on April 13, 2007, to American Centrifuge Operating, LLC (ACO) for the operation of the American Centrifuge Plant (ACP). This proposed amendment would increase ACO's licensed material possession limits under the high-assay, low-enriched uranium (HALEU) demonstration and operations program to support production of approximately 1,400 kilograms (kg) of HALEU in the form of uranium hexafluoride (UF₆). For this proposed action, the NRC staff is issuing an environmental assessment (EA) and finding of no significant impact (FONSI).

DATES: The EA and FONSI referenced in this document are available on September 19, 2024.

ADDRESSES: Please refer to Docket ID NRC-2024-0145 when contacting the NRC about the availability of information regarding this document. You may obtain publicly available information related to this document using any of the following methods:

- **Federal Rulemaking Website:** Go to <https://www.regulations.gov> and search for Docket ID NRC-2024-0145. Address questions about Docket IDs in [Regulations.gov](https://www.regulations.gov) to Stacy Schumann; telephone: 301-415-0624; email: Stacy.Schumann@nrc.gov. For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

- **NRC's Agencywide Documents Access and Management System (ADAMS):** You may obtain publicly available documents online in the ADAMS Public Documents collection at <https://www.nrc.gov/reading-rm/adams.html>. To begin the search, select “Begin Web-based ADAMS Search.” For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1-800-397-4209, at 301-415-4737, or by email to PDR.Resource@nrc.gov. For the convenience of the reader, instructions about obtaining materials referenced in this document are provided in the

“Availability of Documents” section. The EA is available in ADAMS under Accession No. ML24254A206.

• *NRC’s PDR*: The PDR, where you may examine and order copies of publicly available documents, is open by appointment. To make an appointment to visit the PDR, please send an email to PDR.Resource@nrc.gov or call 1–800–397–4209 or 301–415–4737, between 8 a.m. and 4 p.m. eastern time (ET), Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT:

Christine Pineda, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–6789; email: Christine.Pineda@nrc.gov.

SUPPLEMENTARY INFORMATION:

I. Introduction

The NRC is considering an amendment of ACO’s Special Nuclear Materials License No. SNM–2011, which authorized the operation of the HALEU cascade at the ACP in Pike County, Ohio in June 2021. If approved, the amendment would increase ACO’s licensed material possession limits to support the production of HALEU UF₆ from 600 kg to approximately 1,400 kg and would allow ACO to store approximately 1,400 kg of HALEU UF₆ at the ACP. As required in section 51.21 of title 10 of the *Code of Federal Regulations* (10 CFR), “Environmental Protection Regulations for Domestic Licensing and Related Regulatory Functions,” the NRC developed an EA for the proposed license amendment to increase the possession limits for licensed material at the ACP. Based on the results of the EA summarized in this notice, the NRC has determined not to prepare an environmental impact statement (EIS) for the amendment and is issuing a FONSI.

ACO is producing HALEU for the U.S. Department of Energy (DOE). HALEU is uranium that has been enriched so that the concentration of the fissile isotope U–235 is between 5 and 20 percent of the mass of the uranium. The DOE established a 3-phase contract with ACO to deploy a cascade of 16 operating centrifuges and two spare centrifuges to demonstrate the capability to enrich uranium to the higher level. The NRC approved the license amendment for the operation of this HALEU cascade in June 2021. The expiration date of the current phase (phase 2) of the contract that DOE has funded is December 31, 2024. Phase 3, involving up to three, 3-year periods of operation of the HALEU cascade, would need Congressional

appropriations and the approval of the NRC to move forward.

II. Summary of Environmental Assessment

Description of the Proposed Action

The proposed action would increase the authorized limits for possession of licensed material for the purpose of producing approximately 1,400 kg of HALEU UF₆ from the current HALEU UF₆ production amount of 600 kg. This amendment would be effective until DOE’s contract with ACO expires on December 31, 2024. If ACO requests an extension of the HALEU cascade program beyond December 31, 2024, the NRC would need to conduct a separate licensing and environmental review for that extension.

ACO operates the HALEU cascade in a building that previously housed the former Lead Cascade Facility, which was decommissioned in 2018. ACO does not propose to construct new buildings, conduct ground-disturbing activities, ship HALEU offsite, or make changes to the HALEU centrifuge cascade design that the NRC approved in 2021.

The proposed action is in accordance with the licensee’s application dated February 13, 2023, as supplemented by letters dated June 29, 2023, February 15, 2024, and March 7, 2024.

Need for the Proposed Action

The proposed amendment would allow ACO to continue demonstrating the capability to enrich uranium-235 up to a level necessary to produce HALEU. ACO is under contract with DOE to enrich uranium and produce HALEU using the 16-centrifuge enrichment cascade constructed for this purpose.

Environmental Impacts of the Proposed Action

The NRC staff assessed the potential environmental impacts from the increase in possession limits on land use; historic and cultural resources; visual and scenic resources; climatology, meteorology and air quality; geology and soils; water resources; ecological resources; socioeconomic; noise; traffic and transportation; public and occupational health and safety; and waste management. The NRC staff determined that the proposed action would not affect most resource areas and would not have significant impacts on air quality, transportation, occupational health and safety, and waste management. ACO would not make changes to the enrichment processes or to the outside portions of buildings. All

HALEU produced would be stored onsite. All enrichment activities would continue to take place indoors, resulting in no changes to noise levels. Because operations would continue entirely inside buildings, including storage of additional enriched UF₆ depleted UF₆, and wastes, and because the current rate of HALEU production would not change, there would be no change to potential impacts on public health and safety. Because additional employees would not be required for the proposed action, there would be no change to socioeconomic impacts already assessed. The NRC staff further concluded in the EA that the potential impacts on air quality, occupational health and safety, waste management, and transportation are bounded by the impacts assessed in previous NRC environmental assessments, as documented in the NRC’s 2021 EA for the approval of the HALEU demonstration program.

Environmental Impacts of the Alternatives to the Proposed Action

As an alternative to the proposed action, the staff considered denial of the proposed action (*i.e.*, the “no-action” alternative). Under the no-action alternative, the NRC would deny ACO’s request and ACO’s HALEU production level would remain at 600 kg. The no-action alternative would not permit ACO to meet the terms of DOE’s contract with ACO. The potential environmental impacts of denying the request would be unchanged from the impacts as assessed in the NRC’s 2021 EA for the approval of the HALEU demonstration program.

Agencies and Persons Consulted

In accordance with NRC policy, on June 27, 2024, the staff consulted with the Ohio Emergency Management Agency, Ohio Environmental Protection Agency, and Ohio Department of Health regarding the EA and FONSI. On July 5, 2024, the staff consulted with U.S. Environmental Protection Agency (EPA) Region 5 regarding the EA and FONSI. In addition, on July 5, 2024, the staff provided a courtesy notification of the proposed action to the Ohio State Historic Preservation Office. The NRC received no comments on the EA.

III. Finding of No Significant Impact

Based on its review of the proposed license amendment request, in accordance with the requirements of 10 CFR part 51, the NRC staff has determined that approving the requested license amendment to increase the possession limits of licensed material for the HALEU

demonstration and operations program would not significantly affect the quality of human environment. No significant radiological or non-radiological impacts are expected from the proposed action. Therefore, the NRC staff has determined that, pursuant to 10

CFR 51.31, “Determinations based on environmental assessment,” preparation of an EIS is not required for the proposed action, and pursuant to 10 CFR 51.32, “Finding of no significant impact,” a FONSI is appropriate. In accordance with 10 CFR 51.32(a)(4), this

FONSI incorporates the EA summarized in this notice by reference.

IV. Availability of Documents

The documents identified in the following table are available to interested persons through ADAMS.

Document description	ADAMS accession No.
EA for a proposed increase in production of HALEU at the American Centrifuge Plant in Piketon, Ohio, August 2024	ML24254A206
ACO’s application for amendment to increase its licensed material possession limits to support increased HALEU production, February 13, 2023	ML23047A046
Supplement to ACO’s application, June 29, 2023	ML23187A143
Supplement to ACO’s application, February 15, 2024	ML24054A033
Supplement to ACO’s application, March 7, 2024	ML24072A046
EA for the approval of the HALEU demonstration program, June 2021	ML21085A705
Email transmitting the draft EA for increased HALEU production to Ohio agencies, June 27, 2024	ML24194A182
Email to EPA Region 5 transmitting the draft EA for increased HALEU production, July 5, 2024	ML24194A185
Email to Ohio State Historic Preservation Office re: courtesy notification of NRC review of ACO’s license amendment request, July 5, 2024	ML24194A181

Dated: September 13, 2024.

For the Nuclear Regulatory Commission.

John Moses,

Deputy Director, Division of Rulemaking, Environmental, and Financial Support, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 2024–21276 Filed 9–18–24; 8:45 am]

BILLING CODE 7590–01–P

POSTAL REGULATORY COMMISSION

[Docket Nos. MC2024–676 and CP2024–685; MC2024–677 and CP2024–686; MC2024–678 and CP2024–687; MC2024–679 and CP2024–688; MC2024–680 and CP2024–689; MC2024–681 and CP2024–690; MC2024–682 and CP2024–691; MC2024–683 and CP2024–692]

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:* September 23, 2024.

ADDRESSES: Submit comments electronically via the Commission’s Filing Online system at <http://www.prc.gov>. Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER**

INFORMATION CONTACT section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT:

David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

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- I. Introduction
- II. Docketed Proceeding(s)

I. Introduction

The Commission gives notice that the Postal Service filed request(s) for the Commission to consider matters related to negotiated service agreement(s). The request(s) may propose the addition or removal of a negotiated service agreement from the Market Dominant or the Competitive product list, or the modification of an existing product currently appearing on the Market Dominant or the Competitive product list.

Section II identifies the docket number(s) associated with each Postal Service request, the title of each Postal Service request, the request’s acceptance date, and the authority cited by the Postal Service for each request. For each request, the Commission appoints an officer of the Commission to represent the interests of the general public in the proceeding, pursuant to 39 U.S.C. 505 (Public Representative). Section II also establishes comment deadline(s) pertaining to each request.

The public portions of the Postal Service’s request(s) can be accessed via the Commission’s website (<http://www.prc.gov>). Non-public portions of the Postal Service’s request(s), if any, can be accessed through compliance with the requirements of 39 CFR 3011.301.¹

The Commission invites comments on whether the Postal Service’s request(s)

in the captioned docket(s) are consistent with the policies of title 39. For request(s) that the Postal Service states concern Market Dominant product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3622, 39 U.S.C. 3642, 39 CFR part 3030, and 39 CFR part 3040, subpart B. For request(s) that the Postal Service states concern Competitive product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3632, 39 U.S.C. 3633, 39 U.S.C. 3642, 39 CFR part 3035, and 39 CFR part 3040, subpart B. Comment deadline(s) for each request appear in section II.

II. Docketed Proceeding(s)

1. *Docket No(s).*: MC2024–676 and CP2024–685; *Filing Title*: USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 334 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date*: September 13, 2024; *Filing Authority*: 39 U.S.C. 3642, 39 CFR 3040.130 through 3040.135, and 39 CFR 3035.105; *Public Representative*: Jennaca D. Upperman; *Comments Due*: September 23, 2024.

2. *Docket No(s).*: MC2024–677 and CP2024–686; *Filing Title*: USPS Request to Add Priority Mail & USPS Ground Advantage Contract 348 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date*: September 13, 2024; *Filing Authority*: 39 U.S.C. 3642, 39 CFR 3040.130 through 3040.135, and 39 CFR 3035.105; *Public Representative*: Jennaca D. Upperman; *Comments Due*: September 23, 2024.

3. *Docket No(s).*: MC2024–678 and CP2024–687; *Filing Title*: USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage

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).

Contract 335 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date*: September 13, 2024; *Filing Authority*: 39 U.S.C. 3642, 39 CFR 3040.130 through 3040.135, and 39 CFR 3035.105; *Public Representative*: Jana Slovinska; *Comments Due*: September 23, 2024.

4. *Docket No(s)*: MC2024–679 and CP2024–688; *Filing Title*: USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 336 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date*: September 13, 2024; *Filing Authority*: 39 U.S.C. 3642, 39 CFR 3040.130 through 3040.135, and 39 CFR 3035.105; *Public Representative*: Arif Hafiz; *Comments Due*: September 23, 2024.

5. *Docket No(s)*: MC2024–680 and CP2024–689; *Filing Title*: USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 337 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date*: September 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*: September 23, 2024.

6. *Docket No(s)*: MC2024–681 and CP2024–690; *Filing Title*: USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 338 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date*: September 13, 2024; *Filing Authority*: 39 U.S.C. 3642, 39 CFR 3040.130 through 3040.135, and 39 CFR 3035.105; *Public Representative*: Almaroof Agoro; *Comments Due*: September 23, 2024.

7. *Docket No(s)*: MC2024–682 and CP2024–691; *Filing Title*: USPS Request to Add Priority Mail & USPS Ground Advantage Contract 349 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date*: September 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*: September 23, 2024.

8. *Docket No(s)*: MC2024–683 and CP2024–692; *Filing Title*: USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 339 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date*: September 13, 2024; *Filing Authority*: 39 U.S.C. 3642, 39 CFR 3040.130 through 3040.135, and 39 CFR 3035.105; *Public Representative*: Gregory S. Stanton; *Comments Due*: September 23, 2024.

This Notice will be published in the **Federal Register**.

Erica A. Barker,

Secretary.

[FR Doc. 2024–21458 Filed 9–18–24; 8:45 am]

BILLING CODE 7710–FW–P

POSTAL REGULATORY COMMISSION

[Docket No. C2024–13; Order No. 7507]

Complaint Proceeding

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is appointing a Presiding Officer to represent the interests of the general public and provide a public written intermediate decision including findings of fact and conclusions of law on the issues raised in this proceeding.

ADDRESSES: Submit notices of intervention electronically via the Commission's Filing Online system at <http://www.prc.gov>. Persons interested in intervening who cannot submit their views electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT:** David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

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- I. Introduction
- II. Background
- III. Commission Analysis
- IV. Ordering Paragraphs

I. Introduction

On June 17, 2024, Sai and Fiat Fiendum, Inc. (Complainants) filed a complaint with the Commission regarding the Postal Service's treatment of mail items for the blind (blind mail).¹ On July 8, 2024, the Postal Service filed its Motion to Dismiss. In response, Complainants filed their “[m]otion for summary elevation, or extension and contingent withdrawal, and clarification,” requesting, amongst other relief, that the Commission extend the deadline to respond to the Motion to Dismiss.² The Commission granted this

¹ Complaint regarding blind mail, June 17, 2024 (Complaint). In its motion to dismiss, the Postal Service asserts that because complaints must only be brought on the part of interested persons and because the Complaint fails to identify the nature of “Fiat Fiendum, Inc.,” the Complaint should be dismissed as it relates to that party. United States Postal Service's Motion to Dismiss, July 8, 2024, at 1 n.1 (Motion to Dismiss). As the resolution of this issue has no impact on the disposition of the Complaint, the Commission will decline to reach the merits of this question.

² See Motion for summary elevation, or extension and contingent withdrawal, and clarification, July 12, 2024, at 5–9 (Motion for Extension). In addition to the seeking an extension, Complainants

extension. On August 5, 2024, Complainants filed their opposition.³

For the reasons explained below, the Commission concludes that the Complaint raises an issue of material fact as to whether the Postal Service has violated 39 U.S.C. 403(c) in its treatment of blind mail for international mailers. The Commission determines that Complainants' remaining claims should be dismissed for a lack of jurisdiction due to Complainants' failure to state a claim for which relief can be granted.

II. Background

Complainant Sai is a blind American citizen living in the United Kingdom who is the President of Fiat Fiendum, Inc., the other named Complainant. Complaint at 3. Complainants explain that the Universal Postal Convention (UPC), to which the United States is a party, mandates that the international mailing of certain items for the blind be free. *Id.* Complainants allege that the Postal Service has abdicated its responsibilities under the UPC by putting unlawful conditions on the free mailing of items for the blind, thus violating international law as well as human rights law, anti-discrimination statutes, and the U.S. Constitution. *See, e.g.,* Complaint at 11–21.

Complainants provide several examples of the manner in which the Postal Service is restricting the scope of free blind mail and describes how these restrictions harm blind mailers who, like them, need items shipped overseas. Complaint at 11–14. For instance, Complainants explain that a common item used by blind individuals is “a braille—a specialized typewriter . . . that outputs braille embossing rather than ink.” *Id.* at 11. Complainants explain that this item is essential for blind individuals and is often only available from one U.S.-based company worldwide. *Id.* at 11–12. Complainants assert, however, that because of the size of these braille, the Postal Service refuses to ship these items as free blind mail, in violation of UPC rules. *Id.* According to Complainants, “it is cost prohibitive to mail this internationally without blind mail,” particularly considering that blind people “are often quite poor” and cannot rely on

requested: (1) “summary elevation to a full proceeding under § 3022.30(a)(1) & Part 3010 Subpart F[;]” (2) conditional withdrawal of the Complaint should Complainants fail to file an opposition to the Motion to Dismiss; and (3) clarification of which rules apply to Commission proceedings. *See* Motion for Extension at 4, 9, 10–12. The Commission denies these requests as moot.

³ See Notice re opposition to motion to dismiss, August 5, 2024 (Opposition). Both parties also filed a number of other documents not directly relevant to the issues in question here.

economies of scale. *Id.* at 12. Complainants request that the Commission initiate proceedings, including a public hearing and settlement negotiations, that would ultimately lead to regulatory amendments to the International Mail Manual (IMM) and Domestic Mail Manual (DMM). *Id.* at 32–41.

In its Motion to Dismiss, the Postal Service classifies Complainants' allegations as four separate claims, summarized as follows: (1) a claim asserting that the Postal Service improperly failed to categorize blind mail as a standalone class of mail; (2) a claim that the Postal Service's treatment of blind mail violates international treaty law; (3) a claim that the Postal Service discriminates against customers with blindness in violation of the Rehabilitation Act and 39 U.S.C. 403(c); and (4) a claim that the Postal Service has committed Constitutional violations. Motion to Dismiss at 1–2. According to the Postal Service, the international treaty, discrimination, and Constitutional claims should be dismissed because they do not fall within the Commission's jurisdiction. *Id.* at 4–14, 17–20.⁴ The Postal Service states that the claim relating to mail classification fails because both logic and Congressional intent suggest that blind mail need not be its own class. *Id.* at 20–22.

Complainants respond that the Complaint provides adequate legal and factual grounds to deny the Motion to Dismiss.⁵ Complainants also argue that the Postal Service has refused to confer with them and that such a referral should result in sanctions against the Postal Service.⁶

⁴ The Postal Service also states that Complainants have no private right of action under the UPC. *Id.* at 14–17.

⁵ Opposition at 1, 3. Complainants also argue that the Postal Service's arguments for dismissal rely on Rule 12 of the Federal Rules of Civil Procedure (and related caselaw), which does not apply to Commission proceedings. See Opposition at 1–2; see also Motion for Extension at 11–12. The Commission does not interpret the Postal Service's arguments as relying on Fed. R. Civ. P. 12 and any caselaw cited within the Motion to Dismiss appears to be for purposes of persuasive analogy. Nevertheless, the Commission's conclusions in the analysis that follows do not rely on Fed. R. Civ. P. 12.

⁶ See Opposition at 3; see also Complaint at 9; Motion for Extension at 5–9. The Commission notes that the meet-and-confer requirement is an obligation that applies only to a complaint and a subsequent answer and does not apply to motions to dismiss or subsequent pleadings. See 39 CFR 3022.10(f), 3022.12, and 3022.14. Because the Postal Service has not yet filed an answer in the current docket, the meet-and-confer requirement does not apply to the Postal Service at this time.

III. Commission Analysis

At present, the determinative issue is whether the Complaint raises genuine issues of material fact or law within the Commission's jurisdiction. The Commission has jurisdiction over complaints that meet the statutory requirements of 39 U.S.C. 3662(a). Within 90 days after receiving a complaint under section 3662(a), the Commission must either (1) begin proceedings on the complaint upon finding that such complaint raises material issues of fact or law; or (2) issue an order dismissing the complaint.⁷ The Commission must issue a written statement setting forth the bases of its determination. 39 U.S.C. 3662(b)(1)(B).

Section 3662(a) permits any interested person to file a complaint with the Commission if they believe the Postal Service is not operating in conformance with the requirements of 39 U.S.C. chapter 36; 39 U.S.C. 101(d), 401(2), 403(c), 404a, or 601; or any regulations promulgated under any of those provisions.⁸ In turn: section 101(d) requires postal rates to be established to apportion the costs of all postal operations to mail users on a fair and equitable basis; section 401(2) permits the Postal Service to adopt, amend, and repeal rules and regulations not inconsistent with title 39 as may be necessary to execute its functions under title 39 “and such other functions as may be assigned to the Postal Service under any provisions of law outside of” title 39; section 403(c) prohibits the Postal Service, except as specifically authorized under title 39, from making any undue or unreasonable discrimination among mail users when providing services and establishing classifications, rates, and fees until title 39, as well as granting any undue or unreasonable preferences to any mail user; section 404a, except as specifically authorized by law, prohibits the Postal Service from establishing rules or regulations that create unfair competition; compel the disclosure, transfer, or licensing of intellectual property to any third party; and offer services based on confidential information, without consent, unless substantially the same information is obtainable from an independent source; section 601 governs the carriage of letters out of the mails.

Chapter 36 contains provisions in title 39 relating to rates, classes, and

services.⁹ The Commission has consistently held that its complaint jurisdiction is limited to complaints filed against the Postal Service that involve alleged violations of these five specific sections (or subsections) of title 39 or the provisions contained in chapter 36.¹⁰ Lacking jurisdiction over a given complaint, the Commission must dismiss the complaint.¹¹

A. As a Matter of Law, the Postal Service Has No Obligation To Create a Standalone Class for Blind Mail

Complainants allege that the Postal Service has “illegally” failed to classify blind mail as a separate and distinct class of mail. Complaint at 15. In response, the Postal Service asserts that this allegation fails to state a claim on which relief can be granted. Motion to Dismiss at 20. The Postal Service argues that the purpose of “classes” in the pricing system is to administer the price cap for market dominant products and that, because blind mail is shipped free, it is illogical to treat it as a separate class. *Id.* Indeed, the Postal Service explains that splitting blind mail into a distinct class would make it difficult for Congress to reimburse the Postal Service because the easiest way to calculate reimbursement is “through reference to published rates, which are themselves subject to the applicable price cap of the underlying analog class.” *Id.* at 20–21. Further, the Postal Service notes that Congress did not see fit to designate blind mail as a separate product offering in its initial regulatory structure. *Id.* at 21.

The Commission agrees that Complainants have failed to state a claim entitling them to relief. Though Complainants assert that the Postal Service must categorize blind mail as its own mail class, they do not identify any statute or regulation requiring such categorization. See Complaint at 15. As such, Complainants fail to affirmatively allege that “the Postal Service is not operating in conformance with the requirements of the provisions of sections 101(d), 401(2), 403(c), 404a, or 601, or [chapter 39] (or regulations promulgated under any of those provisions),” as required to state a claim under section 3662(a). As such, the

⁹ Docket No. C2023–1, Order Granting Motion and Dismissing Complaint with Prejudice, January 24, 2023, at 5–6 (Order No. 6428).

¹⁰ Docket No. C2015–3, Order Dismissing Complaint, August 26, 2015, at 15–16 (Order No. 2687); Docket No. C2015–2, Order Granting Motion to Dismiss, July 15, 2015, at 15 (Order No. 2585).

¹¹ See, e.g., Order No. 6428 at 6; Docket No. C2015–1, Order Granting Motion to Dismiss, March 4, 2015, at 6–7 (Order No. 2377).

⁷ 39 U.S.C. 3662(b)(1)(A); see 39 CFR 3022.30(a).

⁸ 39 U.S.C. 3662(a); see 39 CFR 3022.2.

claim related to the classification of blind mail must be dismissed.¹²

B. The Commission Does Not Have Jurisdiction Over the UPC Claims and the UPC Does Not Create a Private Right of Action

As explained above, Complainants allege that the Postal Service's treatment of blind mail violates the UPC in numerous ways (for instance, by restricting its definition of who can receive free blind mail to exclude partially-sighted individuals, by restricting the weight for free blind mail, and by restricting free blind mail only to reading material). *See* Complaint at 22–31. In response, the Postal Service asserts that the Commission does not have jurisdiction to hear allegations that the Postal Service has violated international treaty law and, moreover, that the UPC does not create a private right of action for alleged treaty violations. Motion to Dismiss at 6. Specifically, the Postal Service argues that violations of the UPC do not fall within the Commission's jurisdiction under section 401(2) (specifying that the Postal Service may adopt rules “not inconsistent with [title 39]”) because the UPC is not affirmatively codified in title 39; rather, the statutes related to blind mail in title 39 are consistent with the rules laid out in the IMM. *Id.* at 5–14.

The Postal Service is correct that Complainants have not alleged any violations of section 401(2) (or otherwise) sufficient to raise Commission jurisdiction over its UPC Claims. As the Commission has previously stated, a claim falls within section 401(2) “only if the Postal Service adopted, amended, or repealed rules or regulations inconsistent with title 39.” Order No. 2377 at 6. “Section 401(2) is not a ‘catch all’ provision over which the Commission enjoys unlimited jurisdiction pursuant to 39 U.S.C. [] 3662(a).”¹³ Here, Complainants alleged that the Postal Service violated the UPC—a separate and distinct set of rules not captured by section 401(2). As such,

the Commission does not have jurisdiction to hear the UPC claims.¹⁴

Even assuming for the sake of argument that the Commission could appropriately hear the UPC claims, they would necessarily fail because the UPC provides no private right of action for its violation. Unless the text of an international treaty explicitly states otherwise, the presumption is that “international agreements, even those directly benefiting private persons, generally do not create private rights or provide for a private cause of action in domestic courts.”¹⁵ Here, nothing in the text of the UPC provides for a cause of action in favor of private citizens. On the contrary, as the Postal Service notes, the Universal Postal Union (UPU) instead contemplates resolution disputes between countries (the parties to the UPU itself).¹⁶ As such, Complainants do not have the ability to bring a cause of action to the Commission for an alleged Postal Service violation of the UPC.

C. The Discrimination and Constitutional Claims Fail for Lack of Jurisdiction

1. Constitutional Claims

Complainants assert that the Postal Service is infringing on their First and Fourth Amendment rights by prohibiting free blind mail from containing advertisements or being used for “a profit-making transaction” and by opening blind mail to determine its eligibility. Complaint at 19–21. In response, the Postal Service asserts that nonconformance with the U.S. Constitution is not a basis for Commission jurisdiction under section 3662 and, as such, the Commission lacks jurisdiction to hear the Complainants' Constitutional claims. As previously discussed, the Postal Service is correct in noting that Commission jurisdiction is constrained to the five

specific sections (or subsections) of title 39 enumerated in section 3662 and that Constitutional violations are not included therein.¹⁷ As such, Complainants' First and Fourth Amendment claims must be dismissed.

2. Discrimination Claims

Complainants also assert that all of their allegations constitute “human rights and disability discrimination” in violation of section 403(c) and the Rehabilitation Act.¹⁸ However, according to the Postal Service, the Complainants' allegations of disability discrimination also fail for lack of Commission jurisdiction. Motion to Dismiss at 17. Specifically, the Postal Service notes that the Complainants bring their discrimination claims under the Rehabilitation Act, but states that the Commission has already held that such claims are not proper under section 3662(a). *Id.* at 17–18. Further, the Postal Service asserts that Complainants have not properly alleged a claim of discrimination sufficient to invoke jurisdiction under 39 U.S.C. 403(c). *Id.* at 18.

In terms of the Rehabilitation Act claim, the Postal Service is correct that the Commission does not have jurisdiction to hear such claims. In Docket No. C2023–11, the Commission previously analyzed allegations that the Postal Service had violated the Rehabilitation Act by discriminating against a postal user based on her disability. *See* Order No. 6880 at 10. The Commission noted that “the Commission's complaint jurisdiction is limited to hearing allegations that the Postal Service is not operating in conformance with the requirements of 39 U.S.C. chapter 36” and that “claims related to . . . discrimination prohibited by 29 U.S.C. [] 701 *et seq.* [the Rehabilitation Act] . . . are alleged violations of statutes not specifically enumerated in 39 U.S.C. [] 3662(a).” *Id.* Therefore, the Commission dismissed such claims. *Id.* Likewise, the Commission does not have jurisdiction to hear Complainants' allegations that

¹² *See, e.g.*, Order No. 6428 at 1 (dismissing complaint on grounds that it fails to state a claim for which relief can be granted). As mentioned above, Complainants maintain that the Postal Service's arguments for dismissal rely on Fed. R. Civ. P. 12 which, they assert, do not apply to Commission proceedings. *See* Opposition at 4 n.11. However, the Commission does not interpret the Postal Service's Motion to Dismiss as being based upon that Rule and Complainants have failed to cite any specific instances of such reliance.

¹³ Docket No. C2023–11, Order Granting Motion to Dismiss in Part and Denying Motion for Preliminary Injunction, December 19, 2023, at 10 (Order No. 6880).

¹⁴ This interpretation accords with prior Commission precedent that the Department of State, rather than the Commission, “is responsible for interpreting international law generally and the UPU Constitution and Acts specifically.” Docket No. R2018–1, Order on Price Adjustments for First-Class Mail, USPS Marketing Mail, Periodicals, Package Services, and Special Services Products and Related Mail Classification Changes, November 9, 2017, at 18 (Order No. 4215).

¹⁵ *McKesson Corp. v. Islamic Republic of Iran*, 539 F.3d 485, 489 (D.C. Cir. 2008) (internal quotation marks omitted) (quoting *Medellin v. Texas*, 552 U.S. 491, 506 n.3 (2008)).

¹⁶ *See* Motion to Dismiss at 15, n.52 (citing UPU Constitution art. 3[2]; UPU General Regulations art. 154); *see also Hye Ja Choi v. United States Postal Serv.*, No. CV 18–00051 SOM/RLP, 2019 WL 1063363, at *4 (D. Haw. Mar. 6, 2019) (holding that, under the Universal Postal Union's Acts of Congress, there is no private right of action for a violation).

¹⁷ *See* 39 U.S.C. 3662(a); *see also City & Cnty. of San Francisco v. U.S. Postal Serv.*, No. C 09–01964 JSW, 2009 WL 3756005, at *3 (N.D. Cal. Nov. 5, 2009) (noting that constitutional claims do not fall under the Commission's section 3662 jurisdiction); Docket No. C2011–2, Order Addressing Complaint and Authorizing Settlement Negotiations, August 16, 2011, at 3 (Order No. 808) (noting that federal court retained constitutional claims while dismissing regulatory issues as within the Commission's jurisdiction).

¹⁸ Complaint at 17. Complainants do not specify what they mean by “human rights” or how they differ from the discrimination claims under section 403(c). Therefore, the Commission will treat both the human rights and discrimination claims as allegations of violations of section 403(c).

the Postal Service violated the Rehabilitation Act and thus such a claim must be dismissed.

However, Complainants' discrimination claim under 39 U.S.C. 403(c) must be analyzed differently. Citing to the Commission's decision in Docket No. C2020–2, the Postal Service correctly notes that in order to state a claim for violation of 39 U.S.C. 403(c), a complainant must allege that “(1) the complainant is receiving less favorable services than those provided to one or more other postal customers, (2) the complainant is similarly situated to those postal customers receiving more favorable service, and (3) there is no rational or legitimate basis for denying the complainant the more favorable service currently being provided to those similarly situated postal customers.” Motion to Dismiss at 18 (citing Order No. 6880 at 13–14). In turn, the Postal Service asserts that:

the FMFTB regulations confer benefits in favor of ‘blind and other handicapped persons’ relative to the rest of the mailer population. The allegation that Complainants cannot send or receive advertisements free of charge just like all other mail users effectively defeats a section 403(c) claim since Complainants admit that they are not receiving less favorable services.

Id. n.66.

The Postal Service is correct that, had Complainants alleged that blind mailers are being discriminated against in relation to the larger mailing population as a whole, such a claim would necessarily fail. However, taken in the light most favorable to them, Complainants' allegations are instead that blind mail users *outside* of the United States are subject to less favorable (*i.e.*, more expensive) services than those located *inside* the United States (and that such treatment is illegitimate). *See* Complaint at 11, 13. For instance, the Complainants allege that, based on the IMM, they were prevented from using free blind mail to send and receive repaired canes from their U.S.-based manufacturer—a service they would have been able to take advantage of had they been located in the United States. *Id.* at 11. Similarly, they explain that if they “want something new, unusual, or bespoke, which [they] could get shipped to [them] for free in the US (and which the UPC requires be shipped to [them] for free in the UK too), [they] can't get it at all (or not without layers of intermediation, months of delay, and substantially increased costs).” *Id.* at 13. Therefore, Complainants have raised plausible allegations that the Postal Service has implemented rates that

unfairly discriminate against foreign blind mailers.¹⁹

This conclusion conforms with previous Commission precedent. In Docket No. R2018–1—a general Market Dominant rate case—the Chamber of Commerce argued that by setting mailing rates lower for foreign mailers than for American mailers, the Postal Service was violating section 403(c) by unreasonably discriminating against American mailers.²⁰ The Commission determined that such concerns should instead be brought “under section 3662(a) of title 39 of the United States Code, which provides that any interested person who believes that the Postal Service is not operating in conformance with section 403(c) may lodge a complaint with the Commission in such form or manner that the Commission prescribes.” Order No. 4215 at 18. Here, Complainants have in fact brought their claims that the Postal Service is unfairly discriminating against them based on country of residence properly in a section 3662(a) proceeding.

The Postal Service may very well have a rational reason for treating international mailers differently than domestic mailers in terms of blind mail, but that is a material issue of fact not before the Commission on a motion to dismiss. At this juncture, the Complaint has raised a genuine issue of material fact and law—namely, whether the Postal Service's treatment of blind mail unreasonably discriminates against foreign mailers in violation of section 403(c).²¹ As such, the Commission shall

¹⁹ The Postal Service does not appear to argue that section 403(c) is inapplicable to issues of international law. Indeed, the Postal Service has previously stated that “39 U.S.C.[.] 403(c), which provides that rates may not be unduly or unreasonably discriminatory or preferential,” is one of the criteria “that govern the Postal Service's international rate setting authority.” Implementation of International Customized Mail Service, 57 FR 30651–52, July 10, 1992. Similarly, the Commission, in advising the Department of State related to changes made to the Acts of the UPU, previously explained that section 403(c) would apply to rates that did not “fairly apportion costs” and thus “grant preferences to . . . foreign mailers” over domestic ones. Letter from Chairman Dan G. Blair to Deputy Assistant Secretary Gerald C. Anderson, June 30, 2008, at 2 (attached as exhibit to Opposition).

²⁰ Docket No. R2018–1, U.S. Chamber of Commerce Comments on the United States Postal Service Notice of Market-Dominant Price Adjustment, October 26, 2017, at 2–11.

²¹ The Postal Service points out that significant procedural issues are created when a complainant submits multiple errata and addenda to their original complaint, rather than file an amended complaint. *See* United States Postal Service Response to Complainants' (1) Notice and Motion Requesting Leave to File “Errata and Addenda” to the Complaint and (2) Notice and Motion Requesting Leave to File “Second Addendum, July 8, 2024, at 2–3 (Response to Motions for Leave). The

begin proceedings on the Complaint. *See* 39 U.S.C. 3662(b)(1)(A)(i). Pursuant to 39 CFR 3022.12(b) and 3022.14, the Postal Service is directed to file an answer to Complainants' Complaint, “Errata & Addenda,” and Second Addendum (consolidated as one superseding, amended complaint) within 10 days of this Order.

Pursuant to 39 CFR 3010.106, the Commission appoints Joseph K. Press to serve as presiding officer to ascertain the outstanding issues of material fact and law in this matter. Parties may request that the presiding officer obtain specific discovery but may not independently propound discovery. The presiding officer shall examine the disputed issues identified above and provide a public, written intermediate decision including findings of fact and conclusions of law on the issues raised in this proceeding. 39 CFR 3010.335. Pursuant to 39 CFR 3022.30(c), John Avila is designated as an officer of the Commission (Public Representative) to represent the interests of the general public in this proceeding.

IV. Ordering Paragraphs

It is ordered:

1. The Commission finds that the Complaint regarding blind mail, filed June 17, 2024, raises material issues of fact.
2. The United States Postal Service's Motion to Dismiss, filed July 8, 2024, is granted on all grounds except for the claim related to the alleged violation of 39 U.S.C. 403(c) as enumerated above.
3. Pursuant to 39 CFR 3022.12(b) and 3022.14, the Postal Service is directed to file an answer to Complainants' Complaint, “Errata & Addenda,” and Second Addendum (consolidated as one superseding, amended complaint) within 10 days of this Order.
4. Pursuant to 39 CFR 3010.106, the Commission appoints Joseph K. Press as a presiding officer in this proceeding.
5. Parties may request that the presiding officer obtain specific discovery but may not independently propound discovery.

Commission appreciates the Postal Service's position regarding this issue. Within the Response to Motions for Leave, the Postal Service also states that, should the Motion to Dismiss be denied, “the Postal Service requests that the Commission require that Complainants first seek the Commission's leave and, if granted, that all of the allegations and claims from the original complaint, the Errata and Addenda, the Second Addendum, and any new matter be consolidated into a single, consolidated, superseding, amended complaint.” Response to Motions for Leave at 4. Accordingly, going forward the Commission and all parties to this matter shall treat the allegations made in the original complaint and the subsequent errata and first and second addenda as a consolidated, superseding, amended complaint.

6. Pursuant to 39 CFR 3022.30(c), John Avila is designated as an officer of the Commission (Public Representative) to represent the interests of the general public in this proceeding.

7. The presiding officer shall, pursuant to 39 CFR 3010.335, provide a public written intermediate decision including findings of fact and conclusions of law on the issues raised in this proceeding.

8. The Secretary shall arrange for publication of this order in the **Federal Register**.

By the Commission.

Erica A. Barker,
Secretary.

[FR Doc. 2024–21271 Filed 9–18–24; 8:45 am]

BILLING CODE 7710–FW–P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* September 19, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on September 4, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 292 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2024–611, CP2024–619.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–21305 Filed 9–18–24; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* September 19, 2024.

FOR FURTHER INFORMATION CONTACT: Sean Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on September 9, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail & USPS Ground Advantage® Contract 339 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2024–646, CP2024–655.

Sean Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–21356 Filed 9–18–24; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* September 19, 2024.

FOR FURTHER INFORMATION CONTACT: Sean Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on September 13, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail & USPS Ground Advantage® Contract 349 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2024–682, CP2024–691.

Sean Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–21383 Filed 9–18–24; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* September 19, 2024.

FOR FURTHER INFORMATION CONTACT: Sean Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on September 9, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail & USPS Ground Advantage® Contract 337 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2024–641, CP2024–650.

Sean Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–21328 Filed 9–18–24; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* September 19, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on September 13, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 337 to Competitive Product List*. Documents

are available at www.prc.gov, Docket Nos. MC2024–680, CP2024–689.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–21374 Filed 9–18–24; 8:45 am]
BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.
ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* September 19, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on September 10, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 320 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2024–655, CP2024–664.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–21348 Filed 9–18–24; 8:45 am]
BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.
ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* September 19, 2024.

FOR FURTHER INFORMATION CONTACT: Sean Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby

gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on September 12, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail & USPS Ground Advantage® Contract 343 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2024–664, CP2024–673.

Sean Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–21377 Filed 9–18–24; 8:45 am]
BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.
ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* September 19, 2024.

FOR FURTHER INFORMATION CONTACT: Sean Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on September 10, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail & USPS Ground Advantage® Contract 341 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2024–653, CP2024–662.

Sean Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–21358 Filed 9–18–24; 8:45 am]
BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail and Parcel Select Negotiated Service Agreement

AGENCY: Postal Service™.
ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* September 19, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on September 6, 2024, it filed with the Postal Regulatory Commission a *Request of the United States Postal Service to Add Priority Mail & Parcel Select Contract 12 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2024–635, CP2024–644.

Sean Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–21330 Filed 9–18–24; 8:45 am]
BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.
ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* September 19, 2024.

FOR FURTHER INFORMATION CONTACT: Sean Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on September 9, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail & USPS Ground Advantage® Contract 334 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2024–633, CP2024–642.

Sean Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–21325 Filed 9–18–24; 8:45 am]
BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.
ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* September 19, 2024.

FOR FURTHER INFORMATION CONTACT: Sean Robinson, 202-268-8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on September 13, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail & USPS Ground Advantage® Contract 348 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2024-677, CP2024-686.

Sean Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024-21382 Filed 9-18-24; 8:45 am]
BILLING CODE 7710-12-P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* September 19, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202-268-8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on September 10, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 322 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2024-658, CP2024-667.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024-21350 Filed 9-18-24; 8:45 am]
BILLING CODE 7710-12-P

POSTAL SERVICE

Product Change—Priority Mail and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* September 19, 2024.

FOR FURTHER INFORMATION CONTACT: Sean Robinson, 202-268-8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on September 5, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail & USPS Ground Advantage® Contract 331 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2024-625, CP2024-634.

Sean Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024-21322 Filed 9-18-24; 8:45 am]
BILLING CODE 7710-12-P

POSTAL SERVICE

Product Change—Priority Mail and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* September 19, 2024.

FOR FURTHER INFORMATION CONTACT: Sean Robinson, 202-268-8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on September 3, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail & USPS Ground Advantage® Contract 327 to Competitive Product List*. Documents

are available at www.prc.gov, Docket Nos. MC2024-608, CP2024-616.

Sean Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024-21314 Filed 9-18-24; 8:45 am]
BILLING CODE 7710-12-P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* September 19, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202-268-8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on September 12, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 333 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2024-675, CP2024-684.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024-21370 Filed 9-18-24; 8:45 am]
BILLING CODE 7710-12-P

POSTAL SERVICE

Product Change—Priority Mail and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* September 19, 2024.

FOR FURTHER INFORMATION CONTACT: Sean Robinson, 202-268-8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby

gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on September 5, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail & USPS Ground Advantage® Contract 329 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2024–620, CP2024–628.

Sean Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–21316 Filed 9–18–24; 8:45 am]
BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.
ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.
DATES: *Date of required notice:* September 19, 2024.

FOR FURTHER INFORMATION CONTACT:
Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on September 5, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 300 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2024–621, CP2024–629.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–21313 Filed 9–18–24; 8:45 am]
BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.
ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service

Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* September 19, 2024.

FOR FURTHER INFORMATION CONTACT:
Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on September 12, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 332 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2024–671, CP2024–680.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–21369 Filed 9–18–24; 8:45 am]
BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.
ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* September 19, 2024.

FOR FURTHER INFORMATION CONTACT:
Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on September 9, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 305 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2024–629, CP2024–638.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–21336 Filed 9–18–24; 8:45 am]
BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.
ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* September 19, 2024.

FOR FURTHER INFORMATION CONTACT:
Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on September 9, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 311 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2024–643, CP2024–652.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–21339 Filed 9–18–24; 8:45 am]
BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.
ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* September 19, 2024.

FOR FURTHER INFORMATION CONTACT:
Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on September 4, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 297 to Competitive Product List*. Documents

are available at www.prc.gov, Docket Nos. MC2024–617, CP2024–625.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–21310 Filed 9–18–24; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* September 19, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on September 12, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 329 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2024–667, CP2024–676.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–21366 Filed 9–18–24; 8:45 am]
BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* September 19, 2024.

FOR FURTHER INFORMATION CONTACT: Sean Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby

gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on September 9, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail & USPS Ground Advantage® Contract 338 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2024–642, CP2024–651.

Sean Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–21355 Filed 9–18–24; 8:45 am]
BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* September 19, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on September 13, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 338 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2024–681, CP2024–690.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–21375 Filed 9–18–24; 8:45 am]
BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service

Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* September 19, 2024.

FOR FURTHER INFORMATION CONTACT:

Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on September 10, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 319 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2024–654, CP2024–663.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–21347 Filed 9–18–24; 8:45 am]
BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* September 19, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on September 4, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 294 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2024–613, CP2024–621.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–21307 Filed 9–18–24; 8:45 am]
BILLING CODE 7710–12–P

POSTAL SERVICE**Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement****AGENCY:** Postal Service™.**ACTION:** Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* September 19, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on September 10, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 323 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2024–659, CP2024–668.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–21351 Filed 9–18–24; 8:45 am]
BILLING CODE 7710–12–P

POSTAL SERVICE**Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement****AGENCY:** Postal Service™.**ACTION:** Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* September 19, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on September 13, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 339 to Competitive Product List*. Documents

are available at www.prc.gov, Docket Nos. MC2024–683, CP2024–692.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–21391 Filed 9–18–24; 8:45 am]
BILLING CODE 7710–12–P

POSTAL SERVICE**Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement****AGENCY:** Postal Service™.**ACTION:** Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* September 19, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on September 12, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 331 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2024–670, CP2024–678.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–21368 Filed 9–18–24; 8:45 am]
BILLING CODE 7710–12–P

POSTAL SERVICE**Product Change—Priority Mail and USPS Ground Advantage® Negotiated Service Agreement****AGENCY:** Postal Service™.**ACTION:** Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* September 19, 2024.

FOR FURTHER INFORMATION CONTACT: Sean Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby

gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on September 5, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail & USPS Ground Advantage® Contract 332 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2024–626, CP2024–635.

Sean Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–21323 Filed 9–18–24; 8:45 am]
BILLING CODE 7710–12–P

POSTAL SERVICE**Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement****AGENCY:** Postal Service™.**ACTION:** Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* September 19, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on September 9, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 303 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2024–627, CP2024–636.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–21334 Filed 9–18–24; 8:45 am]
BILLING CODE 7710–12–P

POSTAL SERVICE**Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement****AGENCY:** Postal Service™.**ACTION:** Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service

Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* September 19, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on September 9, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 307 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2024–634 CP2024–643.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–21338 Filed 9–18–24; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* September 19, 2024.

FOR FURTHER INFORMATION CONTACT: Sean Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on September 12, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail & USPS Ground Advantage® Contract 346 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2024–673, CP2024–682.

Sean Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–21380 Filed 9–18–24; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* September 19, 2024.

FOR FURTHER INFORMATION CONTACT: Sean Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on September 9, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail & USPS Ground Advantage® Contract 336 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2024–638, CP2024–647.

Sean Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–21327 Filed 9–18–24; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* September 19, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on September 5, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 301 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2024–622, CP2024–630.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–21332 Filed 9–18–24; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* September 19, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on September 4, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 293 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2024–612, CP2024–620.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–21306 Filed 9–18–24; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* September 19, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on September 9, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 309 to Competitive Product List*. Documents

are available at www.prc.gov, Docket Nos. MC2024–639, CP2024–648.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–21319 Filed 9–18–24; 8:45 am]
BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.
ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* September 19, 2024.

FOR FURTHER INFORMATION CONTACT: Sean Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on September 4, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail & USPS Ground Advantage® Contract 328 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2024–614, CP2024–622.

Sean Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–21315 Filed 9–18–24; 8:45 am]
BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.
ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* September 19, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby

gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on September 9, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 315 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2024–648, CP2024–657.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–21343 Filed 9–18–24; 8:45 am]
BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.
ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* September 19, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on September 12, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 327 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2024–665, CP2024–674.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–21364 Filed 9–18–24; 8:45 am]
BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.
ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* September 19, 2024.

FOR FURTHER INFORMATION CONTACT: Sean Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on September 5, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail & USPS Ground Advantage® Contract 330 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2024–624, CP2024–633.

Sean Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–21321 Filed 9–18–24; 8:45 am]
BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.
ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* September 19, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on September 5, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 298 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2024–618, CP2024–626.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–21311 Filed 9–18–24; 8:45 am]
BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* September 19, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202-268-8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on September 3, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 289 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2024-607, CP2024-615.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024-21302 Filed 9-18-24; 8:45 am]
BILLING CODE 7710-12-P

POSTAL SERVICE**Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement**

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* September 19, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202-268-8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on September 10, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 321 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2024-657, CP2024-666.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024-21349 Filed 9-18-24; 8:45 am]
BILLING CODE 7710-12-P

POSTAL SERVICE**Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement**

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* September 19, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202-268-8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on September 13, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 335 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2024-678, CP2024-687.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024-21372 Filed 9-18-24; 8:45 am]
BILLING CODE 7710-12-P

POSTAL SERVICE**Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement**

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* September 19, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202-268-8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on September 9, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 308 to Competitive Product List*. Documents

are available at www.prc.gov, Docket Nos. MC2024-637, CP2024-646.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024-21318 Filed 9-18-24; 8:45 am]
BILLING CODE 7710-12-P

POSTAL SERVICE**Product Change—Priority Mail and USPS Ground Advantage® Negotiated Service Agreement**

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* September 19, 2024.

FOR FURTHER INFORMATION CONTACT: Sean Robinson, 202-268-8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on September 12, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail & USPS Ground Advantage® Contract 344 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2024-669, CP2024-678.

Sean Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024-21378 Filed 9-18-24; 8:45 am]
BILLING CODE 7710-12-P

POSTAL SERVICE**Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement**

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* September 19, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202-268-8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby

gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on September 12, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 330 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2024–668, CP2024–677.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–21367 Filed 9–18–24; 8:45 am]
BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.
ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.
DATES: *Date of required notice:* September 19, 2024.

FOR FURTHER INFORMATION CONTACT:
Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on September 10, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 325 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2024–661, CP2024–670.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–21353 Filed 9–18–24; 8:45 am]
BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.
ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service

Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* September 19, 2024.

FOR FURTHER INFORMATION CONTACT:
Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on September 13, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 334 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2024–676, CP2024–685.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–21371 Filed 9–18–24; 8:45 am]
BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.
ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* September 19, 2024.

FOR FURTHER INFORMATION CONTACT:
Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on September 4, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 295 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2024–615, CP2024–623.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–21308 Filed 9–18–24; 8:45 am]
BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.
ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.
DATES: *Date of required notice:* September 19, 2024.

FOR FURTHER INFORMATION CONTACT:
Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on September 6, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 304 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2024–628, CP2024–637.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–21335 Filed 9–18–24; 8:45 am]
BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.
ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.
DATES: *Date of required notice:* September 19, 2024.

FOR FURTHER INFORMATION CONTACT:
Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on September 10, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 316 to Competitive Product List*. Documents

are available at www.prc.gov, Docket Nos. MC2024–649, CP2024–658.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–21344 Filed 9–18–24; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* September 19, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on September 3, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 287 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2024–605, CP2024–613.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–21300 Filed 9–18–24; 8:45 am]
BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* September 19, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on September 4, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 296 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2024–616, CP2024–624.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–21309 Filed 9–18–24; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* September 19, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on September 9, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 313 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2024–645, CP2024–654.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–21341 Filed 9–18–24; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a

domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* September 19, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on September 4, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 291 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2024–610, CP2024–618.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–21304 Filed 9–18–24; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* September 19, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on September 3, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 286 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2024–604, CP2024–612.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–21299 Filed 9–18–24; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE**Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement****AGENCY:** Postal Service™.**ACTION:** Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* September 19, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on September 9, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 310 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2024–640, CP2024–649.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–21320 Filed 9–18–24; 8:45 am]
BILLING CODE 7710–12–P

POSTAL SERVICE**Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement****AGENCY:** Postal Service™.**ACTION:** Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* September 19, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on September 13, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 336 to Competitive Product List*. Documents

are available at www.prc.gov, Docket Nos. MC2024–679, CP2024–688.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–21373 Filed 9–18–24; 8:45 am]
BILLING CODE 7710–12–P

POSTAL SERVICE**Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement****AGENCY:** Postal Service™.**ACTION:** Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* September 19, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on September 9, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 314 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2024–647, CP2024–656.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–21342 Filed 9–18–24; 8:45 am]
BILLING CODE 7710–12–P

POSTAL SERVICE**Product Change—Priority Mail and USPS Ground Advantage® Negotiated Service Agreement****AGENCY:** Postal Service™.**ACTION:** Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* September 19, 2024.

FOR FURTHER INFORMATION CONTACT: Sean Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby

gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on September 10, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail & USPS Ground Advantage® Contract 340 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2024–652, CP2024–661.

Sean Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–21357 Filed 9–18–24; 8:45 am]
BILLING CODE 7710–12–P

POSTAL SERVICE**Product Change—Priority Mail and USPS Ground Advantage® Negotiated Service Agreement****AGENCY:** Postal Service™.**ACTION:** Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* September 19, 2024.

FOR FURTHER INFORMATION CONTACT: Sean Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on September 9, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail & USPS Ground Advantage® Contract 335 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2024–636, CP2024–645.

Sean Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–21326 Filed 9–18–24; 8:45 am]
BILLING CODE 7710–12–P

POSTAL SERVICE**Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement****AGENCY:** Postal Service™.**ACTION:** Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:*
September 19, 2024.

FOR FURTHER INFORMATION CONTACT:
Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on September 5, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 302 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2024–623, CP2024–632.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–21333 Filed 9–18–24; 8:45 am]
BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.
ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:*
September 19, 2024.

FOR FURTHER INFORMATION CONTACT:
Sean Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on September 12, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail & USPS Ground Advantage® Contract 347 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2024–674, CP2024–683.

Sean Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–21381 Filed 9–18–24; 8:45 am]
BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.
ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:*
September 19, 2024.

FOR FURTHER INFORMATION CONTACT:
Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on September 3, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 288 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2024–606, CP2024–614.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–21301 Filed 9–18–24; 8:45 am]
BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.
ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:*
September 19, 2024.

FOR FURTHER INFORMATION CONTACT:
Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on September 12, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 328 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2024–666, CP2024–675.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–21365 Filed 9–18–24; 8:45 am]
BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.
ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:*
September 19, 2024.

FOR FURTHER INFORMATION CONTACT:
Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on September 10, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 318 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2024–651, CP2024–660.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–21346 Filed 9–18–24; 8:45 am]
BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.
ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:*
September 19, 2024.

FOR FURTHER INFORMATION CONTACT:
Sean Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on September 12, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail & USPS Ground Advantage® Contract 345 to Competitive Product List*. Documents

are available at www.prc.gov, Docket Nos. MC2024–672, CP2024–681.

Sean Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2024–21379 Filed 9–18–24; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* September 19, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on September 10, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 324 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2024–660, CP2024–669.

Sean C. Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2024–21352 Filed 9–18–24; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* September 19, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on September 9, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 312 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2024–644, CP2024–653.

Sean C. Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2024–21340 Filed 9–18–24; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* September 19, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on September 9, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 306 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2024–632, CP2024–641.

Sean C. Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2024–21337 Filed 9–18–24; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to

the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* September 19, 2024.

FOR FURTHER INFORMATION CONTACT: Sean Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on September XX, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail & USPS Ground Advantage® Contract 342 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2024–663, CP2024–672.

Sean Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2024–21376 Filed 9–18–24; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* September 19, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on September 10, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 317 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2024–650, CP2024–659.

Sean C. Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2024–21345 Filed 9–18–24; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE**Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement****AGENCY:** Postal Service™.**ACTION:** Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* September 19, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on September 5, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 299 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2024–619, CP2024–627.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–21312 Filed 9–18–24; 8:45 am]
BILLING CODE 7710–12–P

POSTAL SERVICE**Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement****AGENCY:** Postal Service™.**ACTION:** Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* September 19, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on September 12, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 326 to Competitive Product List*. Documents

are available at www.prc.gov, Docket Nos. MC2024–662, CP2024–671.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–21354 Filed 9–18–24; 8:45 am]
BILLING CODE 7710–12–P

POSTAL SERVICE**Product Change—Priority Mail and USPS Ground Advantage® Negotiated Service Agreement****AGENCY:** Postal Service™.**ACTION:** Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* September 19, 2024.

FOR FURTHER INFORMATION CONTACT: Sean Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on September 9, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail & USPS Ground Advantage® Contract 333 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2024–630, CP2024–639.

Sean Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–21324 Filed 9–18–24; 8:45 am]
BILLING CODE 7710–12–P

POSTAL SERVICE**Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement****AGENCY:** Postal Service™.**ACTION:** Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* September 19, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby

gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on September 3, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 290 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2024–609, CP2024–617.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–21303 Filed 9–18–24; 8:45 am]
BILLING CODE 7710–12–P

POSTAL SERVICE**Product Change—Priority Mail and Parcel Select Negotiated Service Agreement****AGENCY:** Postal Service™.**ACTION:** Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* September 19, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on September 6, 2024, it filed with the Postal Regulatory Commission a *Request of the United States Postal Service to Add Priority Mail & Parcel Select Contract 11 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2024–631, CP2024–640.

Sean Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–21329 Filed 9–18–24; 8:45 am]
BILLING CODE 7710–12–P

POSTAL SERVICE**Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement****AGENCY:** Postal Service™.**ACTION:** Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:*
September 19, 2024.

FOR FURTHER INFORMATION CONTACT:
Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on September 3, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 285 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2024–603, CP2024–611.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–21298 Filed 9–18–24; 8:45 am]
BILLING CODE 7710–12–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–101021; File No. SR–CBOE–2024–040]

Self-Regulatory Organizations; Cboe Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the Short Term Option Series Program in Rule 4.5(d)

September 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 September 6, 2024, Cboe Exchange, Inc. (the “Exchange” or “Cboe Options”) filed with the Securities and Exchange Commission (the “Commission”) the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Exchange filed the proposal as a “non-controversial” proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act³ and Rule 19b–4(f)(6) thereunder.⁴ The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization’s Statement of the Terms of Substance of the Proposed Rule Change

Cboe Exchange, Inc. (the “Exchange” or “Cboe Options”) proposes to amend the Short Term Option Series Program in Rule 4.5(d). 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://www.cboe.com/AboutCBOE/CBOELegalRegulatoryHome.aspx>), 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 the Short Term Option Series Program in Rule 4.5(d) (Series of Options Contracts Open for Trading). Specifically, the Exchange proposes to expand the Short Term Option Series Program to permit the listing of two Monday expirations for options on SPDR Gold Shares (“GLD”), iShares Silver Trust (“SLV”), and iShares 20+ Year Treasury Bond ETF (“TLT”) (collectively “Exchange Traded Products” or “ETPs”).⁵ This is a competitive filing that is based on a proposal submitted by Nasdaq ISE, LLC (“Nasdaq ISE”) and recently approved by the Commission.⁶

Currently, as set forth in Rule 4.5(d), after an option class has been approved for listing and trading on the Exchange as a Short Term Option Series, the Exchange may open for trading on any Thursday or Friday that is a business day (“Short Term Option Opening

Date”) series of options on that class that expire at the close of business on each of the next five Fridays that are business days and are not Fridays in which standard expiration options series, Monthly Options Series, or Quarterly Options Series expire (“Friday Short Term Option Expiration Dates”). The Exchange may have no more than a total of five Short Term Option Expiration Dates. Further, if the Exchange is not open for business on the respective Thursday or Friday, the Short Term Option Opening Date for Short Term Option Weekly Expirations will be the first business day immediately prior to that respective Thursday or Friday. Similarly, if the Exchange is not open for business on a Friday, the Short Term Option Expiration Date for Short Term Option Weekly Expirations will be the first business day immediately prior to that Friday.

Additionally, the Exchange may open for trading series of options on the symbols provided in Table 1 of Rule 4.5(d) that expire at the close of business on each of the next two Mondays, Tuesdays, Wednesdays, and Thursdays, respectively, that are business days and are not business days in which monthly options series or Quarterly Options Series expire (“Short Term Option Daily Expirations”).⁷ For those symbols listed in Table 1, the Exchange may have no more than a total of two Short Term Option Daily Expirations beyond the current week for each of Monday, Tuesday, Wednesday, and Thursday expirations, as applicable, at one time.

Proposal

At this time, the Exchange proposes to expand the Short Term Option Daily Expirations to permit the listing and trading of options on GLD, SLV, and TLT expiring on Mondays. The Exchange proposes to permit two Short Term Option Expiration Dates beyond the current week for each Monday expiration at one time, and would update Table 1 in Rule 4.5(d) for each of those symbols accordingly.

The proposed Monday GLD, SLV, and TLT expirations will be similar to the current Monday SPY, QQQ, and IWM Short Term Option Daily Expirations set forth in Rule 4.5(d), such that the Exchange may open for trading on any Friday or Monday that is a business day (beyond the current week) series of options on GLD, SLV, and TLT to expire on any Monday of the month that is a

⁷ As set forth in Table 1, the Exchange currently only permits Wednesday expirations for USO, UNG, GLD, SLV, and TLT.

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 Today, the Exchange permits the listing of two Wednesday expirations for options on United States Oil Fund, LP (“USO”), United States Natural Gas Fund, LP (“UNG”), GLD, SLV, and TLT. See Securities Exchange Act Release No. 99035 (November 29, 2023), 88 FR 84367 (December 5, 2023) (SR–CBOE–2023–062) (“Wednesday Notice”). The Exchange began listing Wednesday expirations on these five symbols on November 21, 2023. See Options Exchange Notice, Reference ID: C2023111702.

⁶ See Securities Exchange Act Release No. 100837 (August 27, 2024) (SR–ISE–2024–21) (Notice of Filing of Amendment No. 1 and Order Granting Accelerated Approval of a Proposed Rule Change, as Modified by Amendment No. 1, to Adopt Rules to Permit the Listing of Two Monday Expirations for Options on SPDR Gold Shares, iShares Silver Trust, and iShares 20+ Year Treasury Bond ETF (“Nasdaq ISE Approval”).

business day and is not a Monday in which standard expiration options series, Monthly Options Series, or Quarterly Options Series expire, provided that Monday expirations that are listed on a Friday must be listed at least one business week and one business day prior to the expiration (“Monday GLD Expirations,” “Monday SLV Expirations,” and “Monday TLT Expirations”) (collectively, “Monday ETP Expirations”).⁸ In the event Short Term Option Daily Expirations expire on a Monday and that Monday is the same day that a standard expiration options series, Monthly Options Series, or Quarterly Options Series expires, the Exchange would skip that week’s listing and instead list the following week; the two weeks would therefore not be consecutive. Today, Monday expirations in SPY, QQQ, and IWM similarly skip the weekly listing in the event the weekly listing expires on the same day in the same class as a standard expiration options series, Monthly Options Series, or Quarterly Options Series.

The interval between strike prices for the proposed Monday ETP Expirations will be the same as those currently applicable for SPY, QQQ, and IWM Monday expirations in the Short Term Option Series Program.⁹ Specifically, the Monday ETP Expirations will have a strike interval of (i) \$0.50 or greater for strike prices below \$100, and \$1 or greater for strike prices between \$100 and \$150 for all option classes that participate in the Short Term Option Series Program, (ii) \$0.50 for option classes that trade in one dollar increments and are in the Short Term Option Series Program, or (iii) \$2.50 or greater for strike prices above \$150.¹⁰ As is the case with other equity options series listed pursuant to the Short Term Option Series Program, the Monday ETP Expirations series will be P.M.-settled.

Pursuant to Rule 4.5(d), with respect to the Short Term Option Series Program, if a Monday is not a business day, the series shall expire on the first business day immediately following that Monday.

Currently, for each option class eligible for participation in the Short Term Option Series Program, the Exchange is limited to opening thirty (30) series for each expiration date for the specific class.¹¹ The thirty (30) series restriction does not include series

that are open by other securities exchanges under their respective weekly rules; the Exchange may list these additional series that are listed by other options exchanges.¹² With the proposed changes, this thirty (30) series restriction would apply to Monday GLD, SLV, and TLT Short Term Option Daily Expirations as well. In addition, the Exchange will be able to list series that are listed by other exchanges, assuming they file similar rules with the Commission to list Monday ETP Expirations.

With this proposal, Monday ETP Expirations would be treated similarly to existing Monday SPY, QQQ, and IWM Expirations. With respect to standard expiration option series, Short Term Option Daily Expirations will be permitted to expire in the same week in which standard expiration option series on the same class expire.¹³ Not listing Short Term Option Daily Expirations for one week every month because there was a standard options series on that same class on the Friday of that week would create investor confusion.

Further, as with Monday SPY, QQQ, and IWM Expirations, the Exchange would not permit Monday ETP Expirations to expire on a business day in which standard expiration option series, Monthly Options Series, or Quarterly Options Series expire.¹⁴ Therefore, all Short Term Option Daily Expirations would expire at the close of business on each of the next two Mondays, Tuesdays, Wednesdays, and Thursdays, respectively, that are business days beyond the current week and are not business days in which standard expiration option series, Monthly Options Series, or Quarterly Options Series expire. The Exchange believes that it is reasonable to not permit two expirations on the same day in which a standard expiration option series, Monthly Options Series, a Quarterly Options Series would expire because those options would be duplicative of each other.

The Exchange does not believe that any market disruptions will be encountered with the introduction of Monday ETP Expirations. The Exchange currently trades P.M.-settled Short Term Option Series that expire Monday for SPY, QQQ and IWM and has not experienced any market disruptions nor issues with capacity. In addition, the Exchange has not experienced any market disruptions or issues with capacity in expanding the five ETPs to

the Wednesday expirations.¹⁵ Today, the Exchange has surveillance programs in place to support and properly monitor trading in Short Term Option Series that expire Monday for SPY, QQQ and IWM. Further, the Exchange has the necessary capacity and surveillance programs in place to support and properly monitor trading in the proposed Monday ETP Expirations.

Because the Exchange proposes to limit the number of Monday Expirations for options on GLD, SLV, and TLT to two expirations beyond the current week, the Exchange believes that the addition of these Monday ETP Expirations should encourage Market-Makers to continue to deploy capital more efficiently and improve displayed market quality. Similar to SPY, QQQ and IWM Monday Expirations, the introduction of Monday ETP Expirations will, among other things, expand hedging tools available to market participants and allow for a reduced premium cost of buying portfolio protection. The Exchange believes that Monday ETP Expirations will allow market participants to hedge their portfolios with options on commodities (gold and silver) as well as treasury securities, and tailor their investment and hedging needs more effectively.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the “Act”) and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.¹⁶ Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)¹⁷ requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the

⁸ Today, USO, UNG, GLD, SLV, and TLT may trade on Wednesdays. *See id.* They may also trade on Fridays, as is the case for all options series in the Short Term Option Series Program.

⁹ *See* Rule 4.5(d)(5).

¹⁰ *Id.*

¹¹ *See* Rule 4.5(d)(1).

¹² *See* Rule 4.5(d)(1).

¹³ *See* Rule 4.5(d)(2).

¹⁴ *See* Rule 4.5(d).

¹⁵ Today, the Exchange permits the listing of two Wednesday expirations for options on USO, UNG, GLD, SLV, and TLT. *See* Wednesday Notice. The Exchange began listing Wednesday expirations on these five symbols on November 21, 2023. *See* Options Exchange Notice, Reference ID: C2023111702.

¹⁶ 15 U.S.C. 78f(b).

¹⁷ 15 U.S.C. 78f(b)(5).

proposed rule change is consistent with the Section 6(b)(5)¹⁸ requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

Similar to Monday expirations in SPY, QQQ, and IWM, the proposal to permit Monday ETP Expirations, subject to the proposed limitation of two expirations beyond the current week, would protect investors and the public interest by providing the investing public and other market participants more choice and flexibility to closely tailor their investment and hedging decisions in these options and allow for a reduced premium cost of buying portfolio protection, thus allowing them to better manage their risk exposure. The Exchange believes that there is general demand for alternative expirations in these symbols.

The Exchange represents that it has an adequate surveillance program in place to detect manipulative trading in the proposed option expirations, in the same way that it monitors trading in the current Short Term Option Series for Monday SPY, QQQ and IWM expirations. The Exchange also represents that it has the necessary system capacity to support the new expirations. Finally, the Exchange does not believe that any market disruptions will be encountered with the introduction of these option expirations. As discussed above, the Exchange believes that its proposal is a modest expansion of weekly expiration dates for GLD, SLV, and TLT given that it will be limited to two Monday expirations beyond the current week.

The Exchange believes that the proposal is consistent with the Act as the proposal would overall add a small number of Monday ETP Expirations by limiting the addition of two Monday expirations beyond the current week. The addition of Monday ETP Expirations would remove impediments to and perfect the mechanism of a free and open market by encouraging Market Makers to continue to deploy capital more efficiently and improve displayed market quality. The Exchange believes that the proposal will allow TPHs to expand hedging tools and tailor their investment and hedging needs more effectively in GLD, SLV, and TLT as these funds are most likely to be utilized by market participants to hedge the underlying asset classes. The ETPs currently trade within “complexes” where, in addition to the underlying security, there are multiple instruments available for hedging. Given the multi-asset class nature of these products and

available hedges in highly correlated instruments, the Exchange believes that its proposal to add Monday expirations on these products will provide market participants with additional useful hedging tools for the underlying asset classes.

Similar to Monday SPY, QQQ, and IWM expirations, the introduction of Monday ETP Expirations is consistent with the Act as it will, among other things, expand hedging tools available to market participants and allow for a reduced premium cost of buying portfolio protection. The Exchange believes that Monday ETP Expirations will allow market participants to purchase options on GLD, SLV, and TLT based on their timing as needed and allow them to tailor their investment and hedging needs more effectively, thus allowing them to better manage their risk exposure. Today, the Exchange lists Monday SPY, QQQ, and IWM Expirations.¹⁹

In particular, the Exchange believes the Short Term Option Series Program has been successful to date and that Monday ETP Expirations should simply expand the ability of investors to hedge risk against market movements stemming from economic releases or market events that occur throughout the month in the same way that the Short Term Option Series Program has expanded the landscape of hedging.

There are no material differences in the treatment of Monday SPY, QQQ and IWM expirations compared to the proposed Monday ETP Expirations. Given the similarities between Monday SPY, QQQ and IWM expirations and the proposed Monday ETP Expirations, the Exchange believes that applying the provisions in Rule 4.5(d) that currently apply to Monday SPY, QQQ and IWM expirations is justified. For example, the Exchange believes that allowing Monday ETP Expirations and monthly ETP expirations in the same week will benefit investors and minimize investor confusion by providing Monday ETP Expirations in a continuous and uniform manner.

Finally, the Exchange notes the proposed rule change is substantively the same as a rule change proposed by ISE, which the Commission recently approved.²⁰

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.

While the proposal will expand the Short Term Options Expirations to allow Monday ETP Expirations to be listed on the Exchange, the Exchange believes that this limited expansion for Monday expirations for options on GLD, SLV, and TLT will not impose an undue burden on competition; rather, it will meet customer demand. The Exchange believes that TPHs will continue to be able to expand hedging tools and tailor their investment and hedging needs more effectively in GLD, SLV, and TLT.

Similar to Monday SPY, QQQ and IWM expirations, the introduction of Monday ETP Expirations does not impose an undue burden on competition. The Exchange believes that it will, among other things, expand hedging tools available to market participants and allow for a reduced premium cost of buying portfolio protection. The Exchange believes that Monday ETP Expirations will allow market participants to purchase options on GLD, SLV, and TLT based on their timing as needed and allow them to tailor their investment and hedging needs more effectively.

The Exchange does not believe the proposal will impose any burden on inter-market competition, as nothing prevents the other options exchanges from proposing similar rules to list and trade Monday ETP Expirations. As noted above, the Commission recently approved a substantively identical proposal of another exchange.²¹ Further, the Exchange does not believe the proposal will impose any burden on intramarket competition, as all market participants will be treated in the same manner under this proposal.

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 Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act²² and Rule 19b-4(f)(6) thereunder.²³ Because the foregoing proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on

¹⁸ *Id.*

¹⁹ See Rule 4.5(d).

²⁰ See Nasdaq ISE Approval.

²¹ See Nasdaq ISE Approval.

²² 15 U.S.C. 78s(b)(3)(A)(iii).

²³ 17 CFR 240.19b-4(f)(6).

competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act²⁴ and subparagraph (f)(6) of Rule 19b-4 thereunder.²⁵

A proposed rule change filed under Rule 19b-4(f)(6)²⁶ normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b-4(f)(6)(iii),²⁷ the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has requested that the Commission waive the 30-day operative delay so that the proposal may become operative immediately upon filing. According to the Exchange, the proposed rule change is a competitive response to a filing submitted by Nasdaq ISE that was recently approved by the Commission.²⁸ The Exchange has stated that waiver of the 30-day operative delay would allow the Exchange to implement the proposal at the same time as its competitor exchanges, thus creating competition among Short Term Option Series throughout the industry. The Commission believes that the proposed rule change presents no novel 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 operative delay and designates the proposed rule change as operative upon filing.²⁹

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-CBOE-2024-040 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090.

All submissions should refer to file number SR-CBOE-2024-040. 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-CBOE-2024-040 and should be submitted on or before October 10, 2024.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.³⁰

Vanessa A. Countryman,
Secretary.

[FR Doc. 2024-21285 Filed 9-18-24; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270-216, OMB Control No. 3235-0243]

Proposed Collection; Comment Request; Extension: Rule 206(3)-2

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549-2736

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (the "Commission") is soliciting comments on the collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget for extension and approval.

Rule 206(3)-2, (17 CFR 275.206(3)-2) which is entitled "Agency Cross Transactions for Advisory Clients," permits investment advisers to comply with section 206(3) of the Investment Advisers Act of 1940 (the "Act") (15 U.S.C. 80b-6(3)) by obtaining a client's blanket consent to enter into agency cross transactions (*i.e.*, a transaction in which an adviser acts as a broker to both the advisory client and the opposite party to the transaction), provided that certain disclosures are made to the client. Rule 206(3)-2 applies to all registered investment advisers. In relying on the rule, investment advisers must provide certain disclosures to their clients. Advisory clients can use the disclosures to monitor agency cross transactions that affect their advisory account. The Commission also uses the information required by Rule 206(3)-2 in connection with its investment adviser inspection program to ensure that advisers are in compliance with the rule. Without the information collected under the rule, advisory clients would not have information necessary for monitoring their adviser's handling of their accounts and the Commission would be less efficient and effective in its inspection program.

The information requirements of the rule consist of the following: (1) prior to

²⁴ 15 U.S.C. 78s(b)(3)(A)(iii).

²⁵ 17 CFR 240.19b-4(f)(6). In addition, Rule 19b-4(f)(6)(iii) 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.

²⁶ 17 CFR 240.19b-4(f)(6).

²⁷ 17 CFR 240.19b-4(f)(6)(iii).

²⁸ See *supra* note 9.

²⁹ 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).

³⁰ 17 CFR 200.30-3(a)(12), (59).

obtaining the client's consent appropriate disclosure must be made to the client as to the practice of, and the conflicts of interest involved in, agency cross transactions; (2) at or before the completion of any such transaction the client must be furnished with a written confirmation containing specified information and offering to furnish upon request certain additional information; and (3) at least annually, the client must be furnished with a written statement or summary as to the total number of transactions during the period covered by the consent and the total amount of commissions received by the adviser or its affiliated broker-dealer attributable to such transactions.

The Commission estimates that approximately 362 respondents use the rule annually, necessitating about 65 responses per respondent each year, for a total of 23,530 responses. Each response requires an estimated 0.5 hours, for a total of 11,765 hours. The estimated average burden hours are made solely for the purposes of the Paperwork Reduction Act and are not derived from a comprehensive or representative survey or study of the cost of Commission rules and forms.

This collection of information is found at (17 CFR 275.206(3)–2) and is necessary in order for the investment adviser to obtain the benefits of Rule 206(3)–2. The collection of information requirements under the rule is mandatory. Information subject to the disclosure requirements of Rule 206(3)–2 does not require submission to the Commission; and, accordingly, the disclosure pursuant to the rule is not kept confidential. Commission-registered investment advisers are required to maintain and preserve certain information required under Rule 206(3)–2 for five (5) years. The long-term retention of these records is necessary for the Commission's inspection program to ascertain compliance with the Advisers Act.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid control number.

Written comments are invited on: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including

through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted by November 18, 2024.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information under the PRA unless it displays a currently valid OMB control number.

Please direct your written comments to: Austin Gerig, Director/Chief Data Officer, Securities and Exchange Commission, c/o Oluwaseun Ajayi, 100 F Street NE, Washington, DC 20549 or send an email to: PRA_Mailbox@sec.gov.

Dated: September 16, 2024.

Vanessa A. Countryman,
Secretary.

[FR Doc. 2024–21428 Filed 9–18–24; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270–518, OMB Control No. 3235–0576]

Proposed Collection; Comment Request; Extension: Regulation G

Upon Written Request Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (“Commission”) is soliciting comments on the collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget for extension and approval.

Regulation G (17 CFR 244.100–244.102) under the Securities Exchange Act of 1934 (the “Exchange Act”) (15 U.S.C. 78a *et seq.*) requires publicly reporting companies that disclose or releases financial information in a manner that is calculated or presented other than in accordance with generally accepted accounting principles (“GAAP”) to provide a reconciliation of the non-GAAP financial information to the most directly comparable GAAP financial measure. Regulation G implemented the requirements of Section 401 of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7261). We estimate that approximately 14,000 public companies must comply with Regulation G approximately six times a year for a total of 84,000 responses

annually. We estimated that it takes approximately 0.5 hours per response (84,000 responses × 0.5 hours per response) for a total reporting burden of 42,000 hours annually.

Written comments are invited on: (a) whether this proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden imposed by the collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication by November 18, 2024.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

Please direct your written comment to Austin Gerig, Director/Chief Data Officer, Securities and Exchange Commission, c/o Oluwaseun Ajayi, 100 F Street NE, Washington, DC 20549 or send an email to: PRA_Mailbox@sec.gov.

Dated: September 16, 2024.

Vanessa A. Countryman,
Secretary.

[FR Doc. 2024–21426 Filed 9–18–24; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270–666, OMB Control No. 3235–0725]

Submission for OMB Review; Comment Request; Extension: Contract Standard for Contractor Workforce Inclusion

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (“Commission”) has submitted to the Office of Management and Budget a request for extension of the previously approved collection of information discussed below.

Section 342 of the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010 (the Dodd-Frank Act) provided that certain agencies, including the Commission, establish an Office of Minority and Women Inclusion (OMWI).¹ Section 342(c)(2) of the Dodd-Frank Act requires the OMWI Director to include in the Commission's procedures for evaluating contract proposals and hiring service providers a written statement that the contractor shall ensure, to the maximum extent possible, the fair inclusion of women and minorities in the workforce of the contractor and, as applicable, subcontractors. To implement the acquisition-specific requirements of section 342(c)(2) of the Dodd-Frank Act, the Commission adopted a Contract Standard for Contractor Workforce Inclusion (Contract Standard).

The Contract Standard, which is included in the Commission's solicitations and resulting contracts for services with a dollar value of \$100,000 or more, contains a "collection of information" within the meaning of the Paperwork Reduction Act. The Contract Standard requires that a Commission contractor with 50 or more employees provide documentation, upon request from the OMWI Director, to demonstrate that it has made good faith efforts to ensure the fair inclusion of minorities and women in its workforce and, as applicable, to demonstrate its covered subcontractors have made such good faith efforts. The documentation requested may include, but is not limited to: (1) the total number of employees in the contractor's workforce, and the number of employees by race, ethnicity, gender, and job title or EEO-1 job category (e.g., EEO-1 Report(s)); (2) a list of covered subcontract awards under the contract that includes the dollar amount of each subcontract, date of award, and the subcontractor's race, ethnicity, and/or gender ownership status; (3) the contractor's plan to ensure the fair inclusion of minorities and women in its workforce, including outreach efforts; and (4) for each covered subcontractor, the information requested in items 1 and 3 above. The OMWI Director will consider the information submitted in evaluating whether the contractor or subcontractor has complied with its obligations under the Contract Standard.

The information collection is mandatory.

Title of Collection: Contract Standard for Contractor Workforce Inclusion.

Type of Review: Extension of an Existing Approved Information Collection.

Frequency of Response: Annually.

Estimated Number of Respondents: 50.

Estimated Burden Hours per Respondent: 1 hour.

Estimated Total Annual Burden Hours: 50. The change in the estimated annual burden hours from 925 to 50 is due to a change in eligibility criteria for requesting documentation to only those contractors with 50 or more employees. This change in eligibility criteria eliminated any new recordkeeping burden since contractors with 50 or more employees are generally subject to the recordkeeping and reporting requirements under the regulations implementing Title VII of the Civil Rights Act² and Executive Order 11246.

On July 15, 2024, the Commission published a notice in the **Federal Register** (89 FR 57451) of its intention to request an extension of this currently approved collection of information and allowed the public 60 days to submit comments. The Commission received no comments.

Written comments continue to be invited on: (a) whether this collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden imposed by the collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information under the PRA unless it displays a currently valid OMB control number.

The public may view background documentation for this information collection at the following website: www.reginfo.gov. Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function. Comments should be directed to: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503, or by sending an email to Lindsay.M.Abate@omb.eop.gov; and (ii)

Austin Gerig, Director/Chief Data Officer, Securities and Exchange Commission, c/o Oluwaseun Ajayi, 100 F Street NE, Washington, DC 20549, or by sending an email to: PRA_Mailbox@sec.gov. Comments must be submitted within 30 days of this notice.

Dated: September 13, 2024.

Vanessa A. Countryman,
Secretary.

[FR Doc. 2024–21288 Filed 9–18–24; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270–521, OMB Control No. 3235–0579]

Proposed Collection; Comment Request; Extension: Regulation BTR

Upon Written Request Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission ("Commission") is soliciting comments on the collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget for extension and approval.

Regulation Blackout Trade Restriction ("Regulation BTR") (17 CFR 245.100–245.104) clarifies the scope and application of Section 306(a) of the Sarbanes-Oxley Act of 2002 ("Act") (15 U.S.C. 7244(a)). Section 306(a)(6) [15 U.S.C. 7244(a)(6)] of the Act requires an issuer to provide timely notice to its directors and executive officers and to the Commission of the imposition of a blackout period that would trigger the statutory trading prohibition of Section 306(a)(1) [15 U.S.C. 7244(a)(1)]. Section 306(a) of the Act prohibits any director or executive officer of an issuer of any equity security, directly or indirectly, from purchasing, selling or otherwise acquiring or transferring any equity security of that issuer during any blackout period with respect to such equity security if the director or executive officer acquired the equity security in connection with his or her service or employment. Approximately 1,230 issuers file Regulation BTR notices approximately 5 times a year for a total of 6,150 responses. We estimate that it takes approximately 2 hours to prepare the blackout notice for a total annual burden of 2,460 hours. The

¹ 12 U.S.C. 5452.

² 42 U.S.C. 2000e, *et seq.*

issuer prepares 75% of the 2,460 annual burden hours for a total reporting burden of (1,230 issuers × 2 hours per issuer × 0.75) 1,845 hours. In addition, we estimate that an issuer distributes a notice to five directors and executive officers at an estimated 5 minutes per notice (1,230 blackout period × 5 notices × 5 minutes) for a total reporting burden of 512 hours. The combined annual reporting burden is (1,845 hours + 512 hours) 2,357 hours.

Written comments are invited on: (a) whether this proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden imposed by the collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication by November 18, 2024.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

Please direct your written comment to Austin Gerig, Director/Chief Data Officer, Securities and Exchange Commission, c/o Oluwaseun Ajayi, 100 F Street NE, Washington, DC 20549 or send an email to: PRA_Mailbox@sec.gov.

Dated: September 16, 2024.

Vanessa A. Countryman,
Secretary.

[FR Doc. 2024-21425 Filed 9-18-24; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-101020; File No. SR-CboeBZX-2024-083]

Self-Regulatory Organizations; Cboe BZX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the Fees Applicable to Securities Listed on the Exchange, Which Are Set Forth in BZX Rule 14.13, Company Listing Fees

September 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 September 11, 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, 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. (“BZX” or the “Exchange”) is filing with the Securities and Exchange Commission (“Commission” or “SEC”) a proposed rule change to amend the fees applicable to securities listed on the Exchange, which are set forth in BZX Rule 14.13, Company Listing Fees. Changes to the fee schedule pursuant to this proposal are effective upon filing. 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 submits this proposal to adopt new Rule 14.13(b)(2)(E)(iv) in order to create an annual pricing cap for Defined Distribution Strategy Series, as defined below, that are listed on the

Exchange.³ The Exchange is also proposing to make a corresponding non-substantive numbering change to make current Rule 14.13(b)(2)(E)(iv) become 14.13(b)(2)(E)(v) and to add language to proposed Rule 14.13(b)(2)(v) in order to make clear that exchange-traded products (“ETPs”) ⁴ that are subject to the new pricing for Defined Distribution Strategy Series would not be subject to the fees applicable under Rule 14.13(b)(2)(v) in the same way that Legacy Listings,⁵ New Listings,⁶ an Outcome Strategy ETP ⁷ subject to Rule 14.13(b)(2)(E)(iii), and Transfer Listings ⁸ are not subject to such fees.

The Exchange is proposing to create a cap on annual fees where an issuer lists a series of ETPs that are each designed to provide (i) pre-defined set of cash distributions; (ii) over two specified periods with the first period beginning at inception until a pre-defined date and the second period beginning at that pre-defined date until another pre-defined date by which the ETP intends to distribute substantially all of its assets and liquidate the fund; (iii) where the first period defined distributions are based on the market conditions at the beginning of the first period, and the second period defined distributions are based on the market conditions at the beginning of the second period; and (iv) each employ the same strategy for achieving the pre-defined distributions (each a “Defined Distribution Strategy ETP” and collectively a “Defined Distribution Strategy Series”). The Exchange is proposing that such annual fees for Defined Distribution Strategy Series will be capped at \$16,000 per year.

As an example, a Defined Distribution Strategy ETP would include an ETP that

³ The Exchange initially filed the proposed fee change on August 30, 2024 (SR-CboeBZX-2024-081). On September 10, 2024, the Exchange withdrew that filing and submitted this proposal.

⁴ As defined in Rule 11.8(e)(1)(A), the term “ETP” means any security listed pursuant to Exchange Rule 14.11.

⁵ A “Legacy Listing” is an ETP that was listed on the Exchange prior to January 1, 2019. See Exchange Rule 14.13(b)(2)(E)(i).

⁶ A “New Listing” is an ETP that first lists on the Exchange or has been listed for fewer than three calendar months on the ETP's first trading day of the year. See Exchange Rule 14.13(b)(2)(E)(ii).

⁷ An “Outcome Strategy Series” are multiple ETPs listed by the same issuer that are each designed to provide a pre-defined set of returns; over a specified outcome period; based on the performance of the same underlying instruments; and each employ the same outcome strategy for achieving the pre-defined set of returns (each an “Outcome Strategy ETP” and, collectively, an “Outcome Strategy Series”). See Exchange Rule 14.13(b)(2)(E)(iii).

⁸ A “Transfer Listing” is an ETP that transfers listing from another national securities exchange to the Exchange. See Exchange Rule 14.13(b)(1)(B)(v)(b).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

intends to make an identical cash distribution each month equal to, for example, \$0.0833 per outstanding share of the fund, for a total of \$1.00 per share per year for 20 years. The Defined Distribution Strategy ETP would achieve the identical cash distributions by investing in specified securities consistent with the fund's investment objective. At the conclusion of the first 20-year period a second pre-defined period would commence and the ETP would seek to achieve a new identical pre-defined cash distributions each month based on the specified securities of the same investment strategy of the first period. For example, \$0.0417 per outstanding share of the fund, for a total of \$0.50 per per year. At the end of the second 20-year period, the Defined Distribution Strategy ETP will have distributed substantially all of its assets and would liquidate the fund (the "planned liquidation date"). The Defined Distribution Strategy Series would include multiple ETPs that employ the same described strategy but would be applied across ETPs with planned liquidation dates occurring on a yearly basis.

With this in mind, the Exchange is proposing to cap the maximum listing fee per year for a Defined Distribution Strategy Series at \$16,000. Using the example above, if the issuer listed 10 ETPs employing the defined distribution strategy, the annual fee on a per ETP basis would be \$7,000, and assuming each of the ETPs would otherwise be subject to the Exchange's maximum annual listing fee, a total of \$70,000 for the Defined Distribution Strategy Series. Under the proposed fee cap, the Defined Distribution Strategy Series would be subject to a maximum total annual fee of \$16,000 for the Defined Distribution Strategy Series, which would result in a \$1,600 annual fee on a per ETP basis.

The proposed fee cap for Defined Distribution Strategy Series is identical to that applicable to Outcome Strategy Series⁹ that was adopted in 2019.¹⁰ The Exchange believes that applying the same fee cap is appropriate for Defined Distribution Strategy Series given its similar attributes to Outcome Strategy Series. Specifically, like Outcome

Strategy Series, Defined Distribution Strategy Series involve multiple ETPs with identical strategies. While Outcome Strategy ETPs allow investors the opportunity to choose the Outcome Strategy ETP with the most appropriate pre-determined period of time (*i.e.*, "outcome period"), Defined Distribution Strategy ETPs allow investors the opportunity to choose the Defined Distribution Strategy ETP with the most appropriate time horizon or target date. Listing numerous ETPs with different time horizons allows investors to choose the Defined Distribution Strategy ETP with the most appropriate time horizon for their investment purposes. Further, providing a cap on annual listing fees for such ETPs will ensure that listing fees will not be the basis for such additional Defined Distribution Strategy ETPs not being available to investors.

With this in mind, the Exchange is proposing to cap the maximum listing fee per year for a Defined Distribution Strategy Series at \$16,000. The Exchange does not currently list any Defined Distribution Strategy ETPs on the Exchange but expects that at least one issuer will list such ETPs on the Exchange in the coming months.

The Exchange proposes to implement these amendments upon filing.

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.¹¹ Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)¹² 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)¹³ 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)¹⁴ 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.

The Exchange also notes that its ETP listing business operates in a highly-competitive market in which ETP issuers can readily transfer their listings if they deem fee levels or any other factor at a particular venue to be insufficient or excessive. The proposed rule changes reflect a competitive pricing structure designed to incentivize issuers to list new products and transfer existing products to the Exchange, which the Exchange believes will enhance competition both among ETP issuers and listing venues, to the benefit of investors.

The Proposed Fee Cap Is An Equitable Allocation of Fees

The Exchange believes that the proposed cap on fees for Defined Distribution Strategy Series and the associated changes is equitable because it is available to all issuers and applies equally to all Defined Distribution Strategy Series. The Exchange believes that providing a fee cap for such ETPs is a more reasonable and equitable approach than the current fee structure based on the unique features that create the need to offer multiple ETPs based on the same strategy.

The Exchange notes that the proposed fee structure is a cap on fees for Defined Distribution Strategy Series and will only act to leave static or reduce fees for ETPs listed on the Exchange. Further, this proposal will decrease the fees associated with listing ETPs with varying time horizons on the Exchange, which will reduce the barriers to entry into the space and incentivize enhanced competition among issuers of Defined Distribution Strategy ETPs, to the benefit of investors.

The Proposed Fee Cap Is Not Unfairly Discriminatory

The Exchange also believes that the proposed cap on fees for Defined Distribution Strategy Series and the associated changes is not unfairly discriminatory because, while it only applies to Defined Distribution Strategy ETPs, it represents a significantly improved approach to annual listing fees for ETPs that by their nature require multiple listings. As noted above, Defined Distribution Strategy ETPs are similar to Outcome Strategy ETPs and warrant revisiting the ETP listing pricing model. Listing numerous ETPs with different time horizons allows investors the opportunity to choose the Defined Distribution Strategy ETP with the most appropriate time horizon for

⁹ An Outcome Strategy Series is comprised of multiple ETPs listed by an issuer that are designed to provide a pre-defined set of returns; over a specified outcome period; based on the performance of the same underlying instruments; and each employ the same outcome strategy for achieving the pre-defined set of returns (each an "Outcome Strategy ETP"). See Exchange Rule 14.13(b)(2)(E)(iii).

¹⁰ See Securities Exchange Act No. 86956 (September 12, 2019) 84 FR 49128 (September 18, 2019) (SR-CboeBZX-2019-081).

¹¹ 15 U.S.C. 78f(b).

¹² 15 U.S.C. 78f(b)(5).

¹³ *Id.*

¹⁴ 15 U.S.C. 78f(b)(4).

their investment purposes. Providing a cap on annual listing fees for such ETPs will ensure that listing fees will not be the basis for such additional time horizons not being available to investors. The Exchange also notes that the incremental ongoing regulatory burden associated with listing an additional Defined Distribution Strategy ETP is reduced as compared to the incremental regulatory burden associated with listing additional non-Defined Distribution Strategy ETPs. Specifically, each Defined Distribution Strategy ETP in an Defined Distribution Strategy Series is based on the same reference instrument, utilizes the same investment strategy, has nearly identical holdings to the other Defined Distribution Strategy ETPs in the Defined Distribution Strategy Series, and, to the extent that such Defined Distribution Strategy ETPs are listed pursuant to an exchange rule filing, subject to the same continued listing obligations related to permissible holdings and portfolio limitations. As such, any testing, monitoring, or surveillance for compliance with continued listing standards and obligations applicable to a particular Defined Distribution Strategy ETP will be nearly identical across the entirety of the Defined Distribution Strategy Series, allowing the Exchange's regulatory personnel to leverage the same processes across each Defined Distribution Strategy ETP, which substantially reduces the regulatory burden applicable for each Defined Distribution Strategy ETP. Accordingly, the Exchange believes that the proposed cap on listing fees on Defined Distribution Strategy ETPs is not unfairly discriminatory due to their unique operation.

Further, the Exchange notes that an issuer will only receive the benefit of the annual fee cap if they accrue greater than \$16,000 in listing fees for a particular Defined Distribution Strategy Series. The Exchange notes that the proposed fee structure is a cap on fees for Defined Distribution Strategy Series and will only act to leave static or reduce fees for ETPs listed on the Exchange. This proposal will decrease the fees associated with listing Defined Distribution Strategy ETPs on the Exchange, which will reduce the barriers to entry into the space and incentivize enhanced competition among issuers of Defined Distribution Strategy ETPs, also to the benefit of investors.

The Proposed Fee Cap Is Reasonable

The Exchange believes that the proposed cap on fees for Defined

Distribution Strategy Series and the associated changes is a reasonable means to incentivize issuers to list (or transfer) Defined Distribution Strategy ETPs on the Exchange. The marketplace for listings is extremely competitive and there are several other national securities exchanges that offer ETP listings. Transfers between listing venues occur frequently for numerous reasons, including listing fees. The proposed rule changes reflect a competitive pricing structure designed to incentivize issuers to list new products and transfer existing products to the Exchange, which the Exchange believes will enhance competition both among ETP issuers and listing venues, to the benefit of investors.

The Exchange believes that this proposal represents a significantly improved approach to annual listing fees for ETPs that by their nature require multiple listings. The proposed fee structure is a cap on fees for Defined Distribution Strategy Series and will only act to leave static or reduce fees for ETPs listed on the Exchange. This proposal is intended to help the Exchange compete as an ETP listing venue. Furthermore, the proposed fee cap is identical to that applied to Outcome Strategy Series, which similarly by their nature require multiple listings.

Based on the foregoing, the Exchange believes that the proposed rule changes are consistent with the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule changes will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The Exchange does not believe the proposed change burdens competition, but rather, enhances competition as it is intended to increase the competitiveness of BZX as a listing venue by providing better pricing for Defined Distribution Strategy Series. The marketplace for listings is extremely competitive and there are several other national securities exchanges that offer ETP listings. Transfers between listing venues occur frequently for numerous reasons, including listing fees. This proposal is intended to help the Exchange compete as an ETP listing venue. Accordingly, the Exchange does not believe that the proposed change will impair the ability of issuers or competing ETP listing venues to maintain their competitive standing. The Exchange also notes that the proposed change represents a competitive pricing structure designed to incentivize issuers to list new

products and transfer existing products to the Exchange, which the Exchange believes will enhance competition both among ETP issuers and listing venues, to the benefit of investors. The Exchange believes that such proposed changes will directly enhance competition among ETP listing venues by reducing the costs associated with listing on the Exchange for Defined Distribution Strategy ETPs. Similarly, the Exchange believes that putting a cap on such ETPs will enhance competition both among listing venues of Defined Distribution Strategy ETPs and among issuers and issuances of Defined Distribution Strategy ETPs through an overall reduction of annual fees for listing such products. As such, the proposal is a competitive proposal designed to enhance pricing competition among listing venues and implement pricing for listings that better reflects the revenue and expenses associated with listing ETPs on the Exchange.

The Exchange does not believe the proposed amendments would burden intramarket competition as they would be available to all issuers uniformly.

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 Act¹⁵ and paragraph (f) of Rule 19b-4¹⁶ 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.

¹⁵ 15 U.S.C. 78s(b)(3)(A).

¹⁶ 17 CFR 240.19b-4(f).

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-2024-083 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-2024-083. 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-2024-083 and should be submitted on or before October 10, 2024.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹⁷

Vanessa A. Countryman,
Secretary.

[FR Doc. 2024-21284 Filed 9-18-24; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-101022; File No. SR-CboeBYX-2024-033]

Self-Regulatory Organizations; Cboe BYX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Its Fee Schedule Regarding Add Volume Tiers

September 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 September 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.

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 criteria of Add Volume Tiers 1 and 2 and the rate associated with Add Volume Tier 1. The Exchange proposes to implement these changes effective September 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 16% 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

³ See Cboe Global Markets, U.S. Equities Market Volume Summary, Month-to-Date (August 22, 2024), available at https://www.cboe.com/us/equities/market_statistics/.

⁴ See BYX Equities Fee Schedule, Standard Rates.

⁵ *Id.*

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

¹⁷ 17 CFR 200.30-3(a)(12).

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 currently offers various Add/Remove Volume Tiers. In particular, the Exchange offers five Add Volume Tiers that each provide a reduced fee for Members' qualifying orders yielding fee codes B,⁶ V,⁷ Y,⁸ and AD⁹ where a Member reaches certain add volume-based criteria. The Exchange now proposes to amend the criteria of Add Volume Tiers 1 and 2. The Exchange also proposes to lower the reduced fee associated with Add Volume Tier 1. The current criteria for Add Volume Tiers 1 and 2 is as follows:

- Add Volume Tier 1 provides a reduced fee of \$0.0017 per share in securities priced at or above \$1.00 to qualifying orders (*i.e.*, orders yielding fee codes B, V, Y, or AD) where Member has a combined Auction ADV¹⁰ and ADAV¹¹ $\geq 0.20\%$ of the TCV.¹²
- Add Volume Tier 2 provides a reduced fee of \$0.0014 per share in securities priced at or above \$1.00 to qualifying orders (*i.e.*, orders yielding fee codes B, V, Y, or AD) where Member has a combined Auction ADV and ADAV $\geq 0.25\%$ of the TCV.

The proposed criteria for Add Volume Tiers 1 and 2 is as follows:

- Proposed Add Volume Tier 1 provides a reduced fee of \$0.0016 per share in securities priced at or above \$1.00 to qualifying orders (*i.e.*, orders yielding fee codes B, V, Y, or AD) where Member has a combined Auction ADV and ADAV $\geq 0.10\%$ of the TCV or has a combined Auction ADV and ADAV $\geq 11,000,000$.
- Proposed Add Volume Tier 2 provides a reduced fee of \$0.0014 per share in securities priced at or above \$1.00 to qualifying orders (*i.e.*, orders

yielding fee codes B, V, Y, or AD) where Member has a combined Auction ADV and ADAV $\geq 0.15\%$ of the TCV or has a combined Auction ADV and ADAV $\geq 16,000,000$.

The Exchange believes that the proposed modifications to current Add Volume Tiers 1 and 2 will continue to incentivize Members to add displayed liquidity to the Exchange, thereby contributing to a deeper and more liquid market, which benefits all market participants and provides greater execution opportunities on the Exchange. While the proposed criteria in Add Volume Tiers 1 and 2 is less difficult to achieve than the current criteria, the revised criteria continue to remain commensurate with the lower fees (including the proposed lower fee of Add Volume Tier 1) that will be assessed to a Member satisfying the proposed criteria.

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.¹³ Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)¹⁴ 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)¹⁵ 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)¹⁶ 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 criteria of Add Volume Tiers 1 and 2 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.

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 modify the criteria of Add Volume Tiers 1 and 2 is reasonable because the tiers will be available to all Members and provide all Members with an opportunity to receive a lower fee. The Exchange further believes that proposed Add Volume Tiers 1 and 2 will provide a reasonable means to encourage adding displayed orders in Members' order flow to the Exchange and to incentivize Members to continue to provide volume to the Exchange by offering them an opportunity to receive a lower assessed fee on qualifying orders. An overall increase in activity would deepen the Exchange's liquidity pool, offers additional cost savings, support the quality of price discovery, promote market transparency and improve market quality, for all investors.

The Exchange believes proposed Add Volume Tiers 1 and 2 are reasonable as they do not represent a significant departure from the criteria currently offered in the Fee Schedule and the proposed lower fee associated with Add Volume Tier 1 is commensurate with the proposed lower volume thresholds. The Exchange also believes that the proposal represents an equitable allocation of fees and rebates and is not unfairly discriminatory because all

⁶ Fee code B is appended to displayed orders that add liquidity to BYX in Tape B securities.

⁷ Fee code V is appended to displayed orders that add liquidity to BYX in Tape A securities.

⁸ Fee code Y is appended to displayed orders that add liquidity to BYX in Tape C securities.

⁹ Fee code AD is appended to displayed orders that execute in a Periodic Auction.

¹⁰ "Auction ADV" means average daily auction volume calculated as the number of shares executed in an auction per day.

¹¹ "ADAV" means average daily added volume calculated as the number of shares added per day. ADAV is calculated on a monthly basis.

¹² "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.

¹³ 15 U.S.C. 78f(b).

¹⁴ 15 U.S.C. 78f(b)(5).

¹⁵ *Id.*

¹⁶ 15 U.S.C. 78f(b)(4).

¹⁷ See *e.g.*, EDGA Equities Fee Schedule, Footnote 7, Add/Remove Volume Tiers.

¹⁸ See *e.g.*, BYX Equities Fee Schedule, Footnote 1, Add/Remove Volume Tiers.

Members will be eligible for the tiers and have the opportunity to meet the tiers' criteria and receive the corresponding reduced fee if such criteria are met. Without having a view of activity on other markets and off-exchange venues, the Exchange has no way of knowing whether these proposed rule changes would definitely result in any Members qualifying for the new proposed tiers. 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 no Member will be able to satisfy proposed Add Volume Tier 1 and at least one Member will be able to satisfy proposed Add Volume Tier 2. The Exchange also notes that the proposed changes will not adversely impact any Member's ability to qualify for reduced fees or 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 change does not impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. Particularly, proposed Add Volume Tiers 1 and 2 will apply to all Members equally in that all Members are eligible for the tiers and reduced fees, 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 change burdens competition, but rather, enhances competition as it is intended to increase the competitiveness of BYX 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 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 16% 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.

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 Act²² and paragraph (f) of Rule 19b-4²³ 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-2024-033 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange

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)).

²² 15 U.S.C. 78s(b)(3)(A).

²³ 17 CFR 240.19b-4(f).

¹⁹ *Supra* note 3.

²⁰ See Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005).

Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to file number SR–CboeBYX–2024–033. 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–2024–033 and should be submitted on or before October 10, 2024.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.²⁴

Vanessa A. Countryman,
Secretary.

[FR Doc. 2024–21286 Filed 9–18–24; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270–224, OMB Control No. 3235–0217]

Proposed Collection; Comment Request; Extension: Rule 17e–1

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) (“Paperwork Reduction Act”), the Securities and Exchange Commission (the “Commission”) is soliciting comments on the collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget (“OMB”) for extension and approval.

Rule 17e–1 (17 CFR 270.17e–1) under the Investment Company Act of 1940 (15 U.S.C. 80a–1 *et seq.*) (the “Investment Company Act”) deems a remuneration as “not exceeding the usual and customary broker’s commission” for purposes of Section 17(e)(2)(A) of the Investment Company Act (15 U.S.C. 80a–17(e)(2)(A)) if, among other things, a registered investment company’s (“fund’s”) board of directors, including a majority of the directors who are not interested persons of the fund, has adopted procedures reasonably designed to provide that the remuneration to an affiliated broker is reasonable and fair compared to that received by other brokers in connection with comparable transactions involving similar securities being purchased or sold on a securities exchange during a comparable period of time and the board makes and approves such changes as it deems necessary. In addition, each quarter, the board must determine that all transactions effected under the rule during the preceding quarter complied with the established procedures (“review requirement”). Rule 17e–1 also requires the fund to (i) maintain permanently in an easily accessible place a written copy of the procedures adopted by the board for complying with the requirements of the rule; and (ii) maintain for a period of six years, the first two in an easily accessible place, a written record of each transaction subject to the rule, setting forth the amount and source of the commission, fee, or other remuneration received; the identity of the broker; the terms of the transaction; and the materials used to determine that the transactions were effected in compliance with the procedures adopted by the board (“recordkeeping requirement”). The review and recordkeeping requirements of rule 17e–1 permit Commission staff to monitor the reasonableness and fairness of remuneration received by affiliated persons of the fund. Without the recordkeeping requirement, Commission inspectors would have difficulty ascertaining whether funds were complying with rule 17e–1.

Based upon an analysis of fund filings on Form N–CEN, approximately 1,614 funds report reliance on rule 17e–1.¹ Based on staff experience and conversations with fund representatives, we estimate that the burden of compliance with rule 17e–1 is approximately 50 hours per fund per year. This time is spent, for example, reviewing the applicable transactions and maintaining records. Accordingly, we calculate the total estimated annual internal burden of complying with the review and recordkeeping requirements of rule 17e–1 to be approximately 80,700 hours.² We further estimate that, of these:

- 60 percent (48,420 hours) are spent by senior accountants, at an estimated hourly wage of \$266,³ for a total of approximately \$12,879,720 per year;⁴
- 30 percent (24,210 hours) are spent by in-house attorneys at an estimated hourly wage of \$511, for a total of approximately \$12,371,310 per year;⁵ and
- 10 percent (8,070) are spent by the funds’ board of directors at an hourly cost of \$4,770, for a total of approximately \$38,493,900 per year.⁶

Based on these estimated wage rates, the total cost to the industry of the hour burden for complying with the review and recordkeeping requirements of rule 17e–1 is approximately \$63,744,930.⁷ The Commission staff estimates that there is no cost burden associated with the information collection requirement of rule 17e–1 other than this cost.

Estimates of average burden hours are made solely for the purposes of the Paperwork Reduction Act and are not derived from a comprehensive or even

¹ Staff estimate is based on a three-year average of funds reporting reliance on rule 17e–1 covering calendar years 2022–2024.

² 1,614 funds × 50 hours per fund = 80,700 hours.

³ The Commission’s estimates concerning the allocation of burden hours and the relevant wage rates are based on consultations with industry representatives and on salary information for the securities industry compiled by the Securities Industry and Financial Markets Association; the estimated wage figures are also based on published rates for senior accountants and in-house attorneys, modified to account for an 1800-hour work-year and multiplied by 5.35 to account for bonuses, firm size, employee benefits, and overhead, yielding effective hourly rates of \$266 and \$511, respectively; see Securities Industry and Financial Markets Association, Report on Management & Professional Earnings in the Securities Industry 2013.

⁴ 48,420 hours × \$266 per hour = \$12,879,720.

⁵ 24,210 hours × \$511 per hour = \$12,371,310.

⁶ 8,070 hours × \$4,770 per hour = \$38,493,900; the estimate for the cost of board time as a whole is derived from estimates made by the staff regarding typical board size and compensation that is based on information received from fund representatives and publicly available sources.

⁷ \$12,879,720 + \$12,371,310 + \$38,493,900 = \$63,744,930.

²⁴ 17 CFR 200.30–3(a)(12).

a representative survey or study of the costs of Commission rules and forms. The collection of information under rule 17e-1 is required to obtain the benefits of the rule. The information provided under rule 17e-1 will not be kept confidential. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

Written comments are invited on: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted by November 18, 2024.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information under the PRA unless it displays a currently valid OMB control number.

Please direct your written comments to: Austin Gerig, Director/Chief Data Officer, Securities and Exchange Commission, c/o Oluwaseun Ajayi, 100 F Street NE, Washington, DC 20549 or send an email to: PRA_Mailbox@sec.gov.

Dated: September 16, 2024.

Vanessa A. Countryman,
Secretary.

[FR Doc. 2024-21427 Filed 9-18-24; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-101019; File No. SR-NYSEARCA-2024-72]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the NYSE Arca Options Fee Schedule

September 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 August

30, 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”) regarding certain transaction fees. The Exchange proposes to implement the fee change effective August 30, 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 modify certain transaction fees. The Exchange proposes to implement the fee change effective August 30, 2024.

Currently, the Exchange assesses a fee for orders executed by taking liquidity from the disseminated market (“Take Liquidity Fee,” or “Take Fee”). For non-Customers and Professional Customers, the Exchange currently charges a per contract Take Fee of \$1.10 for executions in non-Penny issues (the “non-Penny Take Fee”). ⁵ The Exchange

proposes to increase the non-Penny Take Fee for non-Customers to \$1.20 per contract, ⁶ which is within the range of fees charged by competing option exchanges. ⁷ The Exchange believes that, despite this proposed increase, its pricing structure will remain attractive because the Exchange will continue to offer discounts on non-Penny Take Fees to non-Customers that meet certain minimum monthly volume qualifications in average electronic executions per day. ⁸

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act, ⁹ in general, and furthers the objectives of Sections 6(b)(4) and (5) of the Act, ¹⁰ 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

Makers, and Firm and Broker Dealers. The Exchange notes that this definition of “non-Customers” does not include Professional Customers.

⁶ See proposed Fee Schedule, TRANSACTION FEE FOR ELECTRONIC EXECUTIONS—PER CONTRACT (increasing the non-Penny Take Fee for non-Customer from \$1.10 to \$1.20). The Exchange notes that Professional Customers are not impacted by this proposal and will continue to be assessed a non-Penny Take Fee of \$1.10. See *id.* Also not impacted by this proposal are the per contract Take Fees for executions in Penny issues (the “Penny Take Fee”), which Penny Take Fee will continue to be \$0.50 for both non-Customers and Professional Customers and \$0.49 for Customers. See *id.*

⁷ See, e.g., the Nasdaq Options Market LLC (“NOM”) Pricing Schedule at Options 7, Section 2(1), available at: <https://listingcenter.nasdaq.com/rulebook/nasdaq/rules/nasdaq-options-7> (assessing per contract Take Fees in non-Penny issues of \$1.25 for non-Customers and \$0.85 for both Professionals and Customers); and Nasdaq BX, Pricing Schedule at Options 7, Section 2(1), available at: <https://listingcenter.nasdaq.com/rulebook/bx/rules/bx-options-7> (assessing per contract Take Fees in non-Penny issues of \$1.25 for non-Customers, including Professionals, and \$0.85 [sic] for Customers).

⁸ The qualifying volume for Take Fee discounts applies to executions in all issues (Penny and non-Penny) of liquidity taking interest or a combination of liquidity taking and liquidity adding (*i.e.*, posted) interest on behalf of Professional Customers and Non-Customer execution. See, e.g., Fee Schedule, Take Fee Discount Qualification for Non-Penny Issues (providing a (\$0.02) per contract Take Fee discount to OTP Holders (including non-Customers and Professional Customers) that execute “[a]t least 0.65% of TCADV from Professional Customer and Non-Customer Liquidity Removing interest in all issues, plus at least 0.15% of TCADV from posted interest in all issues and all account types”; or “[a]t least 1.50% of TCADV from Professional Customer and Non-Customer Liquidity Removing interest in all issues”). The TCADV (or Total Industry Customer equity and ETF option average daily volume) includes OCC calculated Customer volume of all types, including Complex Order Transactions and QCC transactions, in equity and ETF options. See Fee Schedule, Endnote 8.

⁹ 15 U.S.C. 78f(b).

¹⁰ 15 U.S.C. 78f(b)(4) and (5).

⁴ On August 1, 2024, the Exchange filed to amend the Fee Schedule (NYSEARCA-2024-63) and withdrew such filing on August 15, 2024 (SR-NYSEARCA-2024-68), which latter filing the Exchange withdrew on August 30, 2024.

⁵ For purposes of this fee filing, “non-Customers” include: Lead Market Makers, NYSE Arca Market

¹ 15 U.S.C. 78s(b)(1).

² 15 U.S.C. 78a.

³ 17 CFR 240.19b-4.

discriminate between customers, issuers, brokers or dealers.

The proposed changes to the Fee Schedule are reasonable, equitable, and not unfairly discriminatory. As a threshold matter, the Exchange is subject to significant competitive forces in the market for options securities transaction services that constrain its pricing determinations in that market. The Commission has repeatedly expressed its preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. 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.”¹¹

There are currently 17 registered options exchanges competing for order flow. Based on publicly-available information, and excluding index-based options, no single exchange has more than 16% of the market share of executed volume of multiply-listed equity and ETF options trades.¹² Therefore, currently no exchange possesses significant pricing power in the execution of multiply-listed equity & ETF options order flow. More specifically, in June of 2024, the Exchange had 14.19% market share of executed volume of multiply-listed equity & ETF options trades.¹³ In such a low-concentrated and highly competitive market, no single options exchange possesses significant pricing power in the execution of option order flow. Within this environment, market participants can freely and often do shift their order flow among the Exchange and competing venues in response to changes in their respective pricing schedules. As such, the proposal represents a reasonable attempt by the Exchange to remain competitive despite increasing its non-Penny Take Fee for non-Customers.

The Exchange believes that the proposed increase to its non-Penny Take Fee for non-Customers is reasonable, equitable, and not unfairly discriminatory because it is within the range of fees charged by competing option exchanges.¹⁴ Moreover, the proposed non-Penny Take Fee increase will continue to be offset by Take Fee discounts that are intended to improve overall market quality on the Exchange by incentivizing market participants to bring additional order flow and, in turn, provide more trading opportunities to the benefit of all market participants.¹⁵

The proposed fee change is equitable and not unfairly discriminatory because it will apply uniformly to all similarly-situated participants. Specifically, non-Customers will be subject to the increased non-Penny Take Fee (from \$1.10 to \$1.20 per contract) while both Professional Customers and Customers will continue to pay \$1.10 and \$0.85 per contract, respectively. Although the proposed fee increase applies solely to non-Customers, the Exchange notes that resulting fees are in line with or below the fees charged by other options exchanges.¹⁶ As such, to the extent that the Exchange offers more favorable pricing on non-Customer order flow than competing options venues, OTP Holders may direct their order flow to the Exchange, which promotes competition. Furthermore, the Exchange believes that the increased fees would generate additional revenue to offset operational costs and would facilitate the provision of the existing volume-based rebates (described herein).¹⁷

The Exchange believes that maintaining the non-Penny Take Fee for Professional Customers (and Customers) at the current rate is equitable and not unfairly discriminatory. Professional Customers are a different type of market participant than non-Customers Firm, Broker Dealers and Market Makers. Specifically, Professional Customers are not brokers or dealers in securities; they are persons (or entities) that place more than 390 orders per day on average for their own beneficial account.¹⁸ Per the Fee Schedule, Professional Customers are treated as Customers unless

otherwise specified.¹⁹ As proposed, the rate differential between Professional Customers and Customers remains same and continues to be in line with or below the fees charged by other options exchanges.²⁰ The Exchange believes this proposal is equitable because, although the non-Penny Take Fee for Professional Customers will be lower than for non-Customers, it will enable the Exchange to remain competitive while continuing to encourage OTP Holders to direct additional Professional Customer order flow to the Exchange.²¹

Finally, the Exchange has historically provided more favorable pricing to Customers. Customer liquidity benefits all market participants by providing more trading opportunities, which attracts Market Makers. An increase in the activity of these market participants in turn facilitates tighter spreads, which may cause an additional corresponding increase in order flow from other market participants. As such, the Exchange believes that maintaining the non-Penny Take Fee for Customers is consistent with the Act, which rate is within the range of fees charged by competing option exchanges.²²

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.

In terms of intra-market competition, as discussed herein, the Exchange does not believe that its proposal will place any category of market participant at a competitive disadvantage because it will apply uniformly to all similarly-situated participants (*i.e.*, non-Customers). Although the fee change results in non-Customers paying a higher non-Penny Take Fee than Professional Customers (and Customers), the resulting fees are commensurate with the fees assessed on these market participants on competing options exchanges. Professional Customers are a different type of market participant than non-Customers as they are not brokers or dealers in securities; rather they are persons (or entities) that place more than 390 orders per day on average for their own beneficial account. As such, the Exchange believes the

¹¹ See Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005) (S7-10-04) (“Reg NMS Adopting Release”).

¹² The OCC publishes options and futures volume in a variety of formats, including daily and monthly volume by exchange, available here: <https://www.theocc.com/Market-Data/Market-Data-Reports/Volume-and-Open-Interest/Monthly-Weekly-Volume-Statistics>.

¹³ Based on a compilation of OCC data for monthly volume of equity-based options and monthly volume of equity-based ETF options, *see id.*, the Exchanges market share in equity-based options increased from 12.23% for the month of June 2023 to 14.19% for the month of June 2024.

¹⁴ See *supra* note 7.

¹⁵ See *supra* note 8 (regarding the potential (\$0.02) per contract non-Penny Take Fee discount available to non-Customers (and Professional Customers) that meet certain minimum volume thresholds).

¹⁶ See *supra* note 7.

¹⁷ See *supra* note 8 (regarding the potential (\$0.02) per contract non-Penny Take Fee discount available to non-Customers (and Professional Customers) that meet certain minimum volume thresholds).

¹⁸ See Rule 1.1 (Customer and Professional Customer).

¹⁹ See Fee Schedule, TRANSACTION FEE FOR ELECTRONIC EXECUTIONS—PER CONTRACT (per the preamble to this section, “[u]nless Professional Customer executions are specifically delineated, such executions will be treated as ‘Customer’ executions for fee/credit purposes”).

²⁰ See *supra* note 7.

²¹ See *id.*

²² See *id.*

changes, taken together with existing discounts, will continue to encourage trading activity on the Exchange.

In terms of inter-market competition, the Exchange notes that it operates in a highly competitive market in which market participants can readily favor competing venues if they deem fee levels at a particular venue to be excessive, or rebate opportunities available at other venues to be more favorable. In such an environment, the Exchange must continually adjust its fees to remain competitive with other exchanges. Because competitors are free to modify their own fees in response, and because market participants may readily adjust their order routing practices, the Exchange believes that the degree to which fee changes in this market may impose any burden on competition is extremely limited. As noted herein, the proposed fee change is competitive as it is within the range of fees charged by competing option exchanges.²³ If the changes proposed herein are unattractive to market participants, it is likely that the Exchange will lose market share as a result. Accordingly, the Exchange does not believe that the proposed changes will impair the ability of members or competing order execution venues to maintain their competitive standing in the financial markets.

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)²⁴ of the Act and subparagraph (f)(2) of Rule 19b-4²⁵ 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)²⁶ 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-2024-72 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-2024-72. 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-2024-72 and should be

submitted on or before October 10, 2024.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.²⁷

Vanessa A. Countryman,
Secretary.

[FR Doc. 2024-21283 Filed 9-18-24; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270-336, OMB Control No. 3235-0379]

Proposed Collection; Comment Request; Extension: Form F-X

Upon Written Request Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549-2736

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission ("Commission") is soliciting comments on the collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget for extension and Form F-X (17 CFR 239.42) is used to appoint an agent for service of process by Canadian issuers registering securities on Forms F-7, F-8, F-9, or F-10 under the Securities Act of 1933 (15 U.S.C. 77a *et seq.*) or filing periodic reports on Form 40-F under the Exchange Act of 1934 (15 U.S.C. 78a *et seq.*). The information collected must be filed with the Commission and is publicly available. We estimate that it takes approximately 2 hours per response to prepare Form F-X and that the information is filed by approximately 114 respondents for a total annual reporting burden of 228 hours (2 hours per response × 114 responses).

Written comments are invited on: (a) whether this proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden imposed by the collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection

²³ See *id.*

²⁴ 15 U.S.C. 78s(b)(3)(A).

²⁵ 17 CFR 240.19b-4(f)(2).

²⁶ 15 U.S.C. 78s(b)(2)(B).

²⁷ 17 CFR 200.30-3(a)(12).

techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication by November 18, 2024.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

Please direct your written comment to Austin Gerig, Director/Chief Data Officer, Securities and Exchange Commission, c/o Oluwaseun Ajayi, 100 F Street NE, Washington, DC 20549 or send an email to: PRA_Mailbox@sec.gov.

Dated: September 16, 2024.

Vanessa A. Countryman,
Secretary.

[FR Doc. 2024–21424 Filed 9–18–24; 8:45 am]

BILLING CODE 8011–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #20519 and #20520;
KANSAS Disaster Number KS–20013]

Administrative Disaster Declaration of a Rural Area for the State of Kansas

AGENCY: U.S. Small Business
Administration.

ACTION: Notice.

SUMMARY: This is a notice of an Administrative disaster declaration of a rural area for the State of Kansas dated September 11, 2024.

DATES: Issued on September 11, 2024.

Physical Loan Application Deadline
Date: November 12, 2024. Economic
Injury (EIDL) Loan Application
Deadline Date: June 11, 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
Administrator's disaster declaration of a
rural area, applications for disaster
loans may be submitted 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:

Incident: Severe Storms, Straight-line
Winds, Tornadoes, and Flooding.

Incident Period: April 25, 2024
through April 30, 2024.

Primary Counties: Allen, Bourbon, Linn.

The Interest Rates are:

	Percent
<i>For Physical Damage:</i>	
Homeowners with Credit Avail- able Elsewhere	5.375
Homeowners without Credit Available Elsewhere	2.688
Businesses with Credit Avail- able Elsewhere	8.000
Businesses without Credit Available Elsewhere	4.000
Non-Profit Organizations with Credit Available Elsewhere ...	3.250
Non-Profit Organizations with- out Credit Available Else- where	3.250
<i>For Economic Injury:</i>	
Business and Small Agricultural Cooperatives without Credit Available Elsewhere	4.000
Non-Profit Organizations with- out Credit Available Else- where	3.250

The number assigned to this disaster
for physical damage is 20519B and for
economic injury is 205200.

The State which received an EIDL
Declaration is Kansas.

(Catalog of Federal Domestic Assistance
Number 59008)

Isabella Guzman,
Administrator.

[FR Doc. 2024–21282 Filed 9–18–24; 8:45 am]

BILLING CODE 8026–09–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #20533 and #20534;
FLORIDA Disaster Number FL–20009]

Presidential Declaration Amendment of a Major Disaster for the State of Florida

AGENCY: U.S. Small Business
Administration.

ACTION: Amendment 4.

SUMMARY: This is an amendment of the
Presidential declaration of a major
disaster for the State of Florida (FEMA–
4806–DR), dated August 10, 2024.

DATES: Issued on September 13, 2024.

Physical Loan Application Deadline
Date: October 9, 2024.

Economic Injury (EIDL) Loan
Application Deadline Date: May 12,
2025.

ADDRESSES: Visit the MySBA Loan
Portal at <https://lending.sba.gov> to
apply for a disaster assistance loan.

FOR FURTHER INFORMATION CONTACT:
Alan Escobar, Office of Disaster
Recovery & Resilience, U.S. Small
Business Administration, 409 3rd Street
SW, Suite 6050, Washington, DC 20416,
(202) 205–6734.

SUPPLEMENTARY INFORMATION: The notice
of the President's major disaster
declaration for the State of Florida,
dated August 10, 2024, is hereby
amended to include the following areas
as adversely affected by the disaster:

Incident: Hurricane Debby.

Incident Period: August 1, 2024
through August 27, 2024.

*Primary Counties (Physical Damage and
Economic Injury Loans):* Baker,
Citrus, Hillsborough, Pinellas.

*Contiguous Counties (Economic Injury
Loans Only):*

Florida: Clay, Duval, Hernando,
Nassau, Pasco, Sumter.

Georgia: Charlton, Ware.

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. 2024–21429 Filed 9–18–24; 8:45 am]

BILLING CODE 8026–09–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #20591 and #20592;
FLORIDA Disaster Number FL–20011]

Presidential Declaration Amendment of a Major Disaster for Public Assistance Only for the State of Florida

AGENCY: U.S. Small Business
Administration.

ACTION: Amendment 2.

SUMMARY: This is an amendment of the
Presidential declaration of a major
disaster for Public Assistance Only for
the State of Florida (FEMA–4806–DR),
dated August 28, 2024.

DATES: Issued on September 13, 2024.

Physical Loan Application Deadline
Date: October 28, 2024.

Economic Injury (EIDL) Loan
Application Deadline Date: May 28,
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 Florida, dated 08/28/2024, is hereby amended to include the following areas as adversely affected by the disaster.

Incident: Hurricane Debby.

Incident Period: August 1, 2024 through August 27, 2024.

Primary Counties: Alachua, Clay, Duval, Franklin, Nassau, Pinellas, St. Johns, Sumter.

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. 2024–21423 Filed 9–18–24; 8:45 am]

BILLING CODE 8026–09–P

DEPARTMENT OF STATE

[Public Notice: 12544]

Notice of Meeting; President's Advisory Council on African Diaspora Engagement

ACTION: Notice of Federal advisory committee meeting.

SUMMARY: The Department of State hereby provides notice of the next meeting of the President's Advisory Council on African Diaspora Engagement ("the Advisory Council").

DATES: October 8, 2024.

ADDRESSES: This event will take place virtually. A link will be provided to those who RSVP (see below).

FOR FURTHER INFORMATION CONTACT: For additional information and for those interested in participating, please contact Mr. Matthew Becker, Senior Foreign Affairs Officer in the Office of the Assistant Secretary, Bureau of African Affairs, U.S. Department of State by email at BeckerMA@state.gov or by phone at (202) 647–1790.

SUPPLEMENTARY INFORMATION: Pursuant to the Federal Advisory Committee Act, 5 U.S.C. 1001 *et seq.*, and 41 CFR 102–3.65, the Advisory Council will host a plenary session meeting. The primary mission of the Advisory Council is to provide counsel to the President on enhancing connections between the United States Government and the African diaspora within the United States, aligning with the objectives outlined in the U.S. Strategy Toward Sub-Saharan Africa.

In accordance with Executive Order 14089, the Advisory Council will host its third engagement of the year on October 8, 2024. Members of the Advisory Council will meet virtually to discuss progress made to date and next steps on Council recommendations to the President.

Meetings are open to the public. Interested members of the public may receive details on how to join the virtual meeting by contacting Designated Federal Officer Matthew Becker at BeckerMA@state.gov.

Established in accordance with Executive Order 14089, the Advisory Council operates under the overarching authority of the Secretary of State and the Department of State, as outlined in title 22 of the United States Code. Specifically, its mandate aligns with Section 2656 of that Title and adheres to the Federal Advisory Committee Act.

Authority: 5 U.S.C. 1001 *et seq.* and 22 U.S.C. 2651a.

Matthew A. Becker,

Senior Foreign Affairs Officer, Department of State.

[FR Doc. 2024–21437 Filed 9–18–24; 8:45 am]

BILLING CODE 4710–26–P

SURFACE TRANSPORTATION BOARD

[Docket No. FD 36803]

Hondo Railway, LLC—Acquisition Exemption—Rail Line of South Texas Liquid Terminal, Inc.

Hondo Railway, LLC (HRC), a Class III rail carrier, has filed a verified notice of exemption under 49 CFR 1150.41 to acquire from South Texas Liquid Terminal, Inc. (STLT), 13,200 feet of track in the vicinity of Hondo, Tex. in Medina County (the Line).¹ HRC states that there are no mileposts on the Line.

According to the verified notice, HRC has operated over the Line pursuant to a lease agreement between HRC and STLT since 2006. See *Hondo Ry.—Lease & Operation Exemption—Rail Line of S. Tex. Liquid Terminal, Inc.*, FD 34901 (STB served Aug. 16, 2006).

The verified notice states that the parties have reached an agreement pursuant to which HRC will convert its existing leasehold interest in the Line to fee ownership. HRC states that,

¹ This transaction is related to a concurrently filed verified notice of exemption in *Macquarie Infrastructure Partners V GP, LLC—Control Exemption—Hondo Ry.*, Docket No. FD 36802, for Macquarie Infrastructure Partners V GP, LLC, on behalf of itself and its subsidiaries—the Macquarie Infrastructure Partners V fund vehicle; MIP V Rail, LLC; and Pinsky Railroad Company, LLC—to acquire control of HRC.

following consummation of the proposed transaction, HRC will continue to operate the Line as it has since 2006.

HRC certifies that the proposed acquisition of the Line does not involve any interchange commitments. HRC further certifies that its projected annual revenues as a result of this transaction will not result in the creation of a Class II or Class I rail carrier and will not exceed \$5 million.

The effective date of the exemption will be established in a separate decision.²

If the verified notice contains false or misleading information, the exemption is void ab initio. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the exemption. Petitions for stay must be filed no later than September 23, 2024.

All pleadings, referring to Docket No. FD 36803, must be filed with the Surface Transportation Board either via e-filing on the Board's website or in writing addressed to 395 E Street SW, Washington, DC 20423–0001. In addition, one copy of each pleading must be served on HRC's representative, Kelvin J. Dowd, Slover & Loftus LLP, 1828 L Street NW, Suite 1000, Washington, DC 20036.

According to HRC, this action is categorically excluded from environmental review under 49 CFR 1105.6(c) and from historic reporting requirements under 49 CFR 1105.8(b).

Board decisions and notices are available at www.stb.gov.

Decided: September 16, 2024.

By the Board, Scott M. Zimmerman, Acting Director, Office of Proceedings.

Brendetta Jones,

Clearance Clerk.

[FR Doc. 2024–21460 Filed 9–18–24; 8:45 am]

BILLING CODE 4915–01–P

² The verified notice was initially submitted on August 28, 2024. HRC filed supplements on September 10 and September 11, 2024. September 11, 2024, therefore, is considered the filing date for the purpose of calculating the effective date of the exemption. HRC, however, has requested that the effective date be advanced to no later than September 30, 2024, to avoid complications with respect to the closing of the transaction. This request will be addressed in a separate decision.

SURFACE TRANSPORTATION BOARD**[Docket No. FD 36802]****Macquarie Infrastructure Partners V GP, LLC, et al.—Control Exemption—Hondo Railway, LLC**

Macquarie Infrastructure Partners V GP, LLC (MIP GP), a noncarrier, filed on behalf of Macquarie Infrastructure Partners V fund vehicle (MIP V), MIP V Rail, LLC (MIP Rail), Pinsly Holdco, LLC, and Pinsly Railroad Company, LLC (Pinsly),¹ all noncarriers, a verified notice of exemption under 49 CFR 1180.2(d)(2) to acquire control of Hondo Railway, LLC (HRC), a Class III railroad currently owned by Mark Holland and Donald Lee.²

The verified notice states that, pursuant to an agreement dated August 27, 2024,³ Pinsly has agreed to acquire 100% of the equity interests of HRC. According to the verified notice, currently, Pinsly directly controls, and MIP GP, MIP V, MIP Rail, and Pinsley Holdco, LLC, indirectly control, six rail common carriers: Grenada Railroad, LLC; Florida Gulf & Atlantic Railroad, LLC; Camp Chase Rail, LLC; Chesapeake and Indiana Railroad, LLC; Vermilion Valley Railroad Company, LLC; and Pioneer Valley Railroad Company, LLC.

MIP GP states that: (1) the line over which HRC operates does not connect with any of the railroads that would be in the same corporate family following the transaction; (2) the proposed transaction is not part of a series of anticipated transactions that would connect HRC with any railroad in the

corporate family; and (3) the transaction does not involve a Class I rail carrier. Therefore, the proposed transaction is exempt from the prior approval requirements of 49 U.S.C. 11323. See 49 CFR 1180.2(d)(2).

The effective date of the exemption will be established in a separate decision.⁴

Under 49 U.S.C. 10502(g), the Board may not use its exemption authority to relieve a rail carrier of its statutory obligation to protect the interests of its employees. However, 49 U.S.C. 11326(c) does not provide for labor protection for transactions under 49 U.S.C. 11324 and 11325 that involve only Class III rail carriers. Because this transaction involves Class III rail carriers only, the Board, under the statute, may not impose labor protective conditions for this transaction.

If the verified notice contains false or misleading information, the exemption is void ab initio. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the exemption. Petitions to stay must be filed no later than September 23, 2024.

All pleadings, referring to Docket No. FD 36802, must be filed with the Surface Transportation Board either via e-filing on the Board's website or in writing addressed to 395 E Street SW, Washington, DC 20423-0001. In addition, a copy of each pleading must be served on MIP GP's representative, Terence M. Hynes, Sidley Austin LLP, 1501 K Street NW, Washington, DC 20005.

According to MIP GP, this action is categorically excluded from environmental review under 49 CFR 1105.6(c) and from historic preservation reporting requirements under 49 CFR 1105.8(b).

Board decisions and notices are available at www.stb.gov.

Decided: September 16, 2024.

By the Board, Scott M. Zimmerman, Acting Director, Office of Proceedings.

Brendetta Jones,

Clearance Clerk.

[FR Doc. 2024-21459 Filed 9-18-24; 8:45 am]

BILLING CODE 4915-01-P

⁴ The verified notice was initially submitted on August 28, 2024. MIP GP filed supplements on September 10 and September 11, 2024. September 11, 2024, therefore, is considered the filing date for the purpose of calculating the effective date of the exemption. MIP GP, however, has requested that the effective date be advanced to no later than September 30, 2024, to avoid complications with respect to the closing of the transaction. This request will be addressed in a separate decision.

DEPARTMENT OF TRANSPORTATION**Federal Railroad Administration****[Docket Number FRA-2014-0014]****Petition for Extension of Waiver of Compliance**

Under part 211 of title 49 Code of Federal Regulations (CFR), this document provides the public notice that by letter dated April 23, 2024, Texas & Eastern Railroad (TESR) petitioned the Federal Railroad Administration (FRA) for an extension of a waiver of compliance from certain provisions of the Federal railroad safety regulations contained at 49 CFR part 232 (Brake System Safety Standards for Freight and Other Non-Passenger Trains and Equipment; End-of-Train Devices). The relevant Docket Number is FRA-2014-0014.

Specifically, TESR requests to extend the existing relief¹ that allows an extension of the time interval from 1 year to 2 years, to perform the clean, oil, test, and stencil inspection for the passenger equipment operated and equipped with UC and L types of brake valves. TESR operates 14 passenger coaches in excursion service at speeds of up to 30 miles per hour. In support of its request, TESR stated that the cars are presently in service and "have been maintained to the level of the old waiver."

A copy of the petition, as well as any written communications concerning the petition, is available for review online at www.regulations.gov.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested parties desire an opportunity for oral comment and a public hearing, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number and may be submitted at www.regulations.gov. Follow the online instructions for submitting comments.

Communications received by November 18, 2024 will be considered by FRA before final action is taken. Comments received after that date will be considered if practicable.

¹ TESR is requesting relief pursuant to 49 CFR 232.17(b), *Petitions for special approval of an alternative standard or test procedure.*

¹ The verified notice of exemption states that on May 1, 2024, Gulf & Atlantic Railways, LLC, was renamed Pinsly Railroad Company, LLC.

Pinsly is wholly owned by Pinsly Holdco, LLC, which is wholly owned by MIP Rail, which is wholly owned, indirectly, by MIP V, which is controlled by MIP GP. According to the verified notice of exemption, as part of the overall transaction in this docket, Pinsly Holdco, LLC, a new noncarrier holding company will be placed between Pinsly and MIP Rail in the chain of control. The verified notice states that, "[b]ecause the inclusion of such an intermediate subsidiary does not constitute a change of control, no Board approval is required." (Verified Notice 2 n.1 (citing *Hainesport Transp. Grp., LLC—Corp. Fam. Transaction Exemption*, FD 36184, slip op. at 1 (STB served May 24, 2018).)

² HRC leases and operates approximately 13,200 feet of track in the vicinity of Hondo in Medina County, Tex. *Hondo Ry.—Lease & Operation Exemption—Rail Line of S. Tex. Liquid Terminal, Inc.*, FD 34901 (STB served Aug. 16, 2006). In a concurrently filed notice of exemption in *Hondo Railway—Acquisition Exemption—Rail Line of South Texas Liquid Terminal, Inc.*, Docket No. FD 36803, HRC seeks to convert its lease into fee ownership.

³ Public and confidential versions of the agreement were filed with the verified notice. The confidential version was submitted under seal concurrently with a motion for protective order, which was granted on September 10, 2024.

Anyone can search the electronic form of any written communications and comments received into any of the Department of Transportation's (DOT) dockets by the name of the individual submitting the comment (or signing the document, if submitted on behalf of an association, business, labor union, etc.). Under 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its processes. DOT posts these comments, without edit, including any personal information the commenter provides, to www.regulations.gov, as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at <https://www.transportation.gov/privacy>. See also <https://www.regulations.gov/privacy-notice> for the privacy notice of www.regulations.gov.

Issued in Washington, DC.

John Karl Alexy,

Associate Administrator for Railroad Safety, Chief Safety Officer.

[FR Doc. 2024-21393 Filed 9-18-24; 8:45 am]

BILLING CODE 4910-06-P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA-2018-0049]

Petition for Extension of Waiver of Compliance

Under part 211 of title 49 Code of Federal Regulations (CFR), this document provides the public notice that by letter dated August 1, 2024, BNSF Railway (BNSF) petitioned the Federal Railroad Administration (FRA) for an extension of a waiver of compliance from certain provisions of the Federal railroad safety regulations contained at 49 CFR part 232 (Brake System Safety Standards for Freight and Other Non-Passenger Trains and Equipment; End-of-Train Devices). The relevant Docket Number is FRA-2018-0049.

Specifically, BNSF requests to extend the existing waiver, which provides BNSF certain relief from 49 CFR 232.15, *Movement of defective equipment*; 49 CFR 232.103(f), *General requirements for all train brake systems*; and 49 CFR 232.213, *Extended haul trains*; and a statutory exemption from the requirements of title 49, United States Code section 20303.¹ BNSF stated that

the waiver supports BNSF's Brake Health Effectiveness (BHE) program, which "increases the safety and efficiency of BNSF's operations by using thermal detector technology that can gather significantly more data about the health of train brakes than can be collected from the visual inspections required by existing regulations." The existing relief applies to trains operating on several locations on BNSF's Southern Transcon and Northern Intermodal routes.²

In support of its request, BNSF explained that data from the BHE program has demonstrated "improved safety performance of brake systems" across the BNSF network. The program has also "increased employee safety by eliminating the potential for injury to inspection personnel due to slips, trips, or falls when performing intermediate brake tests or when setting out or repairing cars outside of mechanical or yard limits." Additionally, BNSF noted that the BHE program is supported by BNSF's union partners, specifically the Brotherhood of Railway Carmen, who has worked closely with BNSF.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at www.regulations.gov.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested parties desire an opportunity for oral comment and a public hearing, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number and may be submitted at www.regulations.gov. Follow the online instructions for submitting comments.

Communications received by November 18, 2024 will be considered by FRA before final action is taken. Comments received after that date will be considered if practicable.

Anyone can search the electronic form of any written communications and comments received into any of the Department of Transportation's (DOT) dockets by the name of the individual submitting the comment (or signing the document, if submitted on behalf of an

association, business, labor union, etc.). Under 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its processes. DOT posts these comments, without edit, including any personal information the commenter provides, to www.regulations.gov, as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at <https://www.transportation.gov/privacy>. See also <https://www.regulations.gov/privacy-notice> for the privacy notice of www.regulations.gov.

Issued in Washington, DC.

John Karl Alexy,

Associate Administrator for Railroad Safety, Chief Safety Officer.

[FR Doc. 2024-21397 Filed 9-18-24; 8:45 am]

BILLING CODE 4910-06-P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA-2018-0086]

Petition for Extension of Waiver of Compliance

Under part 211 of title 49 Code of Federal Regulations (CFR), this document provides the public notice that by letter dated April 23, 2024, Texas & Eastern Railroad (TESR) petitioned the Federal Railroad Administration (FRA) to extend a waiver of compliance from certain provisions of the Federal railroad safety regulations contained at 49 CFR parts 215 (Railroad Freight Car Safety Standards) and 224 (Reflectorization of Rail Freight Rolling Stock). FRA assigned the petition Docket Number FRA-2018-0086.

Specifically, TESR requested to extend the previous special approval pursuant to 49 CFR 215.203, *Restricted cars*, in this docket for 14 cars, which are more than 50 years from the dates of original construction. Petitioner also seeks relief from § 215.303, *Stenciling of restricted cars*, and part 224, reflectorization requirements, to use the cars as operating historic artifacts.

In support of its request, TESR stated that tourist passenger operations run up to 30 miles per hour, and that TESR "exercises complete control of the operation and maintenance" of the subject cars. TESR added that the cars have not been interchanged in regular freight operations with other railroads and are primarily used for mobile storage. They are also used with steam and diesel locomotives in trains for photography, historic documentation, and film production. TESR explained

¹ By letter dated August 18, 2021, BNSF submitted a request to expand the scope of the waiver to include coal trains operating over the Pikes Peak Subdivision in Colorado and across the Sand Hills Subdivision in Nebraska. See <https://www.regulations.gov/document/FRA-2018-0049-0024>. That request is pending.

² These routes are listed in condition 1 of FRA's decision letter dated November 12, 2020. See <https://www.regulations.gov/document/FRA-2018-0049-0017>.

that the extension of relief will allow the flexibility for the railroad to make up and operate historic trains at any time.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at www.regulations.gov.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment and a public hearing, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number and may be submitted at www.regulations.gov. Follow the online instructions for submitting comments.

Communications received by November 18, 2024 will be considered by FRA before final action is taken. Comments received after that date will be considered if practicable. Anyone can search the electronic form of any written communications and comments received into any of the U.S. Department of Transportation's (DOT) dockets by the name of the individual submitting the comment (or signing the document, if submitted on behalf of an association, business, labor union, etc.). Under 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its processes. DOT posts these comments, without edit, including any personal information the commenter provides, to www.regulations.gov, as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at <https://www.transportation.gov/privacy>. See also <https://www.regulations.gov/privacy-notice> for the privacy notice of [regulations.gov](http://www.regulations.gov).

Issued in Washington, DC.

John Karl Alexy,

Associate Administrator for Railroad Safety, Chief Safety Officer.

[FR Doc. 2024-21395 Filed 9-18-24; 8:45 am]

BILLING CODE 4910-06-P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA-2009-0078]

Petition for Amendment of Waiver of Compliance

Under part 211 of title 49 Code of Federal Regulations (CFR), this document provides the public notice that by letters dated May 14, 2024, and August 19, 2024, the American Short Line and Regional Railroad Association (ASLRRA) petitioned the Federal Railroad Administration (FRA) for an amendment of a waiver of compliance from certain provisions of the Federal hours of service (HOS) laws contained at 49 U.S.C. 21103(a)(4), which, in part, require a train employee to receive 48 hours off duty after initiating an on-duty period for 6 consecutive days. The relevant FRA Docket Number is FRA-2009-0078.

Specifically, ASLRRA seeks to amend its existing waiver to add 3 railroads that did not participate in the original waiver, but now wish to participate. ASLRRA stated the following railroads expressed a desire to participate in the waiver, and maintain at their headquarters supporting documentation of employee support, as required:

- Railserve facility in Pasadena, Texas
- Golden Triangle Railroad
- Jaxport Terminal Railroad

Additionally, ASLRRA stated that the Western New York and Pennsylvania Railroad will be removed from the list of participating railroads, which was requested by the Brotherhood of Locomotive Engineers and Trainmen (BLET) by letter dated May 20, 2024.¹ Further, by letter dated April 26, 2024, BLET requested that the Florida Gulf and Atlantic Railroad be removed from the subject waiver.²

A copy of the petition, as well as any written communications concerning the petition, is available for review online at www.regulations.gov.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested parties desire an opportunity for oral comment and a public hearing, they should notify FRA, in writing, before the end of the

comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number and may be submitted at www.regulations.gov. Follow the online instructions for submitting comments.

Communications received by November 18, 2024 will be considered by FRA before final action is taken. Comments received after that date will be considered if practicable.

Anyone can search the electronic form of any written communications and comments received into any of the Department of Transportation's (DOT) dockets by the name of the individual submitting the comment (or signing the document, if submitted on behalf of an association, business, labor union, etc.). Under 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its processes. DOT posts these comments, without edit, including any personal information the commenter provides, to www.regulations.gov, as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at <https://www.transportation.gov/privacy>. See also <https://www.regulations.gov/privacy-notice> for the privacy notice of [regulations.gov](http://www.regulations.gov).

Issued in Washington, DC.

John Karl Alexy,

Associate Administrator for Railroad Safety, Chief Safety Officer.

[FR Doc. 2024-21396 Filed 9-18-24; 8:45 am]

BILLING CODE 4910-06-P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

[Docket ID OCC-2024-0014]

FEDERAL RESERVE SYSTEM

[Docket No. OP-1836]

FEDERAL DEPOSIT INSURANCE CORPORATION

RIN 3064-ZA43

Request for Information on Bank-Fintech Arrangements Involving Banking Products and Services Distributed to Consumers and Businesses; Extension of Comment Period

AGENCY: Office of the Comptroller of the Currency, Treasury; Board of Governors of the Federal Reserve System; and Federal Deposit Insurance Corporation.

¹ See <https://www.regulations.gov/document/FRA-2009-0078-0221>.

² See <https://www.regulations.gov/document/FRA-2009-0078-0218>.

ACTION: Request for information and comment; extension of comment period.

SUMMARY: On July 31, 2024, the Office of the Comptroller of the Currency (OCC), Treasury, the Board of Governors of the Federal Reserve System (Board), and the Federal Deposit Insurance Corporation (FDIC) (collectively, the “agencies”) published in the **Federal Register** a request for information and comment soliciting input on the nature of bank-fintech arrangements, effective risk management practices regarding bank-fintech arrangements, and the implications of such arrangements, including whether enhancements to existing supervisory guidance may be helpful in addressing risks associated with these arrangements. Public comments were requested by September 30, 2024. The agencies have determined that an extension of the comment period until October 30, 2024, is appropriate.

DATES: The comment period for the notice that published at 89 FR 61577 (July 31, 2024) is extended. Comments must be received on or before October 30, 2024.

ADDRESSES: Comments should be directed to:

OCC: Commenters are encouraged to submit comments through the Federal eRulemaking Portal, if possible. Please use the title “Request for Information on Bank-Fintech Arrangements Involving Banking Products and Services Distributed to Consumers and Businesses” to facilitate the organization and distribution of the comments. You may submit comments by any of the following methods:

- *Federal eRulemaking Portal—Regulations.gov:* Go to <https://www.regulations.gov>. Enter “Docket ID OCC–2024–0014” in the Search Box and click “Search.” Public comments can be submitted via the “Comment” box below the displayed document information or by clicking on the document title and then clicking the “Comment” box on the top-left side of the screen. For help with submitting effective comments, please click on “Commenter’s Checklist.” For assistance with the *Regulations.gov* site, please call 1–866–498–2945 (toll free) Monday–Friday, 8:00 a.m. to 7:00 p.m. ET, or email regulationshelpdesk@gsa.gov.

- *Mail:* Chief Counsel’s Office, Attention: Comment Processing, Office of the Comptroller of the Currency, 400 7th Street SW, Suite 3E–218, Washington, DC 20219.

- *Hand Delivery/Courier:* 400 7th Street SW, Suite 3E–218, Washington, DC 20219.

Instructions: You must include “OCC” as the agency name and “Docket ID OCC–2024–0014” in your comment. In general, the OCC will enter all comments received into the docket and publish the comments on the *Regulations.gov* website without change, including any business or personal information provided such as name and address information, email addresses, or phone numbers. Comments received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. Do not include any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

You may review comments and other related materials that pertain to this action by the following method:

- *Viewing Comments Electronically—Regulations.gov:* Go to <https://www.regulations.gov/>. Enter “Docket ID OCC–2024–0014” in the Search Box and click “Search.” Click on the “Dockets” tab and then the document’s title. After clicking the document’s title, click the “Browse All Comments” tab. Comments can be viewed and filtered by clicking on the “Sort By” drop-down on the right side of the screen or the “Refine Comments Results” options on the left side of the screen. Supporting materials can be viewed by clicking on the “Browse Documents” tab. Click on the “Sort By” drop-down on the right side of the screen or the “Refine Results” options on the left side of the screen checking the “Supporting & Related Materials” checkbox. For assistance with the *Regulations.gov* site, please call 1–866–498–2945 (toll free) Monday–Friday, 8:00 a.m. to 7:00 p.m. eastern time (ET), or email regulationshelpdesk@gsa.gov.

The docket may be viewed after the close of the comment period in the same manner as during the comment period.

Board: You may submit comments, identified by Docket No. OP–1836, by any of the following methods:

- *Agency website:* <https://www.federalreserve.gov/>. Follow the instructions for submitting comments at <https://www.federalreserve.gov/apps/foia/proposedregs.aspx>.
- *Email:* regs.comments@federalreserve.gov. Include the OMB number or FR number in the subject line of the message.
- *Fax:* (202) 452–3819 or (202) 452–3102.
- *Mail:* Federal Reserve Board of Governors, Attn: Ann E. Misback, Secretary of the Board, Mailstop M–4775, 2001 C St. NW, Washington, DC 20551.

All public comments are available from the Board’s website at <https://www.federalreserve.gov/apps/foia/proposedregs.aspx> as submitted, unless modified for technical reasons or to remove personally identifiable information at the commenter’s request. Accordingly, comments will not be edited to remove any confidential business information, identifying information, or contact information. Public comments may also be viewed electronically or in paper in Room M–4365A, 2001 C St. NW, Washington, DC 20551, between 9:00 a.m. and 5:00 p.m. on weekdays, except for Federal holidays. For security reasons, the Board requires that visitors make an appointment to inspect comments. You may do so by calling (202) 452–3684. Upon arrival, visitors will be required to present valid government-issued photo identification and to submit to security screening in order to inspect and photocopy comments.

FDIC: You may submit comments, identified by RIN 3064–ZA43, by any of the following methods:

- *Agency website:* <https://www.fdic.gov/resources/regulations/federal-register-publications/>. Follow instructions for submitting comments on the FDIC’s website.
- *Email:* Comments@fdic.gov. Include “Request for Information on Bank-Fintech Arrangements Involving Banking Products and Services Distributed to Consumers and Businesses/RIN 3064–ZA43” in the subject line of the message.
- *Mail:* James P. Sheesley, Assistant Executive Secretary, Attention: Request for Information on Bank-Fintech Arrangements Involving Banking Products and Services Distributed to Consumers and Businesses—RIN 3064–ZA43, Federal Deposit Insurance Corporation, 550 17th Street NW, Washington, DC 20429.
- *Hand Delivery:* Comments may be hand-delivered to the guard station at the rear of the 550 17th Street NW, building (located on F Street NW) on business days between 7:00 a.m. and 5:00 p.m. ET.
- *Public Inspection:* Comments received, including any personal information provided, may be posted without change to <https://www.fdic.gov/resources/regulations/federal-register-publications/>. Commenters should submit only information that the commenter wishes to make available publicly. The FDIC may review, redact, or refrain from posting all or any portion of any comment that it may deem to be inappropriate for publication, such as irrelevant or obscene material. The FDIC may post only a single representative

example of identical or substantially identical comments, and in such cases will generally identify the number of identical or substantially identical comments represented by the posted example. All comments that have been redacted, as well as those that have not been posted, that contain comments on the merits of this notice will be retained in the public comment file and will be considered as required under all applicable laws. All comments may be accessible under the Freedom of Information Act.

FOR FURTHER INFORMATION CONTACT:

OCC: Miriam Bazan, Financial Technology Policy Specialist, or Tracy Chin, Director for Payment Systems Policy, Bank Supervision Policy (202) 649-5200; or Beth Knickerbocker, Special Counsel, Micah Cogen, Counsel, or Graham Bannon, Counsel, Chief Counsel's Office (202) 649-5490. If you are deaf, hard of hearing, or have a speech disability, please dial 7-1-1 to access telecommunications relay services.

Board: Kavita Jain, Associate Director, Novel Activities and Innovation Policy, (202) 452-2062, Jeff Ernst, Manager, Innovation Policy, (202) 452-2814, or Roman Goldstein, Lead Financial Institution Policy Analyst, (202) 452-3802, Division of Supervision and Regulation; Drew Kohan, Associate Director, Program Direction, Division of Consumer and Community Affairs, (202) 452-3040; Asad Kudiya, Deputy Associate General Counsel, (202) 475-6358 or Isabel Echarte, Attorney, (202) 452-2514, Legal Division, Board of Governors of the Federal Reserve System, 20th and C Streets NW, Washington, DC 20551. For the hearing impaired only, Telecommunication Device for the Deaf (TDD), (202) 263-4869.

FDIC: Rae-Ann Miller, Senior Deputy Director, (202) 898-3898, or Tom Lyons, Associate Director, (202) 898-6850, Division of Risk Management Supervision; Luke Brown, Associate Director, (202) 898-3842, or Meron Wondwosen, Chief, (571) 438-7127, Division of Depositor and Consumer Protection; Annmarie Boyd, Senior Counsel, (202) 898-3714, or Vivek Khare, Senior Counsel, (202) 898-6847; FDIC, 550 17th Street NW, Washington, DC 20429.

SUPPLEMENTARY INFORMATION: On July 31, 2024, the agencies published in the *Federal Register* a request for information and comment soliciting input on the nature of bank-fintech arrangements, effective risk management practices regarding bank-fintech arrangements, and the

implications of such arrangements, including whether enhancements to existing supervisory guidance may be helpful in addressing risks associated with these arrangements.¹ The request for information and comment stated that the comment period would close on September 30, 2024. The agencies have received a request to extend the comment period for an additional 30 days. After reviewing the request, the agencies find it appropriate to grant the request and extend the comment period by an additional 30 days. An extension of the comment period will provide additional opportunity for the public to consider the request, prepare comments, and address the questions posed by the agencies. Therefore, the agencies are extending the end of the comment period from September 30, 2024, to October 30, 2024.

Michael J. Hsu,

Acting Comptroller of the Currency.

By order of the Board of Governors of the Federal Reserve System.

Ann E. Misback,

Secretary of the Board.

Federal Deposit Insurance Corporation.

Dated at Washington, DC, on September 13, 2024.

James P. Sheesley,

Assistant Executive Secretary.

[FR Doc. 2024-21413 Filed 9-18-24; 8:45 am]

BILLING CODE 4810-33-P; 6210-01-P; 6714-01-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 U.S. Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing the names of one or more persons that have been placed on OFAC's Specially Designated Nationals and Blocked Persons List (SDN List) based on OFAC's determination that one or more applicable legal criteria were satisfied. All property and interests in property subject to U.S. jurisdiction of these persons are blocked, and U.S. persons are generally prohibited from engaging in transactions with them.

DATES: See **SUPPLEMENTARY INFORMATION** section for effective date(s).

FOR FURTHER INFORMATION CONTACT:

OFAC: Lisa M. Palluconi, Acting Director, tel.: 202-622-2490; Associate

Director for Global Targeting, tel.: 202-622-2420; Assistant Director for Licensing, tel.: 202-622-2480; Assistant Director for Regulatory Affairs, tel.: 202-622-4855; or Assistant Director for Sanctions Compliance & Evaluation, tel.: 202-622-2490.

SUPPLEMENTARY INFORMATION:

Electronic Availability

The SDN List and additional information concerning OFAC sanctions programs are available on OFAC's website (<https://www.treasury.gov/ofac>).

Notice of OFAC Actions

On September 12, 2024, OFAC determined that the property and interests in property subject to U.S. jurisdiction of the following persons are blocked under the relevant sanctions authorities listed below.

Individuals

1. **MENESES RODRIGUEZ**, Antonio Jose, Venezuela; DOB 10 Dec 1980; nationality Venezuela; Gender Male; Cedula No. V14316687 (Venezuela) (individual) [VENEZUELA].

Designated pursuant to section 1(a)(ii)(C) of Executive Order 13692 of March 8, 2015, "Blocking Property and Suspending Entry of Certain Persons Contributing to the Situation in Venezuela," 80 FR 12747, 3 CFR, 2015 Comp., p. 276 (March 11, 2015) (E.O. 13692), as amended by Executive Order 13857 of January 25, 2019, "Taking Additional Steps To Address the National Emergency With Respect to Venezuela," 84 FR 509, 3 CFR, 2019 Comp., p. 251 (January 30, 2019) (E.O. 13857), for being a current or former official of the Government of Venezuela.

2. **HIDALGO PANDARES**, Juan Carlos (a.k.a. "PANDARES, Juan Carlos"), Venezuela; DOB 20 Oct 1961; POB Maracay, Aragua, Venezuela; nationality Venezuela; Gender Male; Cedula No. V7220202 (Venezuela) (individual) [VENEZUELA].

Designated pursuant to section 1(a)(ii)(C) of E.O. 13692, as amended by E.O. 13857, for being a current or former official of the Government of Venezuela.

3. **BUSTAMANTE PUERTA**, Dinorah Yoselin (a.k.a. BUSTAMANTE PUERTA, Dinora Joselin; a.k.a. BUSTAMANTE PUERTA, Dinora Yoselin), Venezuela; DOB 14 Jan 1975; POB Venezuela; nationality Venezuela; Gender Female; Cedula No. V10002096 (Venezuela) (individual) [VENEZUELA].

Designated pursuant to section 1(a)(ii)(C) of E.O. 13692, as amended by E.O. 13857, for being a current or former official of the Government of Venezuela.

4. **MARQUEZ CORDERO**, Fanny Beatriz, Caracas, Venezuela; DOB 05 Feb 1969; POB Caracas, Venezuela; nationality Venezuela; Gender Female; Cedula No. 6272864 (Venezuela); Passport 054208483 (Venezuela) expires 01 Feb 2017 (individual) [VENEZUELA].

Designated pursuant to section 1(a)(ii)(C) of E.O. 13692, as amended by E.O. 13857, for

¹ 89 FR 61577 (July 31, 2024).

being a current or former official of the Government of Venezuela.

5. BRITO HERNANDEZ, Asdrubal Jose, Venezuela; DOB 06 Jan 1974; POB Venezuela; nationality Venezuela; citizen Venezuela; Gender Male; Cedula No. 12251274 (Venezuela) (individual) [VENEZUELA].

Designated pursuant to section 1(a)(ii)(C) of E.O. 13692, as amended by E.O. 13857, for being a current or former official of the Government of Venezuela.

6. HERNANDEZ LAREZ, Johan Alexander, Venezuela; DOB 30 Jan 1971; POB Venezuela; nationality Venezuela; citizen Venezuela; Gender Male; Cedula No. 9888327 (Venezuela) (individual) [VENEZUELA].

Designated pursuant to section 1(a)(ii)(C) of E.O. 13692, as amended by E.O. 13857, for being a current or former official of the Government of Venezuela.

7. MUNOZ PALACIOS, Miguel Antonio, Caracas, Venezuela; DOB 12 Jul 1964; POB Caracas, Venezuela; nationality Venezuela; Gender Male; Cedula No. 6186648 (Venezuela) (individual) [VENEZUELA].

Designated pursuant to section 1(a)(ii)(C) of E.O. 13692, as amended by E.O. 13857, for being a current or former official of the Government of Venezuela.

8. DUENEZ REYES, Luis Ernesto, Caracas, Venezuela; DOB 20 Aug 1988; POB San Cristobal, Venezuela; nationality Venezuela; Gender Male; Cedula No. 18880942 (Venezuela) (individual) [VENEZUELA].

Designated pursuant to section 1(a)(ii)(C) of E.O. 13692, as amended by E.O. 13857, for being a current or former official of the Government of Venezuela.

9. GIL RODRIGUEZ, Malaquias (a.k.a. "RODRIGUEZ, Malaquias"), Carache, Trujillo, Venezuela; DOB 27 Feb 1960; POB Trujillo, Venezuela; nationality Venezuela; Gender Male; Cedula No. V5352190 (Venezuela) (individual) [VENEZUELA].

Designated pursuant to section 1(a)(ii)(C) of E.O. 13692, as amended by E.O. 13857, for being a current or former official of the Government of Venezuela.

10. GIL PACHECO, Rosalba, Venezuela; DOB 18 Mar 1965; POB Caracas, Venezuela; nationality Venezuela; Gender Female; Cedula No. V6186648 (Venezuela); Passport 045745320 (Venezuela) expires 09 Aug 2020 (individual) [VENEZUELA].

Designated pursuant to section 1(a)(ii)(C) of E.O. 13692, as amended by E.O. 13857, for being a current or former official of the Government of Venezuela.

11. INFANTE APARICIO, Pedro Jose (a.k.a. "APARICIO, Pedro Jose"), Caracas, Venezuela; DOB 01 Sep 1981; POB Caracas, Venezuela; nationality Venezuela; Gender Male; Cedula No. V15541220 (Venezuela) (individual) [VENEZUELA].

Designated pursuant to section 1(a)(ii)(C) of E.O. 13692, as amended by E.O. 13857, for being a current or former official of the Government of Venezuela.

12. FIGUEROA ARIZALETA, Inocencio Antonio (a.k.a. "ARIZALETA, Inocencio Antonio"), Calle Piramide Red Majestic Park Torre D Apto 25 Urb Miranda, Sucre, Miranda 1090, Venezuela; DOB 17 Dec 1959; POB Caracas, Venezuela; nationality

Venezuela; Gender Male; Cedula No. 5016509 (Venezuela) (individual) [VENEZUELA].

Designated pursuant to section 1(a)(ii)(C) of E.O. 13692, as amended by E.O. 13857, for being a current or former official of the Government of Venezuela.

13. ESTRADA PAREDES, Elio Ramon, Capital District, Venezuela; DOB 02 Dec 1966; POB Caracas, Venezuela; nationality Venezuela; Gender Male; Cedula No. 6857541 (Venezuela) (individual) [VENEZUELA].

Designated pursuant to section 1(a)(ii)(C) of E.O. 13692, as amended by E.O. 13857, for being a current or former official of the Government of Venezuela.

14. BRICENO CISNEROS, Edward Miguel, Caracas, Venezuela; DOB 11 Mar 1986; POB Caracas, Venezuela; nationality Venezuela; Gender Male; Cedula No. 17514632 (Venezuela) (individual) [VENEZUELA].

Designated pursuant to section 1(a)(ii)(C) of E.O. 13692, as amended by E.O. 13857, for being a current or former official of the Government of Venezuela.

15. HERNANDEZ LAREZ, Domingo Antonio, Capital District, Venezuela; DOB 09 Mar 1965; POB Venezuela; nationality Venezuela; Gender Male; Cedula No. 6133376 (Venezuela); Passport B0700456 (Venezuela) (individual) [VENEZUELA].

Designated pursuant to section 1(a)(ii)(C) of E.O. 13692, as amended by E.O. 13857, for being a current or former official of the Government of Venezuela.

16. RODRIGUEZ RODRIGUEZ, Caryslia Beatriz, Caracas, Venezuela; DOB 16 Jul 1967; POB Maracay, Venezuela; nationality Venezuela; Gender Female; Cedula No. 8671555 (Venezuela) (individual) [VENEZUELA].

Designated pursuant to section 1(a)(ii)(C) of E.O. 13692, as amended by E.O. 13857, for being a current or former official of the Government of Venezuela.

Dated: September 12, 2024.

Lisa M. Palluconi,

Acting Director, Office of Foreign Assets Control, U.S. Department of the Treasury.

[FR Doc. 2024–21331 Filed 9–18–24; 8:45 am]

BILLING CODE 4810-AL-P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Agency Collection Activities; Requesting Comments on Form 15426

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Internal Revenue Service, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction

Act of 1995. The IRS is soliciting comments concerning Form 15426, IRS Governmental Liaison (GL) Data Exchange Request.

DATES: Written comments should be received on or before November 18, 2024 to be assured of consideration.

ADDRESSES: Direct all written comments to Andres Garcia, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or by email to pra.comments@irs.gov. Include "OMB Control No. 1545–NEW–Form 15426" in the subject line of the message.

FOR FURTHER INFORMATION CONTACT:

Requests for additional information or copies of this collection should be directed to Jason Schoonmaker, (801) 620–2128, at Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or through the internet at jason.m.schoonmaker@irs.gov.

SUPPLEMENTARY INFORMATION: The IRS is currently seeking comments concerning the following information collection tools, reporting, and record-keeping requirements:

Title: IRS Governmental Liaison (GL) Data Exchange Request.

OMB Number: 1545–NEW.

Form Number: Form 15426.

Abstract: Form 15426 is an initial intake form used to establish a collaboration between internal IRS business units and external stakeholders before the commencement of any agreement of tax return and tax return information to be exchanged. The respondents are Federal, State, and local agencies that are voluntarily initiating a request for data from the IRS.

Current Actions: There is a new information collection.

Type of Review: New collection.

Affected Public: Federal, State, and local agencies.

Estimated Number of Responses: 15.

Estimated Time per Respondent: 1 hours.

Estimated Total Annual Burden Hours: 15.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

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: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: September 16, 2024.

Jon R. Callahan,
Senior Tax Analyst.

[FR Doc. 2024-21443 Filed 9-18-24; 8:45 am]

BILLING CODE 4830-01-P

DEPARTMENT OF THE TREASURY

Privacy Act of 1974; System of Records

AGENCY: Departmental Offices, Department of the Treasury.

ACTION: Notice of a new system of records.

SUMMARY: In accordance with the Privacy Act of 1974, as amended (Privacy Act), the Department of the Treasury (Treasury), Departmental Offices proposes to establish a new Treasury system of records entitled "Department of the Treasury, Departmental Offices .413—Outbound Investment Security Program Notification System" for information collected in connection with the implementation of the Executive order, "Addressing United States Investments in Certain National Security Technologies and Products in Countries of Concern." This action is necessary to meet the requirements of the Privacy Act to publish in the **Federal Register** notice of the existence and character of the system of records maintained by Treasury.

DATES: Written comments must be received by October 21, 2024. The new routine uses will be applicable on October 21, 2024 unless Treasury receives comments and determines that

changes to the system of records notice are necessary.

ADDRESSES: Comments may be submitted by any of the following methods:

- **Federal E-rulemaking Portal:** <https://www.regulations.gov>. Follow the instructions for submitting comments. Electronic submission of comments allows the commenter maximum time to prepare and submit a comment and ensures timely receipt.

- **Mail:** U.S. Department of the Treasury, Attention: Meena R. Sharma, Director, Office of Investment Security Policy and International Relations, 1500 Pennsylvania Avenue NW, Washington, DC 20220.

Treasury encourages comments to be submitted via <https://www.regulations.gov>. All comments submitted, including attachments and other supporting material, will be made public, including any personally identifiable or confidential business information that is included in a comment. Therefore, commenters should submit only information that they wish to make publicly available. Commenters who wish to remain anonymous should not include identifying information in their comments.

FOR FURTHER INFORMATION CONTACT: For general questions and questions regarding privacy issues, please contact: Ryan Law, Deputy Assistant Secretary for Privacy, Transparency, and Records, Department of the Treasury, 1500 Pennsylvania Avenue NW, Washington, DC 20220; telephone: (202) 622-5710.

SUPPLEMENTARY INFORMATION: In accordance with the Privacy Act of 1974, 5 U.S.C. 552a, as amended (the Privacy Act), the Department of the Treasury (Treasury), Departmental Offices proposes to establish a new system of records entitled "Department of the Treasury, Departmental Offices .413—Outbound Investment Security Program Notification System" for information collected in connection with the implementation of Executive Order 14105 of August 9, 2023, 88 FR 54867 (the Outbound Order).

As background, on August 9, 2023, the President issued the Outbound Order, which declares a national emergency to address the threat to the United States posed by countries of concern, which seek to develop and exploit sensitive technologies or products critical for military, intelligence, surveillance, or cyber-enabled capabilities. Among other things, the Outbound Order directs the Secretary of the Treasury to issue regulations that require U.S. persons to

provide notification of information to Treasury regarding certain transactions involving a person of a country of concern that is engaged in certain activities involving covered national security technologies and products that may contribute to the threat to the national security of the United States as identified under the Outbound Order. The Outbound Order also directs the Secretary of the Treasury to issue regulations that prohibit certain transactions by a U.S. person involving a person of a country of concern that is engaged in certain activities involving covered national security technologies and products that pose a particularly acute national security threat to the United States. The Outbound Order authorizes the Secretary of the Treasury to exempt from applicable notification or prohibition requirements any transaction or transactions determined to be in the national interest of the United States. On August 9, 2023, Treasury issued an Advance Notice of Proposed Rulemaking, 88 FR 54961 (published August 14, 2023), to explain initial considerations and seek public comment on implementation of the Outbound Order.

On June 21, 2024, Treasury issued a Notice of Proposed Rulemaking (NPRM) to seek public comment on the proposed rule, 89 FR 55846 (published July 5, 2024). As described in the NPRM, Treasury intends to require U.S. persons to provide notification of certain transactions under its implementing regulations. This information would include relevant details on the U.S. person(s) involved in the transaction as well as information on the transaction and the foreign person(s) involved. These notifications would increase the U.S. Government's visibility into transactions by U.S. persons or their controlled foreign entities and involving technologies and products relevant to the threat to the national security of the United States due to the policies and actions of countries of concern. These notifications would also be helpful in highlighting aggregate sector trends and related capital flows as well as informing future policy development. Treasury also intends to require any U.S. person seeking a national interest exemption for a particular transaction to submit information to Treasury regarding the scope of that transaction including, as applicable, the information that would be required for a notification under the implementing regulations (such transactions, together with transactions that would be required to be notified to Treasury, are

referred to herein as “transactions notified to Treasury”).

The new system of records will support Treasury’s collection of information in the performance of its analysis of these transactions, and for other purposes associated with its national security functions. The system may include records from other systems of records both within Treasury and in records provided by certain other Executive Branch agencies. Any records from another Treasury system of records or another Executive Branch agency’s system of records for which an exemption is claimed under 5 U.S.C. 552a(j) or (k) that may also be included in this system of records retain the same exempt status as such records have in the system for which such exemption is claimed. Treasury will consult with the Department of Commerce and, as appropriate, certain other Executive Branch agencies on analysis of transactions consistent with the Outbound Order. Records will be protected according to applicable rules and policies with system access being limited to individuals who need to know the information for the performance of their official duties.

The related information collections have been submitted to the Office of Management and Budget on July 8, 2024 under control number: 202407–1505–002.

Additionally, Treasury’s Departmental Offices is issuing a separate Notice of Proposed Rulemaking to exempt this system of records from certain provisions of the Privacy Act.

This established system will be included in Treasury’s inventory of record systems. Below is the description of the “Department of the Treasury, Departmental Offices .413—Outbound Investment Security Program Notification System.”

In accordance with 5 U.S.C. 552a(r), Treasury has provided a report of this new system to OMB and to the U.S. Congress.

Dated: September 12, 2024.

Ryan Law,

Deputy Assistant Secretary for Privacy, Transparency, and Records.

SYSTEM NAME AND NUMBER:

Department of the Treasury, Departmental Offices .413—Outbound Investment Security Program Notification System.

SECURITY CLASSIFICATION:

Classified.

SYSTEM LOCATION:

Records are maintained at the Departmental Offices: 1500

Pennsylvania Avenue NW, Washington, DC 20220.

SYSTEM MANAGER(S):

a. Director, Office of Investment Security Policy and International Relations, U.S. Department of the Treasury, 1500 Pennsylvania Avenue NW, Washington, DC 20220.

b. Director, Office of Global Transactions Review, U.S. Department of the Treasury, 1500 Pennsylvania Avenue NW, Washington, DC 20220.

c. Chief Information Officer, U.S. Department of the Treasury, 1750 Pennsylvania Avenue NW, Washington, DC 20220.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

31 U.S.C. 321; 5 U.S.C. 301; 44 U.S.C. 1301; E.O. 9397, 12333, 12968, 13478, 13526, 14105

PURPOSE(S) OF THE SYSTEM:

The purpose of this system is to collect information submitted by the relevant party regarding certain transactions notified to Treasury, and other available information related to such transactions, and disseminate such information to the Department of Commerce and, as appropriate, certain other Executive Branch agencies, in connection with the analysis of such transactions consistent with the Outbound Order.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The system covers individual U.S. persons that are party to or otherwise involved in a transaction notified to Treasury and whose information is provided to Treasury through the notifications or through other means. The term “U.S. person” is defined in the NPRM, and consistent with the Outbound Order, to mean “any United States citizen, lawful permanent resident, entity organized under the laws of the United States or any jurisdiction within the United States, including any foreign branch of any such entity, or any person in the United States.”

CATEGORIES OF RECORDS IN THE SYSTEM:

Records consist of information submitted to Treasury regarding certain transactions notified to Treasury and other available information related to such transactions. Records include, but may not be limited to, the following information, which is being collected either pursuant to the Outbound Order and implementing regulations or as needed to administer the Outbound Investment Security Program Notification System.

(1) Full name (last, middle, first)

(2) Position/job title
(3) Email address (personal/business)
(4) Mailing address (personal/business)
(5) Phone number (personal/business); and
(6) Employer (name and business location)

RECORD SOURCE CATEGORIES:

The information contained in the records in the Outbound Investment Security Program Notification System may be provided by the individual who is the subject of the record, their representative, the representative of an entity filing a notification to Treasury, or through other means.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

Only to the extent consistent with the Outbound Order and the implementing regulations, and in addition to those disclosures generally permitted under the Privacy Act of 1974, 5 U.S.C. 552a(b), records and/or information or portions thereof maintained as part of this system may be disclosed outside Treasury as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

(1) To appropriate agencies, entities, and persons, including the United States Department of Justice (DOJ), when such records and/or information or portions thereof are relevant to any judicial or administrative action or proceeding;

(2) To any domestic governmental entity, or to any foreign governmental entity of a United States partner or ally, where the information or documentary materials are important to the national security analysis or actions of such governmental entity or Treasury, subject to appropriate confidentiality and classification requirements;

(3) To Congress or to any duly authorized committee or subcommittee of Congress;

(4) To the National Archives and Records Administration or General Services Administration pursuant to records management inspections being conducted under the authority of 44 U.S.C. 2904 and 2906;

(5) To appropriate agencies, entities, and persons when (1) Treasury suspects or has confirmed that there has been a breach of the system of records; (2) Treasury has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, Treasury (including its information systems, programs, and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is

reasonably necessary to assist in connection with Treasury's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm;

(6) To another Federal agency or Federal entity, when Treasury determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach;

(7) To the Department of Commerce and, as appropriate, certain other Executive Branch agencies, consistent with the Outbound Order and the implementing regulations; and,

(8) To parties to transactions when Treasury requires additional information or clarification on issues related to individuals involved in the transaction.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Records in this system are stored in security controlled physical locations, using information technology that follows federal information security standards and directives.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Records in this system may be retrieved, for authorized purposes, by name or another unique identifier.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

Records in this system are maintained in a secure IT system following federal information security standards and directives and in security controlled physical locations according to the General Records Schedule 5.2, item 020, Intermediary Records. Records will be disposed of in accordance with the requirements of the Federal Records Act and applicable record retention schedules.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

Records in this system are safeguarded in accordance with applicable rules and policies, including all applicable Treasury information systems security and access policies. Strict controls are imposed to minimize the risk of compromising the information that is being stored. Access to the records in this system is limited to those individuals who have appropriate permissions and a need to know for the performance of their official duties. User activity is recorded by the system for audit purposes. Electronic records are encrypted at rest and in transit. Records are maintained in buildings subject to 24-hour security.

RECORD ACCESS PROCEDURES:

See "Notification Procedures" below.

CONTESTING RECORD PROCEDURES:

See "Notification Procedures" below.

NOTIFICATION PROCEDURES:

The Secretary of the Treasury has exempted this system from the notification, access, and amendment procedures of the Privacy Act because it

contains classified information and investigatory material compiled for law enforcement purposes, other than material within the scope of subsection (j)(2) of the Privacy Act. Subject to the foregoing, Treasury will consider individual requests to determine whether or not information may be released. Thus, individuals seeking notification of and access to any record contained in this system of records, or seeking to contest its content, may inquire in writing in accordance with instructions appearing at 31 CFR part 1, subpart C, Appendix A. Requests for information and specific guidance on where to send requests for records may be addressed to Director, FOIA Services, Department of the Treasury, 1750 Pennsylvania Avenue NW, Washington, DC 20220.

When seeking records about yourself from this system of records or any other Treasury system of records your request must conform with the Privacy Act regulations set forth in 31 CFR 1.26. While no specific form is required, you may obtain forms for this purpose from the Director, FOIA Services, Department of the Treasury, 1750 Pennsylvania Avenue NW, Washington, DC 20220.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

Certain records in this system are exempt from 5 U.S.C. 552a(c)(3), (d)(1), (2), (3), and (4), (e)(1), (e)(4)(G), (H), and (I), and (f) of the Privacy Act pursuant to 5 U.S.C. 552a(k)(1) and (k)(2).

HISTORY:

None.

[FR Doc. 2024-21280 Filed 9-18-24; 8:45 am]

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September 19, 2024

Part II

Department of Transportation

National Highway Traffic Safety Administration

49 CFR Part 571

Federal Motor Vehicle Safety Standards; Pedestrian Head Protection,
Global Technical Regulation No. 9; Incorporation by Reference; Proposed
Rule

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety
Administration

49 CFR Part 571

[Docket No. NHTSA–NHTSA–2024–0057]

RIN 2127–AK98

Federal Motor Vehicle Safety
Standards; Pedestrian Head
Protection, Global Technical
Regulation No. 9; Incorporation by
Reference

AGENCY: National Highway Traffic
Safety Administration (NHTSA),
Department of Transportation (DOT).

ACTION: Notice of proposed rulemaking
(NPRM).

SUMMARY: NHTSA proposes a new Federal Motor Vehicle Safety Standard (FMVSS) that would ensure passenger vehicles with a gross vehicle weight rating (GVWR) of 4,536 kilograms (kg) (10,000 pounds (lb)) or less are designed to mitigate the risk of serious to fatal injury in child and adult pedestrian crashes. The proposed standard would establish test procedures simulating a head-to-hood impact and performance requirements to minimize the risk of head injury. This NPRM is based on a Global Technical Regulation (GTR) on pedestrian protection, with focused enhancements to address safety problems and a regulatory framework unique to the United States.

DATES: Comments must be received on or before November 18, 2024.

Proposed compliance date: The first September 1, two (2) years following the date of publication of any final rule in the **Federal Register**, with optional early compliance permitted. Final-stage manufacturers and alterers would be provided an additional year to comply.

ADDRESSES: You may submit comments to the docket number identified in the heading of this document by any of the following methods:

- *Federal eRulemaking Portal:* Go to <https://www.regulations.gov>. Follow the online instructions for submitting comments.
- *Mail:* Docket Management Facility, M–30, U.S. Department of Transportation, West Building, Ground Floor, Rm. W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.
- *Hand Delivery or Courier:* West Building, Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, between 9 a.m. and 5 p.m. Eastern Time, Monday through Friday, except Federal holidays. To be sure someone is there to

help you, please call (202) 366–9332 before coming.

Regardless of how you submit your comments, please mention the docket number of this document.

Instructions: For detailed instructions on submitting comments and additional information on the rulemaking process, see the Public Participation heading of the **SUPPLEMENTARY INFORMATION** section of this document. Note that all comments received will be posted without change to <https://www.regulations.gov>, including any personal information provided.

Docket: For access to the docket to read background documents or comments received, go to www.regulations.gov, or the street address listed above. To be sure someone is there to help you, please call (202) 366–9322 before coming. Follow the online instructions for accessing the dockets.

FOR FURTHER INFORMATION CONTACT: For non-legal issues: Vincent Wu, Office of Crashworthiness Standards (telephone: (202) 366–1740, fax (202) 493–2990). For legal issues: Matthew Filpi, Office of the Chief Counsel (telephone: 202–366–3179). The mailing address for these officials is: National Highway Traffic Safety Administration, 1200 New Jersey Avenue SE, Washington, DC 20590.

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I. Executive Summary

Improving pedestrian safety is a high priority of the Department of Transportation. Data show pedestrian fatalities increasing substantially in recent years. NHTSA issues this NPRM in an effort to address this safety problem. This NPRM proposes a new Federal Motor Vehicle Safety Standard (FMVSS) that would ensure that passenger vehicles are designed to reduce the risk of serious to fatal child and adult head injury in pedestrian crashes. This rulemaking initiates the process of adopting a Global Technical Regulation (GTR) on pedestrian protection as an FMVSS, with focused enhancements to the GTR to address safety problems and a regulatory framework unique to the U.S. In addition, this NPRM furthers the goals and policies of DOT's January 2022 National Roadway Safety Strategy, which describes the five key objectives of the Department's Safe System Approach: safer people, safer roads, safer vehicles, safer speeds, and post-crash care.

New Federal Motor Vehicle Safety Standard No. 228, *Pedestrian head protection*, would apply to passenger cars, light trucks (including pickups), multipurpose passenger vehicles (MPVs) (MPVs include sport utility vehicles (SUVs), crossover vehicles and vans) and buses with a GVWR of 4,536 kg (10,000 lb) or less. The standard would require vehicles to meet a head injury criterion (HIC) when subjected to testing simulating a head-to-hood impact. The vehicles would have to reduce the risk of serious to fatal head injury to child and adult pedestrians in impacts at vehicle speeds up to 40 km/h (25 mph), which encompass about 70 percent of pedestrian injuries from vehicle impacts. Moreover, it is expected the standard would be beneficial even at higher speeds.¹ This

¹ Hu, J., Lin, Y.-S., Boyle, K., Bonifas, A., Reed, M.P., Gupta, V., & Lin, C.H. (2023, November).

NPRM advances NHTSA's objective of adopting a motor vehicle crashworthiness safety standard to ensure that passenger vehicles are designed to mitigate the risk of serious to fatal child and adult pedestrian head injury.

This NPRM is part of a multi-step approach to enhance vehicle performance against pedestrian injury. First, it initiates the process of adopting Global Technical Regulation No. 9 (GTR 9), "Pedestrian safety," into the Federal safety standards. NHTSA has collaborated with governments internationally to develop GTR 9, and numerous countries have adopted the GTR into their regulations. FMVSS No. 228 would establish a pedestrian standard domestically, to ensure that all vehicles with a GVWR of 4,536 kg (10,000 lb.) or less manufactured in or imported into the United States—including a sub-group of light trucks (large pickups and large SUVs) more common in the U.S. than in other parts of the world—mitigate the risk of serious head injury to pedestrians.

Second, the standard would provide a regulatory counterpart to NHTSA's planned crashworthiness pedestrian protection testing program in the New Car Assessment Program (NCAP) in the near term.² On May 26, 2023, NHTSA published an NCAP Request for Comment (NCAP RFC) proposing to adopt a crashworthiness pedestrian protection program into NHTSA's NCAP.³ NCAP would build on proposed FMVSS No. 228 and incorporate enhanced crashworthiness tests into NCAP that go beyond the specifications of proposed FMVSS No. 228. NCAP remains a consumer information program that provides consumers with vehicle safety information for their purchasing decisions. Providing this information encourages manufacturers to voluntarily make changes to vehicles that reflect positively in the NCAP safety information and thereby improves safety through the marketplace. FMVSSs, on the other hand, are mandatory and mandate at least a minimum level of safety that all new vehicles *must* provide to every purchaser. NHTSA has observed that, in

the case of both electronic stability control and rear visibility cameras, only approximately 70 percent of vehicles had these technologies during the time they were part of NCAP. Thus, while NCAP serves a vital safety purpose, NHTSA also recognizes its limitations in ensuring that every vehicle provides the performance necessary to provide the requisite level of safety to all purchasers. Because only an FMVSS can ensure that all vehicles are equipped with technologies and vehicle designs that meet the specified performance requirements, NCAP can supplement but not substitute for the FMVSS. The FMVSS remains NHTSA's core way of ensuring that all motor vehicles provide the requisite level of safety performance, and provide it within a practicable timeframe. Although the NCAP program provides valuable safety-related information to consumers in a simple and easy-to-understand manner, the agency believes that the proposed rule is necessary to achieve the highest level of pedestrian safety feasible and at the fastest achievable timeframe based on the performance requirements and lead time specified in the proposed rule. Additional discussion on the NCAP RFC is provided later in this preamble.

Third, this rulemaking proposing FMVSS No. 228 is intended to work hand-in-hand with the growth and expansion of automatic emergency braking (AEB) technologies. An AEB system uses various sensor technologies and sub-systems that work together to detect when the vehicle is in a crash imminent situation, to automatically apply the vehicle brakes if the driver has not done so, or to apply more braking force to supplement the driver's braking. AEB systems were originally developed to detect a crash imminent situation with a lead vehicle, but AEB is in a state of rapid advancement and some of the systems on the market now also warn about, and respond to, an imminent collision with a pedestrian. Pedestrian AEB (PAEB) systems are designed to stop the vehicle automatically before striking a pedestrian or reduce the speed at which an impact occurs if the vehicle's initial speed is too high to avoid impact. On May 9, 2024, NHTSA published a final rule requiring AEB and PAEB systems on light vehicles which adopts FMVSS No. 127.⁴ FMVSS No. 127 builds on a voluntary commitment, announced by NHTSA in March 2016, by 20 vehicle

manufacturers to make lead-vehicle AEB a standard feature on light vehicles, though that commitment did not include PAEB.⁵ When new vehicles are equipped with PAEB, we anticipate that fewer pedestrians will be struck. For some impacts that cannot be avoided due to the closing speed of the vehicle (the relative speed between the vehicle and what it is approaching, in this case, the pedestrian), PAEB will lower the vehicle's speed so more impacts will be at speeds of 40 km/h (25 mph) or less, which is the velocity range FMVSS No. 228 is designed to replicate. FMVSS No. 228 would address those crashes and ensure the vehicles mitigate the risk of serious to fatal head injury in these impacts.⁶ PAEB will eliminate many pedestrian impacts and reduce the impact of those crashes that do occur. This NPRM, if adopted, would further reduce the risk of serious injury or death from head injuries if a pedestrian strikes the hood of a vehicle. NHTSA has accounted for the effect of FMVSS No. 127 in estimating the economic impacts of this rulemaking.

This NPRM proposes FMVSS No. 228 and aligns with the goals of DOT's January 2022 National Roadway Safety Strategy, which describes the five key objectives of the Department's Safe System Approach: safer people, safer roads, safer vehicles, safer speeds, and post-crash care. FMVSS No. 228 would mandate requirements for safer vehicles and leverage advanced crash avoidance technology like PAEB in conjunction with the crashworthiness countermeasures based on GTR 9 to realize far-reaching improvements to pedestrian safety. NHTSA also notes that although research into vulnerable

⁵ The 20 vehicle manufacturers represent more than 99 percent of the U.S. market. The commitment was to have AEB on virtually all (at least 95 percent) new passenger cars, light trucks, and MPVs with a GVWR of 8,500 pounds or less no later than September 1, 2022, and a standard feature on virtually all light trucks and MPVs with a GVWR between 8,501 pounds and 10,000 pounds no later than Sept. 1, 2025. Most manufacturers met the 2022 mark, but some did not (<https://www.iihs.org/news/detail/three-more-automakers-fulfill-pledge-to-make-autobrake-nearly-universal>). Other agency data indicate about 87% of production has PAEB. <https://www.transportation.gov/NRSS/SaferVehicles>. The voluntary commitment did not involve a pedestrian AEB component. NHTSA's NPRM would require an AEB system that detects and reacts to both lead vehicles and pedestrians and would increase the lead-vehicle performance required of AEB over that described in the voluntary commitment.

⁶ Yanagisawa, M., Swanson, E., Azeredo, P., & Najm, W.G. (2017, April). Estimation of potential safety benefits for pedestrian crash avoidance/mitigation systems. (Report No. DOT HS 812 400). Washington, DC: National Highway Traffic Safety Administration. https://www.nhtsa.gov/sites/nhtsa.gov/files/documents/812400_pcambenefitsreport.pdf.

Pedestrian safety: assessment of crashworthiness test procedures (Report No. DOT HS 813 518). National Highway Traffic Safety Administration.

² NHTSA has proposed a roadmap for the agency's plans to upgrade NCAP in phases over the next several years. 87 FR 13452, March 9, 2022, extension of comment period, 87 FR 27200.

³ 88 FR 34366, May 26, 2023. The proposed NCAP pedestrian protection program would incorporate crashworthiness tests similar to those used by the European New Car Assessment Programme (Euro NCAP). Euro NCAP's tests are closely aligned with those in GTR 9.

⁴ 88 FR 38632, Docket NHTSA–2023–0021. The NPRM applies to passenger vehicles with a GVWR of 4,536 kg (10,000 lb) or less. The action can also be found in the Unified Agenda of Regulatory and Deregulatory Actions, RIN 2127–AM37.

road users and vehicle safety measures has focused predominantly on improving the protection of pedestrians, several effectiveness studies have concluded that pedestrian safety measures like this NPRM's head protection requirements would also be beneficial for cyclists.⁷

Issuance of this NPRM is also consistent with the goals of the November 15, 2021, Infrastructure Investment and Jobs Act (IIJA).⁸ Section 24211 of IIJA, "Global Harmonization," states that the Secretary shall cooperate, to the maximum extent practicable, with foreign governments, nongovernmental stakeholder groups, the motor vehicle industry, and consumer groups with respect to global harmonization of vehicle regulations as a means for improving motor vehicle safety. This NPRM proposes to adopt an FMVSS for pedestrian head protection founded on Global Technical Regulation No. 9, "Pedestrian Safety" (GTR 9). NHTSA collaborated with experts from around the world to develop GTR 9. Establishing an FMVSS based on a Global Technical Regulation aligns with the goals of IIJA Section 24211.

Although GTR 9 was established in 2008 when light trucks and vans (LTVs), which includes large light trucks, MPVs (including SUVs) and vans, were not as common as they are now in the U.S., LTVs did exist then, and the GTR test procedure included in proposed FMVSS No. 228 was developed to be relevant and applicable to these LTV vehicles. The test procedure proposed for use in FMVSS No. 228 is relevant for use with all light vehicles in the U.S. fleet because it is based on a Wrap Around Distance (WAD) measurement appropriate for use with passenger cars and LTVs. The defined "Hood Area" (subject to proposed FMVSS No. 228 coverage) is based on WAD, so any differences in head impact locations for a given crash scenario between LTVs and passenger cars are accounted for in the WAD-based test. As described in sections V.-VII., in the proposed test, NHTSA would use impactor testing to simulate a head-to-hood or head-to-fender top impact. It would specify the use of two different impactors: one representative of the head of a struck 6-year-old child (child headform) and another representative of the head of a struck 50th percentile adult male pedestrian (adult headform). The WAD

measurement assures that the areas of the hood subject to impactor testing are the areas likely to be struck by a pedestrian's head. NHTSA has performed the WAD-based test of GTR 9 on a wide variety of vehicles, including LTVs of various shapes and sizes. These data have been used to generate the benefit-cost analysis for this NPRM, which NHTSA discusses in the Preliminary Regulatory Impact Analysis (PRIA) accompanying this NPRM. The PRIA, discussed in detail in sections below, calculates benefits and costs separately for passenger cars and LTVs.

Because the WAD-based test procedure of the GTR is technically suitable for small and large vehicles, this NPRM's regulatory text reflects the wording of GTR 9 to show the GTR's provisions implemented in a Federal motor vehicle safety standard. Throughout this preamble, however, NHTSA requests comments on the pros and cons of various aspects of the NPRM's regulatory text, particularly with respect to the areas of the vehicle that would be subject to headform testing strictly using the GTR procedure. Throughout this preamble, NHTSA focuses readers on ways NHTSA believes the proposed regulatory text could be enhanced in a final rule to achieve more safety benefits in the U.S. For example, we discuss an approach of potentially extending the test area to the grille area on all large vehicles where the head of a child or shorter adult pedestrian may be struck. With pedestrian injury and fatality rates climbing, and with lessons learned from NHTSA's NCAP and other NCAP programs engaged in headform testing of vehicle front ends, NHTSA seeks to design FMVSS No. 228 to be as effective as possible to address pedestrian safety needs in the U.S.

Accordingly, this NPRM discusses specific approaches that NHTSA is considering to possibly tailor the GTR text for a final rule. While the NPRM's regulatory text reflects the GTR's approaches and provides a framework for an FMVSS based on those provisions, NHTSA may determine to make changes in any final rule. Ultimately, NHTSA seeks to issue a final rule that would "fully meet the need in the U.S. for vehicle safety."⁹

A. This Proposed Standard

In collisions between vehicles and pedestrians, the pedestrian is typically struck from the side while walking across the vehicle's path. When a pedestrian is struck in this manner, the first point of contact typically occurs between the front-end of the vehicle and the lateral aspect of the pedestrian's leg near the knee region. As the lower leg becomes fully engaged with the vehicle's front-end, the leading edge of the hood strikes the lateral aspect of the pedestrian's pelvis or upper leg. Then, as the lower leg is kicked forward and away from the front-end of the vehicle, the pedestrian's upper body swings abruptly downward towards the hood until the head strikes the vehicle. Research indicates that the linear head impact velocity ranges between 60 and 110 percent of the initial contact velocity.¹⁰

Proposed FMVSS No. 228 is designed to mitigate injuries to pedestrians hit from the side as described above. Most pedestrian injuries (79%) and fatalities (83%) are caused by the frontal structures of vehicles.¹¹ Roughly two-thirds of these occur when vehicle travel speeds are less than 40 km/h (25 mph).^{12 13} Crash data show that pedestrian head injuries occur due to contacts to all areas of vehicle front ends, including the hood.^{14 15} The location the pedestrian's head strikes is dependent on the pedestrian's size, the front configuration of the vehicle, and the speed of impact. In a 40 km/h (25 mph) impact, roughly 15% of pedestrian fatalities involve the pedestrian's head contacting the Hood Top. This NPRM focuses on mitigating head injuries sustained from contacting the hood and adjacent areas around the hood on the vehicle front end.

Proposed FMVSS No. 228 would use impactor testing simulating a head-to-

¹⁰ Mizuno K et al. (2001), Summary Of IHRA Pedestrian Safety WG Activities—Proposed Test Methods To Evaluate Pedestrian Protection Afforded By Passenger Cars.

¹¹ See table II.1.

¹² Rosen E, Sander U (2009) Pedestrian fatality risk as a function of car impact speed. *Accident Analysis and Prevention*, 2009;41:536–542.

¹³ Stammen JA et al (2002), A Demographic Analysis and Reconstruction of Selected Cases from the Pedestrian Crash Data Study, Paper No. 2002-01-0560, SAE International, Warrendale PA.

¹⁴ Yutaka Okamoto, Tomiji Sugimoto, Koji Enomoto & Junichi Kikuchi (2003), Pedestrian Head Impact Conditions Depending on the Vehicle Front Shape and Its Construction—Full Model Simulation, *Traffic Injury Prevention*, 4:1, 74–82, DOI: 10.1080/15389580309856.

¹⁵ Bahman S. Roudsari, Charles N. Mock & Robert Kaufman (2005) An Evaluation of the Association Between Vehicle Type and the Source and Severity of Pedestrian Injuries, *Traffic Injury Prevention*, 6:2, 185–192, DOI: 10.1080/15389580509031680.

⁷ Simms CK and Wood DO (2009), *Pedestrian and cyclist impact—a biomechanical perspective*, Springer Science and Business Media, Dordrecht Heidelberg London New York; see Chapter 10: The influence of vehicle design on pedestrian and cyclist injuries.

⁸ Public Law 117–58.

⁹ Section I.B.1, 49 CFR part 553, appendix C, "Statement of Policy: Implementation of the United Nations/Economic Commission for Europe (UN/ECE) 1998 Agreement of Global Technical Regulations—Agency Policy Goals and Public Participation."

hood or head-to-fender top impact.¹⁶ It would specify the use of two different impactors: one with a mass of 3.5 kg that is representative of the head of a struck 6-year-old child (child headform) and another with a mass of 4.5 kg representative of the head of a struck 50th percentile adult male pedestrian (adult headform). The standard would define various areas of a test vehicle¹⁷ hood (such as the Hood Top and Hood Area) subject to testing in an objective and repeatable manner. The Hood Area would be partially composed of the Child Headform Test Area and the

Adult Headform Test Area. The area likely to be struck by a child pedestrian's head (the Child Headform Test Area) would be tested with the child headform and the area likely to be struck by an adult's head (the Adult Headform Test Area) would be tested with the adult headform.¹⁸ The headforms would hit areas of the vehicle hood at specific speeds and impact angles replicating a real-world vehicle traveling at 40 km/h (25 mph) and impacting the adult or child pedestrian.

The following figure generally depicts the areas of a vehicle that would be subject to FMVSS No. 228 testing, particularly the Hood Top and Hood Area (which share a boundary in this example and are contained within the dashed lines), and the Child and Adult Headform Test Areas (darkly shaded areas). The figure illustrates other terms and concepts used in the proposed standard. All of the terms used in the figure are fully explained in this preamble.

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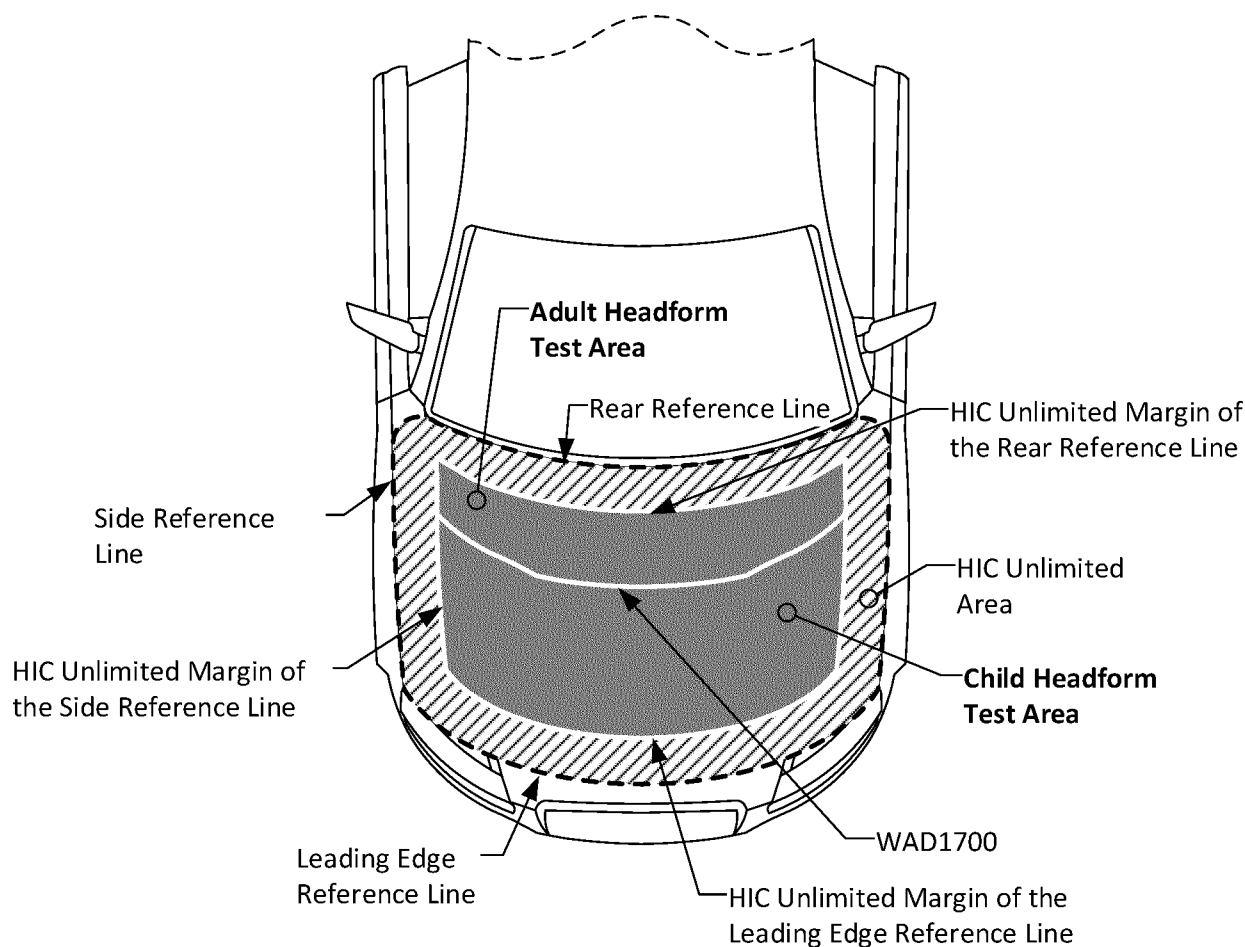


**Figure I.1. Example Child and Adult Headform Test Area outline.
For illustration purposes only. Not to scale.**

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Proposed FMVSS No. 228 would specify performance requirements limiting the accelerations measured by

the headforms. The HIC must be less than 1000 (HIC1000) over a certain portion of the Child and Adult Headform Test Areas.¹⁹ The requisite

portions would be derived as a percentage of the overall Hood Area. Generally speaking, the portion of the Child Headform Test Area that must

¹⁶ We note that the "hood" as defined in proposed FMVSS No. 228 would typically encompass portions of the fender top.

¹⁷ "Test vehicle" refers to the vehicle whose compliance with proposed FMVSS No. 228 is being assessed.

¹⁸ This preamble occasionally refers to these two test areas together as the "Child and Adult Headform Test Areas."

¹⁹ Injuries can be categorized according to the Abbreviated Injury Scale (AIS). AIS ranks individual injuries on a scale of 1 to 6: 1=minor,

2=moderate, 3=serious, 4=severe, 5=critical, and 6=maximum (untreatable). In previous rulemakings (notably with respect to those involving FMVSS No. 208 and FMVSS No. 214), NHTSA associated HIC1000 with an 11% risk of AIS 4+ brain injuries.

meet the HIC1000 requirement must be at least one-half of the numerical value (numerical value of the area is calculated from a projection onto a horizontal plane) of the Hood Area below what is called the “WAD1700 line.”²⁰ Based on data showing the locations of child and adult head impacts, this NPRM proposes that WAD1700 would be the boundary between the Child Headform Test Area and the Adult Headform Test Area. Secondly, the portion of the Combined Child and Adult Headform Test Areas that must comply with the HIC1000 limit must be at least two-thirds of the numerical value of the Hood Area. Because hard areas under the hood are challenging to mitigate, for practicability reasons the HIC limit for the remaining test areas is higher, but nonetheless limited to HIC1700.²¹

To meet the HIC limits, hoods would be required to have protective countermeasures that attenuate the energy of the impact during initial contact of the headform, and/or that provide sufficient clearance (open areas) to prevent the headform from bottoming out on objects beneath the hood. The countermeasures would have to ensure that the hood is not too stiff (such a hood would fail the HIC requirement) and not too soft (a too soft hood could also fail because the headform could penetrate down to the level of a hard, immovable structure beneath the hood). Among other objectives, an effective

design balances hood stiffness with depth of penetration.²²

B. Potential Impacts of the Rulemaking

FMVSS No. 228 would apply to passenger cars and to MPVs, trucks, and buses with a GVWR of 4,536 kg (10,000 lb) or less.²³ Due to the widespread adoption and use of GTR 9 by other countries, most passenger vehicles sold in the U.S. that use international platforms already incorporate the head protection designs of the GTR. Regardless of current voluntary conformance, we propose to adopt GTR 9 into an FMVSS to ensure future vehicles provide at least the pedestrian head protections voluntarily provided today. We also seek to address the many U.S. variants and other models built upon uniquely American platforms that may or may not be designed to the GTR requirements. This includes essentially the entire pickup truck and large SUV segments (about 22% of the U.S. passenger vehicle 2020 sales, according to data provided by Wards Automotive). Our testing indicates that it is possible for some pickup trucks to pass the headform HIC requirements,²⁴ which implies domestic implementation is feasible. This proposal would ensure that uniquely American platforms, such as pickups, would provide the proposed level of pedestrian head protection. In this NPRM, NHTSA also considers modifying some aspects of GTR 9 to clarify the wording of the regulation,

improve objectivity, and potentially increase safety benefits resulting from the GTR’s application to the U.S. fleet. NHTSA proposes a domestic FMVSS No. 228 to achieve those enhancements.

This NPRM is economically significant under Executive Order 12866 due to the benefits estimated to result from the proposed standard. NHTSA’s PRIA analyzes the potential impacts of proposed FMVSS No. 228. NHTSA has placed a copy of the PRIA in the docket for this NPRM.²⁵

NHTSA estimates that the proposal would mitigate approximately 67.4 fatalities annually, even after accounting for the effect of PAEB. (However, as explained in detail in sections below, the count of *injuries* will increase as averted fatalities are replaced by injuries.) For passenger cars, the cost per vehicle is estimated to be in the range of \$2.86–\$3.50 when discounted at 3% and 7%. Similarly, LTVs have a per vehicle cost of \$3.29–\$4.08. When discounted at 3% and 7%, the total annual cost ranges from \$48.94 to \$60.43 million. The overall discounted equivalent lives saved (ELS) range from approximately 44.46 to 54.87. Taking into account both discount rates, the cost per ELS is \$1.10 million and net benefits range from approximately \$480.79 to \$593.33 million. Table I.1 summarizes the cost and benefits for both discount rates. Additional details of the benefits and costs analysis can be found in section X.III of this preamble.

TABLE I.1—SUMMARY OF COST AND BENEFITS
[Millions]

Discount rate	Cost	Equivalent lives saved	Cost per equivalent live saved	Monetized benefits	Net benefits
3%	\$60.43	54.87	\$1.10	\$653.76	\$593.33
7%	48.94	44.46	1.10	529.74	480.79

²⁰ FMVSS No. 228 would have detailed procedures that define the areas on the hood, including a Wrap Around Distance (WAD) procedure that identifies various reference lines on the hood. As explained in a later section, in any particular vehicle vertical longitudinal plane, the Wrap Around Distance is the distance from a point on the ground directly below the vehicle’s most forward edge in that plane, to a designated point on the hood, as measured with a flexible measuring device, such as a flexible wire. WADs of various lengths correlate to where pedestrians of different heights would hit their head on the hood when struck from the side. We can create a WAD line using wires of different lengths, *e.g.*, a wire of 1700 +/- 1 mm can be used to draw a line at 1,700 mm from the ground reference plane (such a line is referred to as WAD1700).

²¹ HIC1700 is associated with a 36% risk of AIS 4+ brain injuries.

²² Examples of elements of designs that are beneficial to pedestrian head protection are: introducing additional clearance between the inner and outer skins of the hood, using energy-absorbing materials to improve shock absorption, redesigning stiff structures under the hood, such as hinges and headlight frames, to crush, collapse, or shear off, and redesigning the side edges of the hood where it meets up with the fenders to use a more deformable support structure or moving the stiff hood-to-fender junction out of the head impact zone. “Active hoods” have also emerged that have a front-end sensor and lever arms to automatically lift (pop up) the hood upon detecting that a pedestrian has been struck. An actuator near the hinge pops the hood slightly to provide more space between the hood and rigid components in the engine bay.

²³ Consistent with the GTR, the proposed regulatory text includes a provision that excludes from the standard MPVs, trucks, and buses where

the distance, measured longitudinally on a horizontal plane, between the transverse centerline of the front axle and the seating reference point of the driver’s seat, is less than 1000 mm. However, we are considering applying FMVSS No. 228 to these vehicles and are requesting comment on this issue later in the preamble.

²⁴ In headform testing of mid-2000 model year vehicles, large SUVs and pickups performed about the same as minivans, smaller SUVs, and passenger cars. For more details, see Mallory *et al.*, (2007), Pedestrian GTR testing of current vehicles, ESV Paper No. Paper No. 07–0313. Among the vehicles tested were two pickups—a 2003 Dodge Ram and a 2005 Chevy Silverado—and neither had a head impact that exceeded the HIC limit in this NPRM.

²⁵ The PRIA may be obtained by downloading it or by contacting Docket Management at the address or telephone number provided at the beginning of this document.

II. Safety Need

In 2020, 38,824 people died on U.S. roads. Of this number, 25,536 were passenger vehicle occupant fatalities, a decrease from 32,225 in 2000.²⁶ This reduction is notable, particularly in light of the fact that the total number of vehicle miles traveled (VMT) in the U.S. has increased over time. However, during that same timeframe, pedestrian fatalities increased by 33 percent, from 4,739 in 2000 to 6,516 in 2020.^{27 28}

The vast majority of pedestrian fatalities (98% or 6,132) are due to a single striking vehicle.²⁹ A 2019 NHTSA report analyzed the critical events or actions related to crashes (*e.g.*, control loss, road departure), including the critical event of striking a pedestrian.³⁰ The report found that an average of 3,731 fatal crashes and a total of 70,461 crashes each year included the critical event of a vehicle striking a pedestrian (years 2011–2015). This represents 53 fatal crashes per thousand crashes, the highest among any critical events tabulated.

Most injuries resulting from collisions between vehicles and pedestrians are inflicted by the frontal structures of vehicles, the majority of which occur when vehicle travel speeds are lower than 40 km/h (25 mph) (see figure V.2). Pedestrians sustaining life-threatening injuries typically have head and thorax injuries caused by contact with the vehicle. A NHTSA study using both U.S. and German crash data found that the head and lower extremities are the

most common injury locations on a struck pedestrian.³¹ The head, legs, and thorax are the most common locations for serious injury, and the head, legs, and pelvis/hip are the most common locations for disabling injuries. A NHTSA study analyzing the potential effect of the head, upper leg and lower leg component test procedures estimated that among serious to fatal injury cases (MAIS ³² 3+), 37.8 percent of the total expected potential effects of the test procedures was associated with the headform test, 24.6 percent was associated with the upper legform test and 37.6 percent was associated with the lower legform test. When the analysis was limited to more severe injuries (MAIS 4+ or fatal cases), the influence of the headform test was substantially higher, while the relative influence of the upper legform and lower legform tests was reduced.³³

Studies have found a high prevalence of five crash types in collisions between vehicles and pedestrians.³⁴ These crash types are:

- Dart-out (first half)—where the pedestrian appears suddenly midblock, often from between parked cars, presents a limited exposure time to the driver and is struck less than halfway across the roadway.
- Dart-out (second half)—similar to the Dart-out (first half) except the pedestrian is struck after crossing half or more of the roadway.
- Intersection dash—where the pedestrian presents a short time exposure to the driver at an intersection either because the pedestrian runs across the intersection, is blocked from view, or crosses unexpectedly.

- Multiple threat—where a vehicle stops for a crossing pedestrian and, in so doing, blocks the pedestrian from the view of the driver in a second car that is overtaking the first car (includes intersection and midblock situations).

- Vehicle turn/merge—where the driver is concentrating on turning into or merging with traffic and does not see the pedestrian.

New Federal Motor Vehicle Safety Standard No. 228, *Pedestrian head protection*, (FMVSS No. 228) has proposed test procedures designed to replicate head-to-hood contact in the crash sequences described above. The procedures replicate a child or adult pedestrian crossing a street and being struck from the side by a vehicle travelling at a speed approaching 40 km/h (25 mph).

FMVSS No. 228 would affect vehicles involved in the majority of fatal pedestrian crashes: passenger cars, light trucks (pickups), and MPVs (vans, crossover vehicles and SUVs) (see table II.1). Sales are trending toward more non-passenger cars. Light trucks and MPVs as a percentage of light vehicle sales have steadily increased from 52% in 2011 to 77% in 2020.³⁵

In a pedestrian crash, the vehicle striking the pedestrian is usually the only vehicle involved; the vast majority are single vehicle collisions in which the vehicle-to-pedestrian collision is the only harmful event. For fatalities, of front end striking vehicle types, there is about an even split between passenger cars (43 percent) and light trucks and MPVs (42 percent). Large trucks (GVWR greater than 4,536 kg (10,000 lb)), which are not covered by this proposal, are responsible for 6 percent of fatal front end to pedestrian strikes. Buses (covered by this NPRM only if they have a GVWR of 4,536 kg (10,000 pounds) or less) are responsible for 0.5 percent of fatal strikes and the remaining fatal strikes (8 percent) are caused by unknown vehicle types. The percentages for non-fatal injuries show a different distribution, with passenger cars representing 58 percent of front end striking vehicles and light trucks representing 40 percent.

²⁶ Traffic Safety Facts 2020 “A Compilation of Motor Vehicle Crash Data.” U.S. Department of Transportation. National Highway Traffic Safety Administration.

²⁷ Traffic Safety Facts 2000 “A Compilation of Motor Vehicle Crash Data from the Fatality Analysis Reporting System and the General Estimates System.” U.S. Department of Transportation. National Highway Traffic Safety Administration.

²⁸ National Center for Statistics and Analysis. (2021, October). *Early Estimate of Motor Vehicle Traffic Fatalities for the First Half (January-June) of 2021*. (Traffic Safety Facts. Report No. DOT HS 813 199). Washington, DC: National Highway Traffic Safety Administration.

²⁹ NHTSA Fatality Analysis Reporting System (FARS).

³⁰ Swanson, E., Foderaro, F., Yanagisawa, M., Najm, W.G., & Azeredo, P. (2019, August). Statistics of light-vehicle pre-crash scenarios based on 2011–2015 national crash data (Report No. DOT HS 812 745). Washington, DC: National Highway Traffic Safety Administration.

³¹ Mallory, A., Fredriksson, R., Rosen, E., Donnelly, B. (2012, October). Pedestrian Injuries By Source: Serious and Disabling Injuries in US and European Cases. 56th AAAM Annual Conference.

³² MAIS stands for Maximum Abbreviated Injury Scale.

³³ Mallory, A., Yarnell, B., Kender, A., & Stammen, J. (2019, May). Relative frequency of U.S. pedestrian injuries associated with risk measured in component-level pedestrian tests (Re-port No. DOT HS 812 658). Washington, DC: National Highway Traffic Safety Administration.

³⁴ Snyder and Knoblauch (1971); Hunter WW et al. (1995), Pedestrian and Bicycle Crash Types; DaSilva MP et al., (2003), Analysis of Pedestrian Crashes, Report No. DOT HS 809 585, April 2003, Washington DC, NHTSA; Thomas L et al. (2014), North Carolina pedestrian crash types, 2008–2012, University of North Carolina Highway Safety Research Center, March 2014.

³⁵ Wards Automotive.

TABLE II.1—PEDESTRIAN INJURIES AND FATALITIES IN SINGLE VEHICLE FRONT END CRASHES BY VEHICLE TYPE, 2020

Class of vehicle	Injuries		Fatalities	
Passenger car	23,158 (58%)	38,961 (98%)	1,972 (43%)	3,941 (85%)
Light Truck and MPV	15,803 (40%)		1,969 (42%)	
Large Truck			274 (6%)	
Bus			21 (0.5%)	
Unknown/other	959 (2%)		386 (8%)	
Totals (front end)	39,921 (100%)		4,622 (100%)	
Totals (all impact locations)	50,397		5,536	

Sources: NHTSA's Fatal Accident Reporting System (FARS) and National Automotive Sampling System—General Estimates System (GES). NHTSA's Traffic Safety Facts Sheet.

In 2020, of all motor-vehicle related fatalities and injuries (including drivers, passengers, pedestrians, etc.) pedestrians accounted for 16 percent of all fatalities and 4 percent of injuries in the under 16 age group; pedestrians

accounted for 12 percent of all motor vehicle-related fatalities and 2 percent of injuries in the age group 16–34; and pedestrians accounted for 19 percent of fatalities and 3 percent of injuries in the age group 35–44. For the age groups of

45–64 and 65 and older, the fatality figures were 21 percent and 18 percent, respectively. Injuries for these two groups were both 3 percent.

TABLE II.2—PEDESTRIANS AS A PERCENTAGE OF ALL TRAFFIC FATALITIES AND INJURIES IN 2020 BY AGE GROUP

Years old	Percent of traffic fatalities	Percent of traffic injuries
15 and Under	16	4
16–34	12	2
35–44	19	3
45–64	21	3
65 and Over	18	3

Sources: FARS and GES.

This proposal addresses the injuries and fatalities resulting from head impacts to the front of the vehicle. The derivation of the target population is described in detail in the PRIA accompanying this proposal. A summary of the PRIA is contained in section XIII of this proposal.

III. Foundations for the Proposal

NHTSA protects pedestrians through rulemaking, consumer information provided by the agency's New Car Assessment Program, safety research, and public education programs to improve safe driving and walking practices.³⁶ With respect to rulemaking, a number of vehicle standards have been issued for pedestrian safety, such as FMVSS No. 111 (49 CFR 571.111), which has rear visibility requirements that manufacturers must meet through backup cameras, and which requires outside rearview mirrors and their mountings to be free of sharp points or edges that could injure pedestrians. FMVSS No. 131 (49 CFR 571.131) applies to school bus stop arms that control traffic around children boarding or unloading from school buses. NHTSA recently amended FMVSS No. 108 (49

CFR 571.108) to permit the installation of adaptive driving beam requirements that help to improve roadway illumination so drivers can more easily detect pedestrians and motorcyclists.³⁷ NHTSA additionally expects that FMVSS No. 127, recently published final rule requiring PAEB, would have substantial benefits in preventing collisions with pedestrians and reducing the speed of impacts.

NHTSA's Efforts on a Pedestrian Head Protection Standard

Over many years, NHTSA has studied the feasibility of additional countermeasures to reduce the severity of pedestrian leg, upper body, and head injuries. In 1981, NHTSA issued an NPRM³⁸ to limit the amount of force that may be exerted by a striking vehicle's bumper area on an adult pedestrian's lower leg in a 32.2 km/h (20 mph) crash. The rulemaking was later terminated when the potential countermeasure (a softer bumper) did not prove practicable.³⁹ A decade later, NHTSA had plans for an NPRM for head impact protection but discontinued

regulatory work in that area at that time.⁴⁰

NHTSA, however, continued its research into child and adult pedestrian protection. The agency collaborated closely with other countries to harmonize international procedures and requirements,⁴¹ and carried out key pedestrian research and data collection with international stakeholders such as the International Organization for Standards (ISO),⁴² the International Harmonization of Research Activities (IHRA),⁴³ the European Commission

⁴⁰ NHTSA held a public meeting on August 20, 1991, to seek public input on the agency's plans for a pedestrian protection regulation. Only the hood requirements were discussed at this meeting. In response to NHTSA's pedestrian safety plan presented at the meeting, all motor vehicle manufacturers indicated at least some major redesign would be required to meet the headform requirements. Based on such comments, unknowns about the benefits projected, the high costs of major vehicle redesign, and several other factors (such as international harmonization, pedestrian behavior enforcement, better infrastructure, and other crash avoidance measures), the agency did not proceed with the head impact protection rulemaking.

⁴¹ 61 FR 58362, November 14, 1996.

⁴² ISO is a worldwide standards-setting organization to facilitate the international exchange of goods and services.

⁴³ IHRA was an inter-governmental steering committee formed to facilitate multi-national collaboration in research in major problem areas of road safety, including pedestrian safety. The IHRA expert group on pedestrian safety developed test

³⁶ <https://www.nhtsa.gov/road-safety/pedestrian-safety>.

³⁷ 87 FR 9916; February 22, 2022.

³⁸ 46 FR 7015; January 22, 1981.

³⁹ 69 FR 14496, April 10, 1991.

(E.C.), and the European Enhanced Vehicle Safety Committee (EEVC).⁴⁴ NHTSA was a key contributor to the development of Global Technical Regulation No. 9 (GTR 9) for pedestrian protection. This NPRM proposes to incorporate GTR 9 into a new FMVSS No. 228, to include pedestrian crashworthiness head protection requirements in the FMVSS for the first time.

IV. The Global Technical Regulation

A. Introduction

On June 25, 1998, the U.S. became the first signatory to the “Agreement Concerning the Establishing of Global Technical Regulations for Wheeled Vehicles, Equipment and Parts which can be Fitted and/or be Used on Wheeled Vehicles,” commonly referred to as the 1998 Agreement.⁴⁵ The 1998 Agreement was negotiated under the auspices of the United Nations Economic Commission for Europe (UNECE) under the leadership of the U.S., the European Community (EC) and Japan. The 1998 Agreement provides for the establishment of global technical regulations (GTRs) regarding the safety, emissions, energy conservation and theft prevention of wheeled vehicles, equipment and parts.

By establishing GTRs under the 1998 Agreement, governmental organizations (Contracting Parties) seek to harmonize motor vehicle regulations at the regional and national levels.⁴⁶ Under the 1998 Agreement, Contracting Parties voting in favor of establishing a GTR are obligated to “submit the technical Regulation to the process” used in the country to

procedures to assess the vehicle-to-pedestrian collision.

⁴⁴ The EEVC does not set standards or enforce regulations and is not a part of the European Commission (E.C.). The EEVC can only recommend safety standards to the E.C. and other legislative states, which may or may not develop them into regulations. The EEVC carries out auto safety research in a number of specialized areas called “Working Groups.” Research within a Working Group, overseen by a steering committee of representatives from Europe’s national governments, is carried out by nominated technical experts who may also work for the automotive industry. Funding for EEVC research is typically provided as “in-kind” contributions from the groups represented by the steering committee members and technical experts.

⁴⁵ The 1998 Agreement is administered by the UN Economic Commission for Europe’s World Forum for the Harmonization of Vehicle Regulations (WP.29). <https://www.unece.org/fileadmin/DAM/trans/main/wp29/wp29wgs/wp29gen/wp29glob/globale.pdf>. The 1998 Agreement entered into force on August 25, 2000.

⁴⁶ Non-governmental organizations may also participate in a consultative capacity in groups developing GTRs. Manufacturers may participate through non-governmental organizations representing industry. Individual manufacturers may also provide input to the process.

adopt the requirement into the agency’s law or regulation.⁴⁷ In the United States, that process usually commences with an NPRM, Advance NPRM (ANPRM), or Request for Comment. Under the terms of the 1998 Agreement, contracting parties are *not* obligated to adopt the GTR after initiating this process.⁴⁸ The 1998 Agreement recognizes that governments should have the authority to determine whether the GTR meets their safety needs.

In deciding whether to adopt a GTR as an FMVSS, NHTSA follows the applicable procedural and substantive requirements for rulemaking, including the Administrative Procedure Act, the National Traffic and Motor Vehicle Safety Act (Safety Act) (49 U.S.C. 301), Presidential executive orders, and DOT and NHTSA policies, procedures and regulations.⁴⁹ Under § 30111(a) of the Safety Act, Federal Motor Vehicle Safety Standards must be practicable, meet the need for motor vehicle safety, and be stated in objective terms.⁵⁰ Section 30111(b) states that, when prescribing such standards, NHTSA (by delegation at 49 CFR 1.95) must, among other things, consider all relevant, available motor vehicle safety information, consider whether a standard is reasonable, practicable, and appropriate for the types of motor vehicles or motor vehicle equipment for which it is prescribed, and consider the extent to which the standard will further the statutory purpose of reducing traffic crashes and associated deaths and injuries.

B. GTR 9

In developing GTR 9, NHTSA collaborated with experts from contracting parties to the 1998 Agreement,⁵¹ particularly the European

⁴⁷ Article 7, 1998 Agreement.

⁴⁸ *Id.*

⁴⁹ NHTSA’s policies in implementing the 1998 Agreement are published in 49 CFR part 553, appendix C, “Statement of Policy: Implementation of the United Nations/Economic Commission for Europe (UNECE) 1998 Agreement on Global Technical Regulations—Agency Policy Goals and Public Participation.” NHTSA’s paramount policy goal under the 1998 Agreement is to “[c]ontinuously improve safety and seek high levels of safety, particularly by developing and adopting new global technical regulations reflecting consideration of current and anticipated technology and safety problems.” *Id.*

⁵⁰ “Motor vehicle safety” is defined in the Safety Act as “the performance of a motor vehicle or motor vehicle equipment in a way that protects the public against unreasonable risk of accidents occurring because of the design, construction, or performance of a motor vehicle, and against unreasonable risk of death or injury in an accident, and includes nonoperational safety of a motor vehicle.” 49 U.S.C. 30102(a)(9).

⁵¹ The 1998 Agreement entered into force in 2000 and is administered by the UN Economic

Union (technical sponsor of the GTR⁵²) and Japan. This NPRM begins the process of adopting the GTR as a NHTSA standard through rulemaking.

A number of countries have implemented GTR 9.⁵³ Even before GTR 9 was established, Europe and Japan had similar pedestrian protection regulations in place. After GTR 9 was established, WP.29 adopted it as a full UNECE regulation for all nations under the 1958 Agreement (Regulation No. 127—Pedestrian Safety Performance).⁵⁴ In recent years, U.S. variants share similar global designs as vehicles currently sold in the E.U. that attain the levels of head protection described in GTR 9. However, as discussed later, interpretation of certain GTR 9 provisions have varied when implemented into national regulations.

GTR 9 has two sets of performance requirements: (a) for the hood top and fenders tested by a headform impact; and (b) for the vehicle front-end area (encompassing the bumper and grille) tested by a legform impact. Vehicle hoods conforming to the GTR’s specifications mitigate child and adult pedestrian head injury, and bumpers and grilles conforming to the GTR reduce the risk of adult leg injury. This NPRM proposes to implement the GTR’s provisions for the hood top and fenders. The May 6, 2023, NCAP RFC proposed to amend NHTSA’s NCAP program to

Commission for Europe’s World Forum for the Harmonization of Vehicle Regulations (WP.29). <https://www.unece.org/fileadmin/DAM/trans/main/wp29/wp29wgs/wp29gen/wp29glob/globale.pdf>.

⁵² <https://unece.org/fileadmin/DAM/trans/doc/2004/wp29/TRANS-WP29-AC3-07e.pdf>.

⁵³ GTR 9 has been amended several times, but the U.S. has not been a signatory to any of the amendments or corrigenda. Thus, in general, this NPRM focuses on the original GTR and not later amendments. The first amendment was related to the applicability of vehicles with short hood areas and increased the number of vehicles excluded from the requirements of GTR 9. We discuss this provision and exclusion in section V.B. of this NPRM. At the same time, a corrigendum was accepted that clarified that the HIC areas may be broken up into pieces and need not be continuous. This is a concept that NHTSA had assumed was part of the GTR; this NPRM explicitly incorporates this concept in the proposed regulatory text (see also section VII.B of this NPRM). Finally, the GTR was amended to replace the leg impactor with a more advanced tool. This amendment relates to provisions that are outside of the scope of this NPRM. <https://unece.org/transport/standards/transport/vehicle-regulations-wp29/global-technical-regulations-grs>.

⁵⁴ The U.S. is not a party to the 1958 Agreement. A contracting party to the 1958 Agreement can choose which regulation(s) it wants to adopt, but the regulations in the 1958 Agreement must be adopted “as is.” They do not contain different stringency levels. Also, the 1958 Agreement provides for reciprocal recognition of type approvals among Contracting Parties. This means that a vehicle type that has been type approved by one Contracting Party must be accepted by other 1958 Agreement Contracting Parties.

include Euro NCAP-based provisions for the hood, bumper, and grille. Those head, bumper, and grille Euro NCAP provisions correspond closely to GTR 9.⁵⁵ NHTSA is considering comments to the NCAP RFC in deciding whether and how to proceed with GTR 9's leg protection requirements in an FMVSS.

This rulemaking initiates the process of adopting GTR 9 into the Federal safety standards. This NPRM proposes to implement the head protection requirements of GTR 9 as FMVSS No. 228. The proposed standard modifies some of the GTR's provisions to address the regulatory framework and needs unique to the United States. From years of researching pedestrian head protection using the procedures described in the GTR and applying the procedures to the front-end designs of today, NHTSA has seen instances where the GTR is silent or unclear about its application to some aspects of hood design. Because clarity is needed for the FMVSS, NHTSA has addressed these areas with detailed procedures and criteria in this NPRM that, by design, are consistent with the GTR and with NHTSA's Safety Act provisions. NHTSA has incorporated these clarifications into proposed FMVSS No. 228 so that the standard's procedures are objective and repeatable and meet the need for safety, in accordance with Safety Act requirements. As discussed throughout this document, this NPRM also focuses readers on other ways NHTSA is considering modifying the GTR test procedures for clarity or to push more safety benefits from the U.S. fleet. An example of the latter is NHTSA's consideration of narrowing the border surrounding a test area so that more of the vehicle's hood and fender area would have to meet the HIC requirements.

C. Further Observations About the Differences Between This NPRM and the GTR

In drafting FMVSS No. 228, NHTSA's goal has been to produce a proposal that is true to the agency's understanding of GTR 9 and to the technical best practices provided by the GTR, so as to "fully meet the need in the U.S. for vehicle safety."⁵⁶ We believe we have

achieved this with this NPRM, but at times we have found challenges in relating the original GTR 9 language to the specificity necessary for the self-certification framework of the Safety Act. The Safety Act requires the FMVSS to be practicable, meet the need for motor vehicle safety, and be stated in objective terms. Additionally, the Safety Act requires that NHTSA consider specific factors in prescribing an FMVSS.⁵⁷ Given these requirements and considerations, in some instances we have found the need to define terms and describe test procedures in a more precise way than GTR 9, but in a way that would add to the objectivity and clarity of the safety standard.

NHTSA has also shaped this proposal to provide the minimum level of safety required to address the needs we face in this country. NHTSA is aware that other countries have implemented the regulation in some ways that differ from our reading of the regulation in ways that reduce the safety minimum even further. For example, this NPRM adds clarification regarding how the agency will determine the amount of testable hood area that must meet a head injury criterion (HIC) of 1000 or less, compared to a HIC of 1700 or less. This is described more fully in section VI.A of this preamble. UNECE Reg. No. 127 has implemented the GTR 9 in a way that produces a smaller area that must comply with HIC1000 than that which results from the GTR as NHTSA understands it, or as NHTSA proposes in this NPRM to address the growing pedestrian safety needs in this country. In section VIII of this preamble, we provide a detailed discussion of a proposed amendment to GTR 9 that NHTSA has not supported because of its potential to reduce the area subject to headform testing. NHTSA discusses throughout this preamble the differences between this proposed FMVSS No. 228 and the current GTR 9, and the reasons for those differences.⁵⁸ Finally, NHTSA seeks to design FMVSS No. 228 to address pedestrian safety needs particular to the U.S. The regulatory text in this NPRM reflects the wording of the GTR. At the end of various sections, however (see, e.g.,

section VI.C.1), the preamble describes and requests comment on specific ways NHTSA may change the regulatory text in this rulemaking to better address this country's pedestrian safety needs.

V. Approach of the Proposed Standard

A. Overview

FMVSS No. 228 would prohibit vehicles from exceeding a certain HIC level when subjected to testing simulating a head-to-hood impact. The standard is designed to provide head protection to a walking child and a walking adult when side-struck. This posture was chosen because it represents one of the most common interactions between vehicles and pedestrians. The side-struck posture is also regarded as "worst case."⁵⁹ Hoods would have to safely absorb and manage the energy of the striking pedestrian's head.

The proposed standard defines each hood as having two distinct areas: one where a struck child pedestrian's head would impact (Child Headform Test Area) and one where an adult pedestrian's head would impact (Adult Headform Test Area), both in a 40 km/h (25 mph) vehicle impact. The proposed performance requirements are based on HIC as computed from the acceleration of the headform upon impact. FMVSS No. 228 would limit HIC when tested with the headforms.

The location of a pedestrian's head impact on the hood is dependent on several variables, including the speed of the vehicle impact, the vehicle front-end shape, and the height of the pedestrian. Proposed FMVSS No. 228 is designed so that vehicle countermeasures to meet the HIC limits would benefit pedestrians of all sizes. In section VI of this preamble, we explain in detail the specific areas of the hood that would be regulated under the proposal, as well as considerations for expanding this area.

Proposed FMVSS No. 228 includes detailed procedures that define reference lines on the vehicle from which NHTSA would calculate the area of the vehicle that must provide pedestrian head protection. Proposed FMVSS No. 228's wrap around distance (WAD) procedure is a simple procedure used in several sections of GTR 9 to identify various reference lines on the hood. Reference lines that run laterally across the hood are drawn relative to a specified WAD. Those lines are referred to herein as WAD lines. NHTSA helped develop the WAD procedure for

⁵⁵ Test procedures very similar to GTR 9 have been incorporated into many countries' consumer information programs. In addition to Euro NCAP, Japan's J-NCAP program rates vehicles on pedestrian safety, using a headform test, as do the Korean KNCAP and Australasian ANCAP programs.

⁵⁶ Section I.B.1, 49 CFR part 553, appendix C, "Statement of Policy: Implementation of the United Nations/Economic Commission for Europe (UN/ECE) 1998 Agreement of Global Technical Regulations—Agency Policy Goals and Public Participation," *supra*.

⁵⁷ 49 U.S.C. 30111(a) and (b).

⁵⁸ In advance of the publication of this NPRM, NHTSA received a July 7, 2022 letter from the Alliance for Automotive Innovation restating support of the interpretation of the GTR 9 that aligns with the proposed GTR amendment. On December 9, 2022, NHTSA met with the Alliance of Automotive Innovation at their request, to discuss the contents of their letter to NHTSA. The letter can be found in the docket, along with a list of other contacts since April 2022. The agency's position and rationale are fully explained in this preamble, particularly in section VIII.B.

⁵⁹ Soni A, Rober T, Beillas P (2013), Effects of Pedestrian Pre-Crash Reactions on Crash Outcomes during Multi-body Simulations, 2013 IRCOBI Conference, Paper No. IRC-13-92.

pedestrian protection test programs internationally.

The WAD is the distance from a point on the ground directly below the bumper's most forward edge, at a specific lateral location, to a designated point on the hood, as measured with a flexible measuring device, such as a non-stretch flexible wire. During measurement of the WAD, the device (the non-stretch flexible wire) is held taut, to measure distances while being held in a vertical longitudinal (x-z)

vehicle plane. A WAD of a specified distance can identify a point on the vehicle's hood. A WAD line can be drawn on a vehicle by connecting the end points of the wire as it traverses across the front of the vehicle. We can create a WAD line using wires of different lengths, *e.g.*, a wire of 1000 ± 1 mm can be used to draw a line at 1,000 mm from the ground reference plane (such line is referred to as "WAD1000" in this NPRM), 1700 ± 1 mm ("WAD1700") and 2100 ± 1 mm

("WAD2100").⁶⁰ See figure V.1, below, illustrating how WAD is measured.

A WAD line can be objectively determined and is a good indicator of where head impacts are likely to occur on any particular hood.⁶¹ The WAD measurement accounts for both pedestrian height and vehicle front-end configuration. That is, in a 40 km/h crash, a given pedestrian's head-to-hood contact point is approximated by the WAD that corresponds to the pedestrian's standing height.

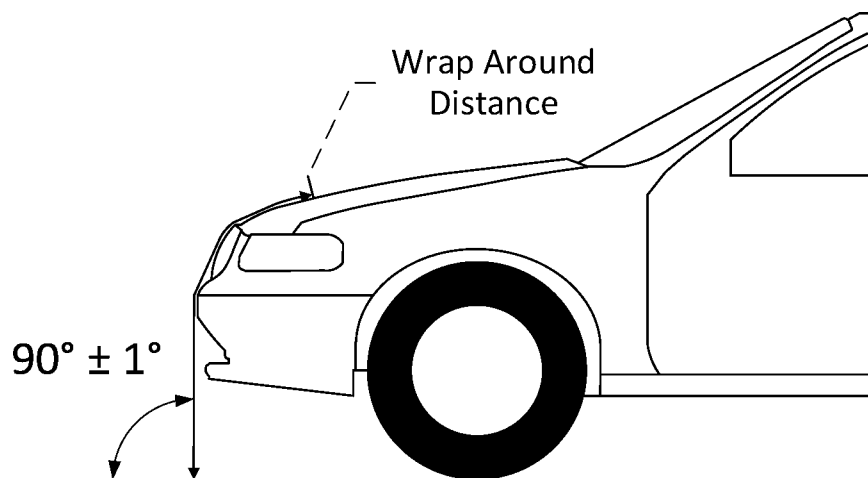


Figure V.1. Wrap Around Distance measurement.
For illustration purposes only.

Key Elements of the Proposal

The proposed standard has certain key elements to replicate the real-world 40 km/h (25 mph) impact in an objective and enforceable manner. The key elements are:

- Relevance to the vehicles involved in pedestrian crashes at 40 km/h (25 mph);
- A methodology incorporating component testing of the hood using headforms representing child and adult pedestrians;
- Performance requirements based on HIC as measured by the headforms;
- A hood mark-off procedure to denote test areas; and
- Flexibility in performance requirements to address practicality challenges.

These key elements and others are discussed in detail below.

B. Relevance to the Involved Vehicles

FMVSS No. 228 would apply to passenger cars, and to MPVs, trucks, and buses with a GVWR of 4,536 kg (10,000 lb) or less, except for vehicles with short front ends (a very short front hood area). Proposed FMVSS No. 228 would also apply to bidirectional vehicles, *i.e.*, vehicles that can be operated in either direction. We discuss these issues below.

Vehicles With Short Front Ends

Reflecting the text of GTR 9, the NPRM's proposed regulatory text (S3) excludes MPVs, trucks, and buses where the distance, measured longitudinally on a horizontal plane, between the transverse centerline of the front axle and the seating reference point (SgRP) of the driver's seat, is less than 1,000 mm.⁶² In the statement of technical rationale for GTR 9, the drafters argued that these vehicles have a very short

hood and a front shape that is very close to vertical, so the pedestrian kinematics with these vehicles are believed to be very different than a collision with a vehicle with a longer hood. The drafters also concluded that there are difficulties in applying the tests to these vehicles, particularly regarding the determination of test zone reference lines.

NHTSA drafted the regulatory text with this exclusion, but NHTSA requests comments on whether the subject vehicles should be included in FMVSS No. 228. Notwithstanding the drafters' reasons for excluding the vehicles from GTR 9, NHTSA believes applying proposed FMVSS No. 228 to these vehicles may be appropriate given developments since the GTR. With the advent of new designs in electric vehicles, including designs of automated vehicles on the road today with very short front ends, front end designs appear to be evolving to less

⁶⁰ The naming convention is to follow "WAD" with the length of the wire used for the measurement, and to refer to WAD [wire length] to refer to the line drawn by using the wire and the WAD procedure.

⁶¹ Paragraph 71 of the "Safety Need" section of GTR 9. <https://unece.org/fileadmin/DAM/trans/main/wp29/wp29wgs/wp29gen/wp29registry/ECE-TRANS-180a9e.pdf>.

⁶² This is dimension L114 in SAE J1100 "Motor Vehicle Dimension." A later amendment to GTR published in 2011, which was not signed by the U.S., extended this dimension to 1,100 mm. (ECE/TRANS/180/Add.9/Amend.1/appendix 1).

conventional hood designs. The agency is aware of prototype ride-share automated vehicle platforms, such as the Cruise Origin and Zoox, and of electric vehicles (EVs) being marketed by Canoo, that have a very short front hood area or a flat front face.⁶³ We are concerned that future automated and/or electric vehicles may become more prevalent in the fleet and that they could be excluded from the standard simply because of this GTR provision.

In addition, we base our concerns about this exclusion on present day vehicles and their presence in the U.S. vehicle fleet. The agency took an available selection of vehicles and measured the horizontal distance from the front axle to the seat bight (the area close to and including the intersection of the surfaces of the vehicle seat cushion and the seat back), with the seat adjusted to the full forward and full rearward position. The vehicles and resulting dimensions are provided in table V.1, below. The position of the SgRP for these vehicles was not readily

available, but the distance between the axle and the SgRP would likely lie somewhere between the range of distances measured to the seat bight. As stated above, the GTR 9 exclusion would be triggered if the distance from the front axle to the SgRP is less than 1,000 mm.

The agency found that at least one type of full-size cargo van (Ford Transit) could possibly qualify for the exclusion. Looking at both small and full-size cargo and passenger vans, it is clear that many of them share similar design attributes of a short hood and a relatively forward seating position with respect to the front wheels.⁶⁴ This suggests to the agency that the most likely types of vehicles in the current fleet that would be excluded are small and large vans. For 2021, this van segment had a sales volume of approximately 400,000 vehicles, constituting about 2.7% of the 15 million total 2021 sales.⁶⁵ ⁶⁶ Thus, the 2.7% value provides an upper bound on the number of vehicles likely to meet the exclusion criteria. It also seems clear

to the agency that relatively minor changes in design could place a vehicle in the excluded category. We are concerned about the effects of the exclusion in reducing the benefits of this proposal.

NHTSA has tested a vehicle with a short front end similar to vehicles in the excluded category and has successfully conducted headform testing. This testing demonstrated that the proposed WAD-based test procedure can be applied to short front end vehicles. NHTSA also believes it would be practicable for the vehicles to meet the proposed standard. NHTSA tested the 2004 GMC Savana van to a slightly modified version of the GTR 9 test protocol, with a 32 km/h head impact speed. Three of four hood impacts had a HIC below 600. The fourth test, near the edge of the hood had a HIC of less than 1000.⁶⁷ These results suggest that FMVSS No. 228 would be practicable for similar vehicles.

TABLE V.1—SAMPLE OF VEHICLE'S HORIZONTAL DISTANCE FROM THE FRONT AXLE TO SEAT BIGHT

Year	Make/model	Approximate distance to seat bight (mm)	
		Full forward	Full rearward
2015	Ford Transit	930	1180
2016	Honda Fit	1200	1480
2003	Honda Pilot LX	1250	1500
2016	Nissan Rogue	1270	1480
2011	Chevrolet Cruze	1300	1550
2012	Ford Focus	1320	1570
2001	Honda Civic	1330	1530
2012	Ford Fusion	1380	1760
2006	Infiniti M35	1400	1650
2002	Jeep Wrangler	1680	1880

We request comments on the practicability concerns related to these vehicles, specific challenges such vehicles present related to the proposed test procedure, and what adjustments, if any, would be available to apply proposed FMVSS No. 228 to such vehicles. We also request comments on the safety need and outcomes of including all light vehicles under the proposed standard to maximize potential safety benefits to pedestrians and other vulnerable road users.

Rear Engine Vehicles and Bidirectional Vehicles

It is the agency's intent to apply FMVSS No. 228 to rear engine vehicles, as long as they meet the other applicability requirements. This is because the location of the tested area is not dependent on where the engine is located, but rather is keyed to the front of the vehicle. We believe GTR 9 is intended to apply to such vehicles.

A similar assumption cannot be made about whether GTR 9 is intended to cover bidirectional vehicles. Certainly, there is no explicit mention of these vehicles. Nonetheless, it is NHTSA's

intent to apply FMVSS No. 228 to bidirectional vehicles. NHTSA believes that such vehicles may become more common, particularly with the advent of more automated vehicle platforms, and that there is a safety need to apply proposed FMVSS No. 228 to the vehicles because they could strike pedestrians. Therefore, we have explicitly made the definitions and regulatory text of proposed FMVSS No. 228 neutral concerning the direction of vehicle operation, *i.e.*, the regulatory text is intended to work for bidirectional vehicles. First, we have explicitly included bidirectional vehicles in the

⁶³ NHTSA understands that the Cruise Origin and Zoox vehicles do not have a traditional driver's seating position.

⁶⁴ Some vehicles in this category would be the Chevrolet Express, Ford E-Series, Ford Transit, Ford Transit Connect, GMC Savana, Mercedes-Benz

Metris, Mercedes-Benz Sprinter, Nissan NV, Nissan NV200, Ram ProMaster, Ram ProMaster City.

⁶⁵ <https://www.goodcarbadcar.net/2021-us-commercial-van-sales-figures-by-model/>.

⁶⁶ <https://www.goodcarbadcar.net/2021-us-vehicle-sales-figures-by-model/>.

⁶⁷ Stammen J, et al, "Pedestrian Head Safety Survey of U.S. Vehicles In Support of the Proposed Global Technical Regulation (GTR)" (2006). <https://unece.org/DAM/trans/doc/2008/wp29/WP29-144-03e.pdf>.

Applicability section of the proposed regulatory text. Next, we have defined “bidirectional” vehicle to mean a vehicle that is intended to operate at similar speeds and with similar maneuverability in both directions of the vehicle longitudinal axis.⁶⁸ Similarly, we have defined “front” to mean the leading portion of the vehicle during full speed operation. We seek comment on whether the terms accomplish the agency’s objective of including bidirectional vehicles in FMVSS No. 228.

C. Advantages of Headform Component Tests

The NPRM proposes using headform component tests rather than full vehicle dynamic tests in which a vehicle would strike a pedestrian dummy. The agency believes that headform component tests have advantages over full vehicle dynamic tests. The area of the vehicle hood that could contact a pedestrian’s head is large. A set of headform component tests enables NHTSA to target hood areas that the agency

believes represent danger points, and test with a high degree of accuracy and repeatability. Like all crashes, every real-world pedestrian crash is unique in some way. When the range of statures and other crash variables are taken into account, the area of the vehicle that could contact the head is so large that currently the only feasible test method is one that is based on a sub-system test approach. Proposed FMVSS No. 228 uses such an approach by focusing on the hood and by making use of a set of headform component tests that can target the hood area efficiently. The headform mass, impact angle, and impact speed can all be controlled in a way that will assure that the standard will provide safety in real world impacts and can be enforced. The characteristics of the headforms are discussed in detail later in this preamble.

Pedestrian test dummies have been developed for crashworthiness research. In general, the repeatability of tests using a pedestrian dummy is relatively

poor because small variations in initial positioning influence the head-to-hood contact as the dummy passes through its sequence of movements after being struck by the vehicle. Moreover, head impact locations are highly dependent on stature and gait, so use of a single pedestrian dummy for crashworthiness purposes would make it very difficult to assess hood areas that are likely to be struck by persons not represented by the dummy.

D. Head Injury Criterion (HIC)

Consistent with GTR 9, NHTSA has determined that HIC is an appropriate injury criterion for the proposed standard. The proposed standard would require HIC to be less than 1000 for most hood impacts. HIC is calculated using the expression below, where the resultant acceleration, a_r , at the headform center of gravity and specified as a multiple of g (the acceleration of gravity), is integrated over 15 millisecond ranges covering the entire impact.

$$HIC = \left[\frac{1}{t_2 - t_1} \int_{t_1}^{t_2} a_r dt \right]^{2.5} (t_2 - t_1)$$

HIC, which is a function of the tri-axial linear acceleration in the headform, is well established and used in numerous occupant protection FMVSS. A HIC value of 1000 represents an 11 percent risk of a brain injury of severity level AIS 4 or greater and a HIC value of 1700 represents a 36 percent risk.⁶⁹ Many of NHTSA’s impact protection standards use HIC to measure the potential for head injury and limit HIC to a value of 1000; these include FMVSS No. 201, *Occupant protection in interior impact*, FMVSS No. 214, *Side impact protection*, and FMVSS No. 222, *School bus passenger seating and crash protection*. NHTSA considered other brain injury metrics, such as angular velocity, but determined that HIC is the best available criterion at this time.⁷⁰

Proposed FMVSS No. 228 would require vehicles to meet HIC limits

when subjected to hood headform impactor testing. It defines the forward, rear and side areas of the hood, thus defining a primary area—the “Hood Top.”⁷¹ From there, a typically smaller “Hood Area” is defined using, among other things, the Wrap Around Distance lines described earlier. Of this Hood Area, the standard would define a Child Headform Test Area and an Adult Headform Test Area, excluding margins at the side and potentially at the front and rear, which would be tested with the child and adult headforms, respectively. The HIC must not exceed 1000 (HIC1000) over a certain portion of the Child and Adult Headform Test Areas, as a percentage of the overall Hood Area. Specifically, the portion of the Child Headform Test Area that must meet the HIC1000 provision must be at least one-half of the numerical value of

the Hood Area with a Wrap Around Distance of less than 1,700 mm (WAD1700).⁷² Secondly, the portion of the Combined Child and Adult Headform Test Areas that must not exceed the HIC1000 provision must be at least two-thirds of the numerical value of the Hood Area. For practicability reasons to accommodate a manufacturing need to reinforce and stiffen the hood edges, the remaining test area is permitted to have HIC higher than 1000, but nonetheless limited to 1700 for both headforms.⁷³

HIC time window, 15 ms. Proposed FMVSS No. 228 would reference a 15 millisecond (ms) time window when applying the HIC criterion. For any 15 ms time window, HIC must be below the HIC criterion (e.g., HIC1000). A 15 ms time window is used in proposed FMVSS No. 208 verses a longer window

⁶⁸ The terms of this definition are intended to distinguish these vehicles from conventional vehicle that can also operate in two directions. However, for conventional vehicles the rearward or backing direction is not intended for full speed operation, but rather low speed and typically in a single gear.

⁶⁹ AIS (Abbreviated Injury Scale) ranks individual injuries by body region on a scale of 1 to 6: 1=minor, 2=moderate, 3=serious, 4=severe, 5=critical, and 6=maximum (untreatable).

⁷⁰ In an actual vehicle-pedestrian collision, head rotation that occurs before, during, or after the head impact with the hood could result in concussive brain injuries. However, the biofidelity of a headform—unattached to the body—could be compromised in its ability to generate angular velocity representative of an actual pedestrian head impact. The agency would like to understand more about the biofidelity of a headform when used to measure angular velocity.

⁷¹ The procedures for defining these areas are discussed below in this preamble.

⁷² The drafters of the GTR determined that because the location of necessary under-hood components cannot be fundamentally changed, it is unavoidable that they are located in the child headform test area. Thus, the GTR provides that the relaxation zone for the child headform test area may be half of the zone (as opposed to ⅓ of the zone, as in the adult test area).

⁷³ Such reasons include the need to minimize any fluttering of the hood at high speeds and the ability to slam the hood shut without deforming the seams at the junction of the hood and fender.

(e.g., using a 36 ms timeframe) because the FMVSS No. 228 impact is hard and of short duration. Longer duration impacts may have a greater HIC when using a 36 ms window (a longer duration impact can occur in air bag tests when the test dummy's head maintains contact with the air bag through a crash event). For hard, short duration impacts such as the headform testing used in proposed FMVSS No. 228, HIC derived from a 15 ms timeframe produces the same numerical value as HIC derived from a longer window (36 ms). Since the FMVSS No. 228 impact is hard and of short duration, a 15 ms window is appropriate.

Further, GTR 9 uses a 15 ms window instead of 36 ms to improve the objectivity of the test. The 15 ms window was viewed as a common-sense safeguard against signal corruption due to a secondary impact. With hood impacts, there is a risk that the headform may undergo a secondary impact in rapid succession (in less than 36 ms), as the head could strike the hood target then bounce away and land on a structure such as the windshield, which is outside of the test area. To safeguard against the effects of a secondary impact, the 15 ms criterion was implemented as a convenient means to help assure that the HIC value reflects only that portion of the headform acceleration caused by a hood impact within the test area. The procedures developed by IHRA, ISO, and the EEVC all use a 15 ms window to calculate HIC. This criterion and threshold have been carried over to all subsequent international standards.

Request for Comment on HIC

- We generally agree with the approach and have proposed it in this NPRM. However, we would like to know more about the following issues.

We have not seen a need to use a 15 ms window, as opposed to a 36 ms window, because head impacts to external car structures are very short, occurring within a few milliseconds of contact. In practice, 15 ms and 36 ms windows generally have produced the same value in pedestrian protection tests. Further, in our own testing, we have not observed an instance where the use of a 36 ms window would have led to signal corruption due to a secondary impact. We request comment on the need for a 15 ms timeframe related to testing issues.

- We also seek comment on whether a 15 versus 36 ms window could affect HIC measurements when testing active hoods or cowl air bags,⁷⁴ features that have appeared in recent years, particularly in non-U.S. vehicles. We request comments on whether HIC computed in a 36 ms timeframe would be more appropriate and protective against head injury for vehicles with active hoods or air bag technologies than HIC computed in a 15 ms window. Should FMVSS No. 228 adopt a HIC 36 ms timeframe to account for these technologies?

E. Speed and Angle at Which the Headforms Would Impact the Hood

The headforms would impact the vehicle hood at specific speeds and impact angles replicating a real-world 40 km/h (25 mph) impact.

1. Headform Impact Speed

Proposed FMVSS No. 228 would require the launch direction to be entirely within the plane parallel to the vehicle x-z plane (vertical longitudinal plane) and the impact speed for both headforms would be 35 km/h (22 mph).⁷⁵ This speed is based on observations of postmortem human subjects (PMHS) and pedestrian surrogate testing, computer modeling,

and reconstructions of real-world pedestrian collisions. The proposed velocity of 35 km/h (22 mph) replicates the actual head-to-hood impact speed of a pedestrian struck by a vehicle traveling at 40 km/h (25 mph).⁷⁶

The proposed test speed encompasses the majority of pedestrian collisions. About 70 percent of injurious pedestrian collisions occur at vehicle speeds of 40 km/h (25 mph) or less (see figure V.2, which averages data from 2011 to 2020).⁷⁷ In addition, the 35 km/h (22 mph) test speed is a critical part of the real-world event replicated by the headform impact test. The dynamics of a pedestrian-vehicle interaction change at a target speed substantially greater than 40 km/h (25 mph). Above 40 km/h (25 mph), an initial hood-to-torso interaction takes place where the pedestrian tends to slide along the hood, with the head overshooting the hood. The head-to-hood interaction that the proposed test procedure replicates would lose its real-world relevance if a substantially higher test speed were used.

The proposed test speed addresses a safety need within the bounds of practicability. Although pedestrian fatalities, on average (50% cumulative value in figure V.2), occur at a collision speed of 70 km/h (44 mph), the practicability of designing a hood to conform to HIC1000, based on energy dissipation, appears to become less feasible at a headform impact speed of 61 km/h (38 mph) (assuming the same ratio of head speed to vehicle speed used from the proposal, the 61 km/h would have about 3 times the energy). Moreover, the proposed rule would reduce the severity of many head injuries that occur at speeds covered by the test.

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⁷⁴ The cowl is the lower edge of the windshield opening. Active hoods move when a pedestrian impact is sensed, increasing the distance between the hood and the hard engine components below. A cowl air bag covers the cowl during a pedestrian impact.

⁷⁵ The vehicle coordinate system used in this NPRM is consistent with SAE J1100 "Motor Vehicle Dimension." The coordinate system is as follows: +x direction is the longitudinal vehicle axis (rearward direction of travel); +y direction is the lateral vehicle axis (pointing away from the right side of the vehicle); +z direction is pointing vertically upward.

⁷⁶ Researchers have historically used the ratio of head impact speed to vehicle speed to characterize the head-to-hood interaction. A head impact speed of 35 km/h (22 mph) in a 40 km/h (25 mph) collision yields a ratio of 0.875. Depending on conditions, such as the shape of the vehicle front-

end, the height of the leading edge of the hood, and the height of the pedestrian, the ratio for an adult may be as high as 1.4 or as low as 0.7.

⁷⁷ Mizuno Y, Ishikawa H (2001), Summary of IHRA pedestrian safety WG activities—proposed test methods to evaluate pedestrian protection afforded by passenger cars, Paper No. 280, The 17th International Technical Conference on the Enhanced Safety of Vehicles, Amsterdam, The Netherlands, June 4–7, 2001.

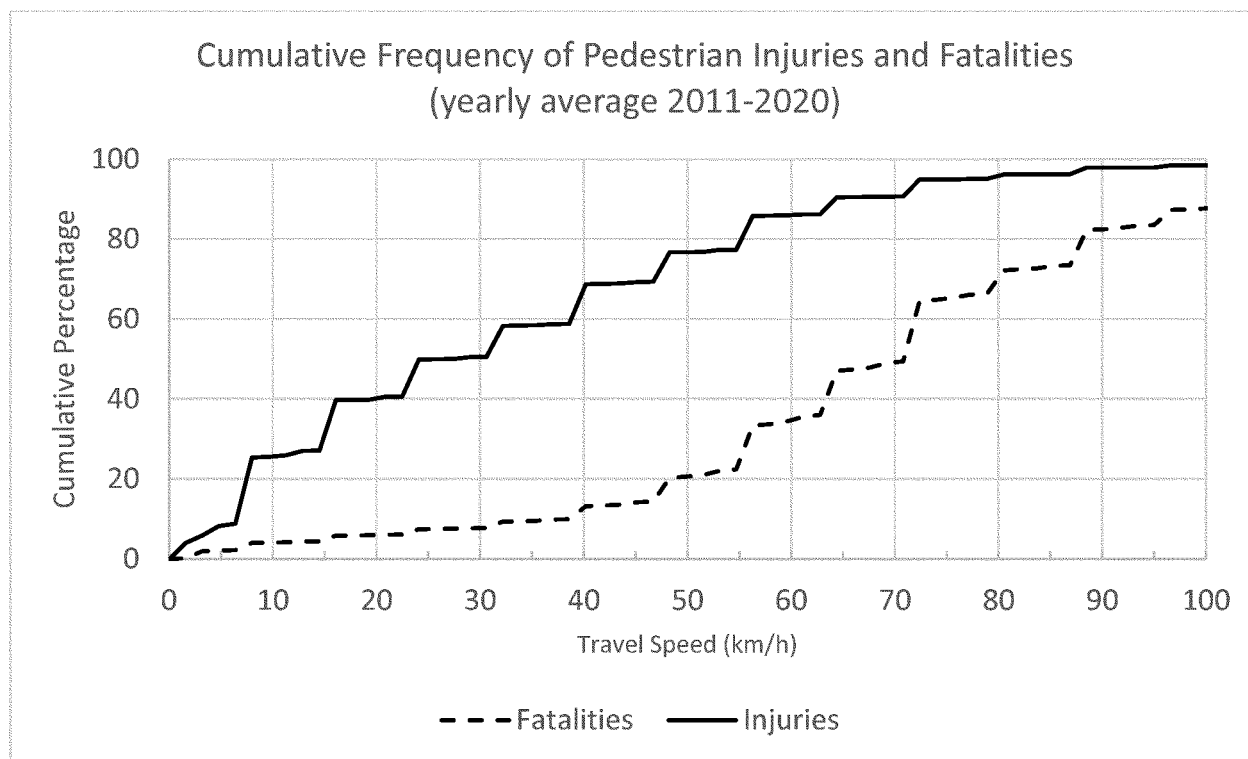


Figure V.2. Distributions of pedestrian injuries and fatalities by vehicle travel speed, Annual Average of 2011 - 2020. Sources: FARS and GES.

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Notwithstanding the proposed headform test speed of 35 km/h (22 mph), NHTSA believes there would be benefits from the proposed standard for some crashes above a 40 km/h (25 mph) vehicle speed, as the countermeasures used to meet the proposed HIC thresholds could mitigate some of the harm resulting from head-to-hood strikes that can occur in the higher speed crashes. Also, vehicle designs that provide head protection in a 35 km/h (22 mph) headform impact may also have the effect of reducing the severity of injuries to body regions other than the head in collisions at vehicle speeds above 40 km/h (25 mph). For example, at vehicle to pedestrian collision speeds of 50 km/h (31 mph) and higher, bilateral rib fractures have been observed in thorax-to-hood contacts.⁷⁸ We request comment on whether some of these types of injuries could be mitigated by hood designs meeting FMVSS No. 228.

NHTSA anticipates PAEB would mitigate 238 fatalities and 2,672 injuries of the current target population for this

NPRM and has based our benefits estimate for this NPRM on that assumption. Automatic emergency braking helps prevent crashes or reduce their severity by applying a vehicle's brakes automatically. The systems use on-board sensors to detect an imminent crash, warn the driver, and apply the brakes if the driver does not take action quickly enough or increase the braking application in the case that the driver does not sufficiently brake to avoid contact. When new vehicles are equipped with PAEB that meets the requirements specified in FMVSS No. 127, fewer pedestrians will be struck, which would have the effect of reducing the target population for this rulemaking. On the other hand, for many impacts that occur at speeds too high for PAEB to completely mitigate, PAEB will lower the vehicle's speed so that impact speeds that would have been greater than 40 km/h (25 mph) could be reduced to close to or below 40 km/h (25 mph). This would theoretically add to the target population of this rulemaking because these are pedestrian crashes that this proposed pedestrian head protection standard could potentially address. And, as proposed FMVSS No. 228 would ensure the striking vehicles have protective features that protect against

serious to fatal head injury in these impacts, those pedestrians that would be newly included in the target population of this NPRM due to PAEB could arguably be included among those saved from serious to fatal injury by this head protection rulemaking. However, we have not accounted for the extent to which the FMVSS No. 127 would add to the target population or to the population of persons benefiting from this head protection NPRM because of unknowns about how those benefits could be quantified. As a result, our analysis likely underestimates benefits. With this in mind, in the PRIA we estimate that PAEB would decrease the fatality target population addressed by FMVSS No. 228 by about 4 percent. Comments are requested on this issue.

- NHTSA requests comments on increasing the test velocity above 35 km/h (22 mph) to capture a greater percentage of pedestrian impacts presented in the field data and achieve additional safety benefits.

2. Headform Impact Angle

Consistent with the GTR, NHTSA proposes that, at impact, the velocity vector of the child headform would form a 50-degree angle down from the horizontal ($50^\circ \pm 2^\circ$ at the time of impact). For the adult headform, the

⁷⁸ Watanabe A et al (2011), Research of collision speed dependency of pedestrian head and chest injuries using human FE model (THUMS version 4), 22nd International Technical Conference on the Enhanced Safety of Vehicles (ESV), Paper No. 11-0043, Washington DC, June 2011.

angle would be 65 degrees ($65^\circ \pm 2^\circ$ at the time of impact). (See figure V.3, showing the child headform impact and

figure V.4, showing the adult headform impact).

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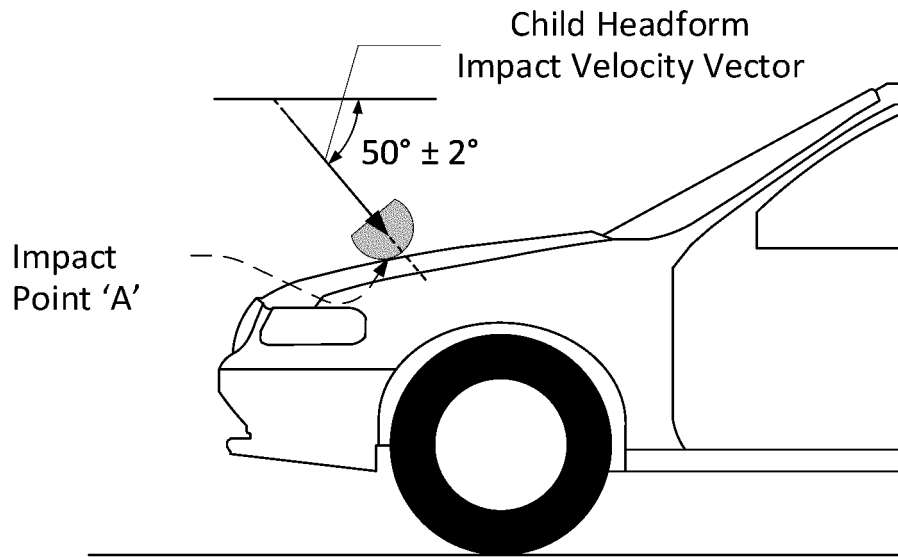


Figure V.3. Impact angle and impact point of the child headform.
(For illustration purposes only.)

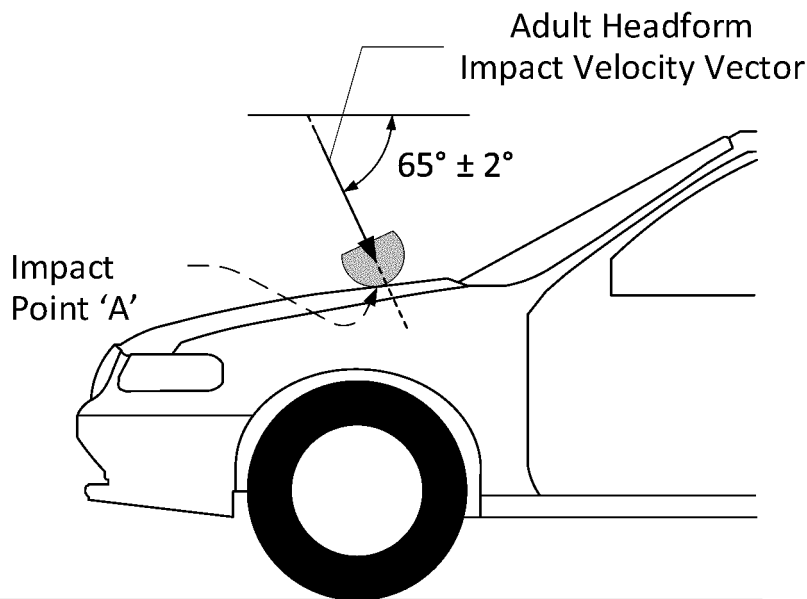


Figure V.4. Impact angle and impact point of the adult headform.
(For illustration purposes only.)

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The head impact angles were developed based on observations of PMHS and pedestrian dummy tests, computer modeling, and reconstructions of real-world pedestrian collisions. The impact angle in a real-world impact is greater for taller pedestrians than for

shorter pedestrians, and this is reflected in the test procedure. The impact angle in real-world impacts also varies depending on the shape of the vehicle front-end, particularly the height of the leading edge of the hood. Passenger cars (with low leading edges) generally

produce head-hood angles that are closer to 90 degrees than SUVs.

The proposed 65-degree impact angle for the adult headform test is the same as the IHRA specification. The bulk of research data showed head impact angles in the range of 50 to 80 degrees; IHRA selected a nominal headform

angle of 65 degrees.⁷⁹ Component tests conducted by NHTSA⁸⁰ showed that HIC sensitivity to impact angle varied with hood stiffness and proximity to hard understructures. Where there were no hard understructures, HIC values exhibited very little sensitivity to impact angle. In general, HIC variation of less than 10 percent was shown between 50 and 80 degrees.

The selection of a 50-degree impact angle for the child headform test was partly based on computational simulations using a 5th percentile adult female (which is about the same size as an average 12-year-old child)⁸¹ and a 6-year-old child. The simulation results for the 5th percentile female gave similar average values to those found for the 50th percentile adult male. For the 6-year-old, however, simulations showed that the head impact angle was more sensitive to car shape, particularly to the height of the hood leading edge. An average value of 45 degrees was found for the 6-year-old. The 50-degree impact angle is representative of the simulation results with a bias towards the 6-year-old child.

Request for Comment on the Proposed Impact Angle

- We believe that the headform impact test would be the most stringent when the impact is normal to the hood surface (a 90-degree angle of incidence to the surface).⁸² If the impact is normal (90 degrees) and there is no glance-off, all of the headform's energy would have to be absorbed by the hood to stop its downward movement. However, a 90-degree angle of incidence to the surface may not be consistent with real world impacts at speeds up to 40 km/h (25 mph) and would require the impactor launch angle to vary by test location. We request comment on whether the standard should increase the impact angles to increase stringency notwithstanding a possible reduction in the representativeness of real-world crashes.

VI. Defining the Relevant Areas Subject to the Standard

Overview: Proposed FMVSS No. 228 would have detailed procedures that define reference lines on the vehicle from which NHTSA would calculate the area of the vehicle that must provide pedestrian head protection. The proposed procedures (including the WAD procedure) are needed to enable the agency to objectively define the areas on the vehicle that are subject to the standard, the total HIC1000 area that must be provided, and the locations of the Child and Adult Headform Test Areas. The procedures are necessary for NHTSA to assess a test vehicle's compliance with the standard. NHTSA would use the procedures to define these relevant areas and would not use manufacturer input to define them.

As relevant areas are defined in the following section of this NPRM, any necessary clarification to GTR 9 will be identified and described. Although the various hood reference lines should be essentially identical to those in GTR 9, the terminology used to describe the areas and reference lines are not identical. A more complete comparison of the terminology used in GTR versus this NPRM can be found in section VIII.

The areas subject to the standard are the areas likely to be impacted by the head of a pedestrian and for which countermeasures are or could reasonably be available. The most severe head injuries can be due to contact anywhere on the hood surface.⁸³ Consistent with GTR 9, the first step in establishing these areas would be to identify the "Hood Top."⁸⁴ The Hood Top forms the basis upon which all other areas are determined. We discuss the method for determining the Hood Top in section VI.A below. The next step would be to establish the "Hood Area" using the procedures discussed in section VI.B below.⁸⁵ The final step in the process would be to determine the test areas, *i.e.*, the Child and Adult Headform Test Areas. As part of this

process, consistent with GTR 9's 82.5 mm margins, the standard would identify "HIC Unlimited Areas"⁸⁶ and exclude them from meeting HIC limits. While the agency is unaware of data that indicates there is a lower likelihood of pedestrian head contact in this area compared to other areas of the hood, the GTR and proposed standard provide for HIC Unlimited Areas as a practicability measure to accommodate a manufacturing need to reinforce and stiffen the hood edges.⁸⁷ The HIC Unlimited Area bounds the Child and Adult Headform Test Areas at the hood edge.

Portions of the Child and Adult Headform Test Areas are either subject to HIC1000 or HIC1700 limits. The requisite HIC1000 area that is calculated based on the total Hood Area must be located within the Child and Adult Headform Test Areas and are not part of the HIC Unlimited Area. Proposed FMVSS No. 228 would provide manufacturers considerable leeway in determining where to place the HIC1700 area to afford them as much flexibility as reasonably possible in configuring the structures comprising their underhood designs. The vehicle manufacturer would inform NHTSA of the locations of the HIC1700 areas. NHTSA would use that information to confirm that sufficient HIC1000 area has been provided, delineate the HIC1700 areas, and confirm through headform test results that the appropriate HIC limits are met.

A. Determining the Hood Top

The Hood Top is enclosed by the intersection of the following borders (these borders are depicted in figure VI.1 below):

- *Front border:* Leading Edge Reference Line.
- *Side border:* Side Reference Lines.
- *Rear border:* Rear Reference Line.

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⁷⁹ Because the typical hood is angled forward at about 15 degrees, it causes the 65 degree adult headform impact to create an 80 degree angle of incidence with the hood, *i.e.*, a slightly angled (non-normal) headform impact.

⁸⁰ Stammen JA, Saul RA, Ko B (2001), Pedestrian head impact testing and PCDS reconstructions, Paper No. 326, 16th International Technical Conference on the Enhanced Safety of Vehicles (ESV) Proceedings, Amsterdam, The Netherlands, June 4-7, 2001.

⁸¹ Janssen and Nieboer, Sub-system tests for assessing pedestrian protection based on computer

simulations, Proceedings of the IRCOBI Conference, Berlin, September 1991.

⁸² Assuming that a 15 degree hood angle is typical, a 90 degree head-hood angle would correspond to a 75 degree headform impact angle from the horizontal.

⁸³ Koetje B and Grabowski J. A Methodology for the Geometric Standardization of Vehicle Hoods to Compare Real-World Pedestrian Crash; *Annals of Advances in Automotive Medicine*. 2008; 52: 193-198.

⁸⁴ The Hood Top is identical to the "Bonnet Top" of GTR 9.

⁸⁵ As we will describe below, in some instances the Hood Area may be equivalent to the Hood Top.

⁸⁶ NHTSA would use the procedures in the standard to identify the HIC Unlimited areas and would not use manufacturer data to define them. We note that GTR 9 does not use the "HIC Unlimited" terminology, but makes the same reduction to the testable area.

⁸⁷ As noted earlier, such reasons include the need to minimize any fluttering of the hood at high speeds and the ability to slam the hood shut without deforming the seams at the junction of the hood and fender.

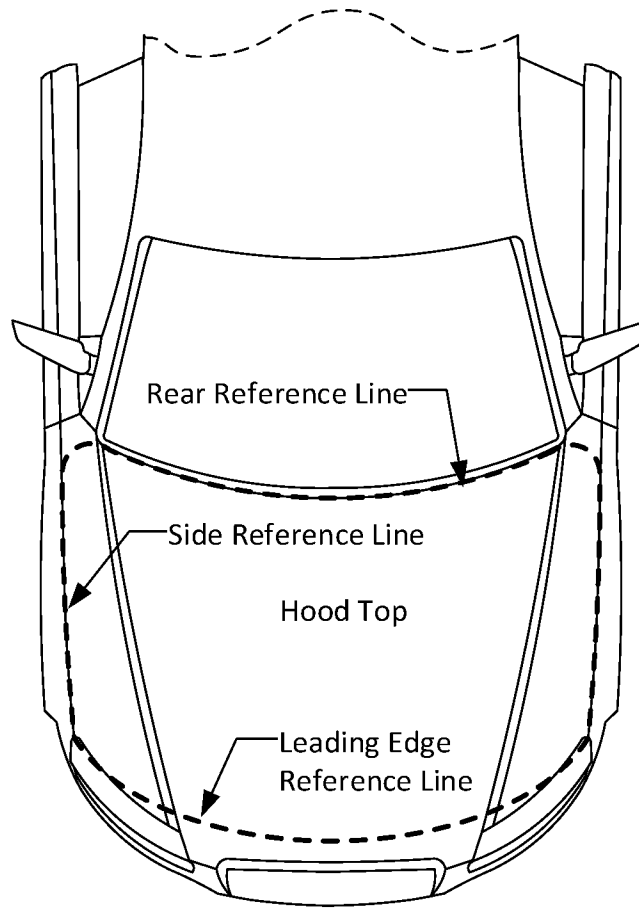


Figure VI.1. Example Schematic of Hood Top.
For illustration purposes only.

1. Front Border of the Hood Top

The front border of the Hood Top would consist of the vehicle's "Leading Edge Reference Line" (LERL). The LERL is determined for most vehicles by running a 1,000 mm straight edge angled at 40° (down from the horizontal) along the front edge of the vehicle. The lower end of the straight edge is specified to be 600 mm off the ground.

The specified height of 600 mm was chosen to avoid the bumper when marking off the hood leading edge. (See figure VI.2 below, illustrating the procedure.) The length and angle of the straight edge result in the upper end being placed at 1,243 mm from ground level. The use of a 40° angle provides an objective means to delineate the grille/bumper from the hood. Moving along the width of the front-end and while

holding the straight edge parallel to the vehicle x-z plane, the contact points between the straight edge and the vehicle define the line. The reference to a 1,000 mm long straight edge is in the GTR. Our understanding is the 1,000 mm length of the straight edge was chosen for convenience, and may be a result of previous pedestrian test protocols.⁸⁸

⁸⁸ We will discuss later below how, for a subset of vehicles, the straight edge length affects the front hood border.

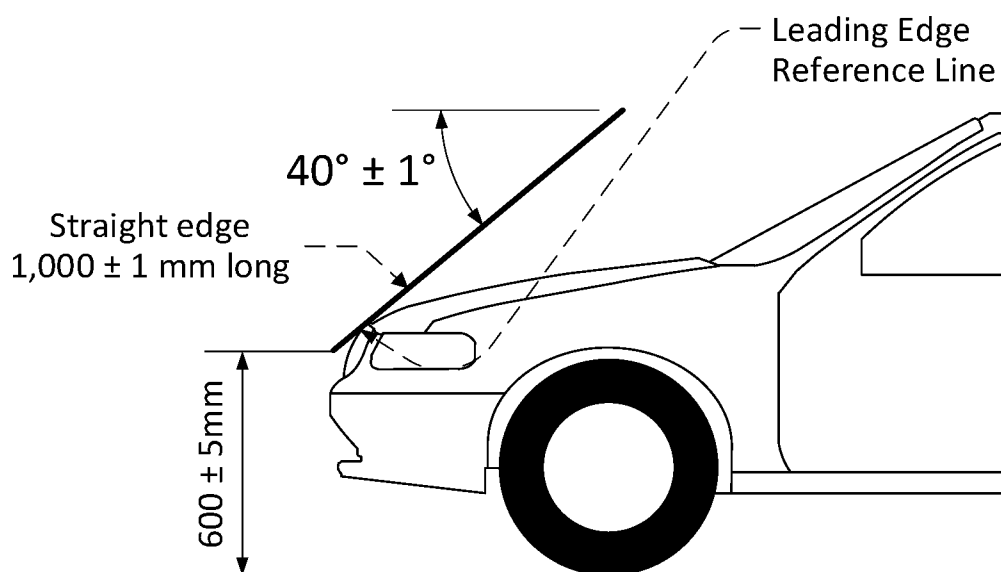


Figure VI.2. Leading Edge Reference Line.
For illustration purposes only.

2. Side Borders of the Hood Top

The side borders of the Hood Top would be determined by identifying the Side Reference Lines (SRLs). An SRL would be drawn by running a straight edge angled at 45° along the side of the vehicle. Unlike in the procedure

establishing the LERL, the straight edge is not held a fixed distance from the ground when determining the SRL. The 45° angle provides an objective means to delineate the fender from the hood. Moving along the length of the vehicle, the contact points between the straight edge and the vehicle define the SRL.

The side border has been defined this way in all previous test protocols preceding the GTR, including those of the EEVC, IHRA, ISO, and NHTSA's earlier work on a pedestrian protection standard. It is also used in Euro NCAP. (See figure VI.3, provided for illustration purposes.)

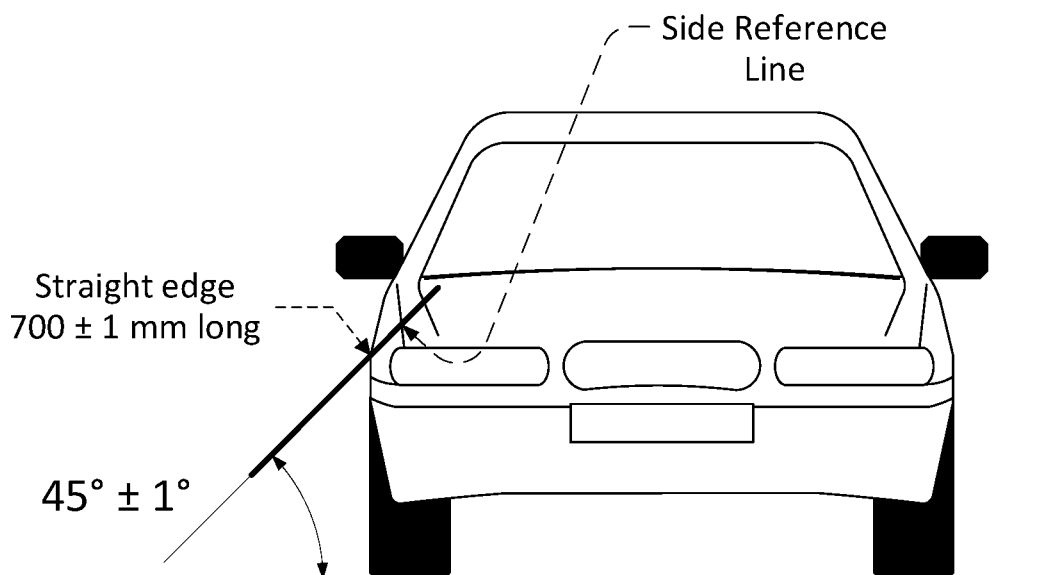


Figure VI.3. Defining the Side Reference Line.
For illustration purposes only.

3. Rear Border of the Hood Top

The rear border of the Hood Top would be determined by identifying the Rear Reference Line (RRL). The RRL would be determined by inserting a 165

mm sphere into the cowl⁸⁹ and against the windshield such that the sphere is in contact with the windshield and a point on the surface of the hood (usually its rear edge). The RRL is formed by moving the sphere along the width of

the windshield while always keeping the sphere in contact with the windshield and the hood. The contact points between the sphere and the hood define the RRL. (See figure VI.4, provided for illustration purposes.)

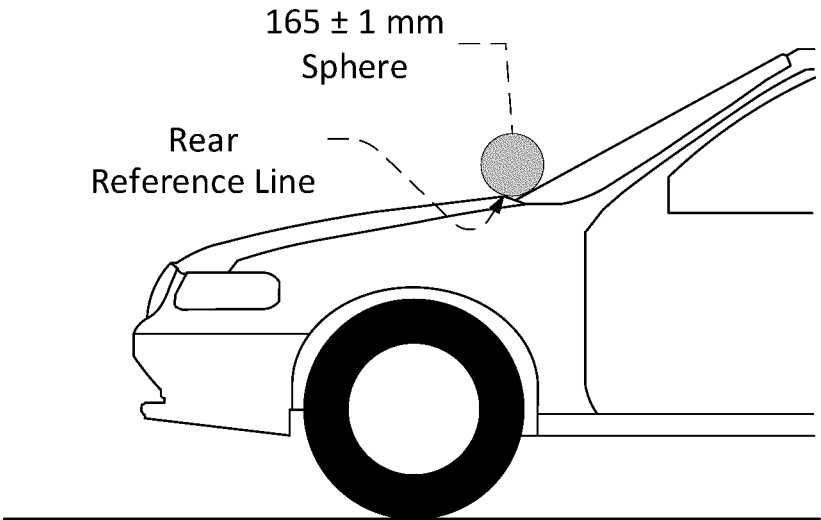


Figure VI.4. Rear Reference Line.
For illustration purposes only.

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4. Provisions for Front Corners

The GTR is at times ambiguous regarding where to pinpoint the intersection of the Leading Edge Reference Line (LERL) and the Side Reference Line (SRL) defining the Hood

Top. The front border of the Hood Top is defined by the LERL. On vehicles that were on the road fifteen or more years ago, the hood front border did not have a high degree of curvature, and the point of intersection with the side border was easy to discern. However, on newer

models, the LERL is usually curved and often not smooth—such that it may be possible for the side border to intersect in more than one place (although we expect such occurrences to be rare). This is depicted in the figure below (figure VI.5).

⁸⁹The cowl is the lower edge of the windshield opening. The wiper blades, linkages, and arms are removed during this process defining the RRL.

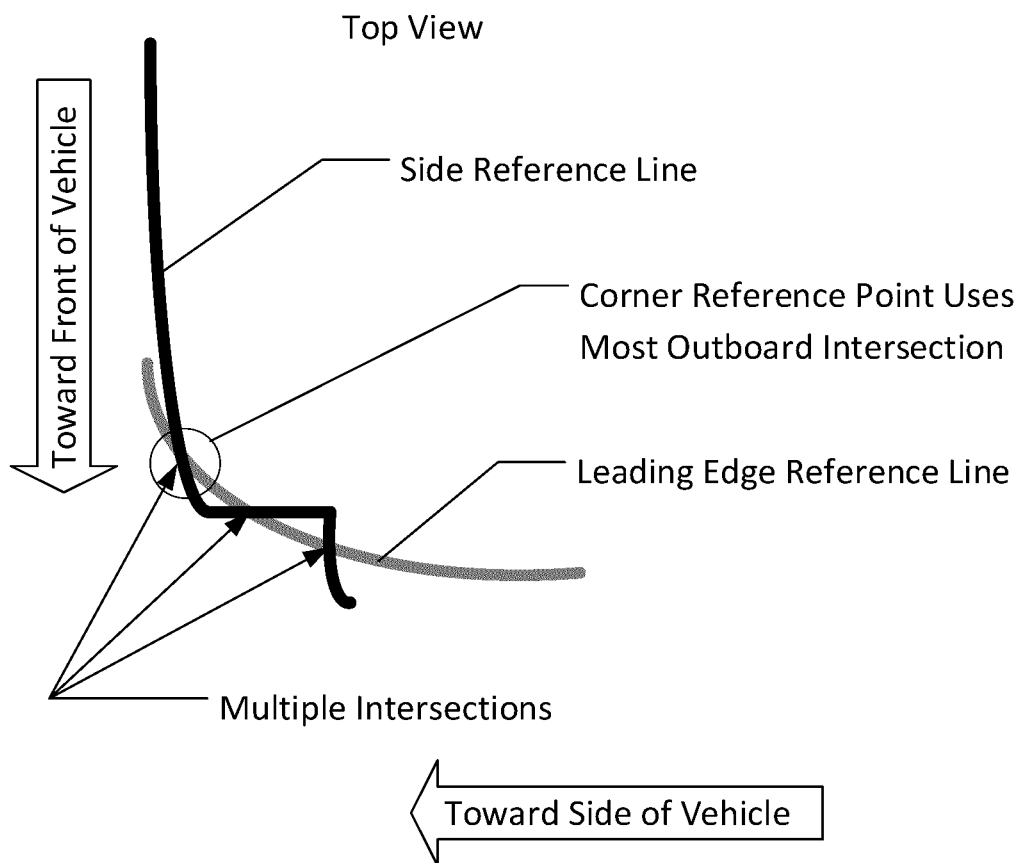


Figure VI.5. Illustration of a Corner Reference Point of the Hood Area when multiple intersections of the Leading Edge Reference Line or WAD1000 Line and Side Edge Reference Line occur.

To identify the boundaries for the Hood Top, it is important for NHTSA to know where the LERL intersects the SRL. In European test protocols used today (e.g., Euro NCAP V7.0 and later versions, UNECE Reg. No. 127), a “Corner Reference Point” for the Hood Top is defined to clarify this situation (shown graphically in figure VI.5). In those test protocols, the Corner Reference Point is the intersection of the LERL and the SRL. Additionally, Euro NCAP clarifies that if there are multiple intersections, the most outboard intersection comprises the Corner Reference Point.⁹⁰ We have included a definition of “Corner Reference Point” in our proposal for the same purpose, which would make clear that the Corner Reference Point of the Hood Top is the most outboard intersection when the LERL and the SRL intersect at multiple points.

As we discuss below, there are other areas defined on the vehicle hood that may also have multiple intersections at the front corners. To be clear in the

proposed standard as to how the areas are determined, we are also similarly defining the “Corner Reference Point of the Child Headform Test Area” and the “Corner Reference Point of the Hood Area.”

Finally, as mentioned previously, there is a proposed provision for determining the LERL of a high front vehicle when the tip of the straight edge makes first contact with the vehicle as opposed to elsewhere on the straight edge (see figure VI.16 later in the document). In such an instance, consistent with GTR 9, the WAD1000 line becomes the LERL. However, when this procedure is followed, it is likely that the WAD1000 line and SRL would not intersect due to their height difference, and thus, using procedures that would apply to vehicles of lower front ends, the Corner Reference Point of the Hood Top cannot be determined. To correct this deficiency, proposed FMVSS No. 228 would provide a procedure to connect the SRL to the WAD1000 line and thus establish the

Corner Reference Point of the Hood Top. This procedure involves establishing the Corner Reference Point of the Hood Top as if the LERL were determined by contact with the straight edge. The SRL and the WAD1000 line are then connected by a line spanning the distance from the Corner Reference Point of the Hood Top and the WAD1000 line.

5. Provisions for Rear Corners

When the sphere and cowl procedure is conducted, often the RRL does not intersect the SRL, *i.e.*, the edges of the lines do not meet at the corners. Because it is important to defining the test area that the hood borderline be continuous, proposed FMVSS No. 228 provides an objective way to connect these two lines using a procedure in GTR 9.⁹¹ FMVSS No. 228 would specify that the RRL is extended using a semi-circular template of radius 100 ± 1 mm, marked with four reference marks “A” through “D,” as shown in figure VI.6.

⁹⁰ GTR 9 does not define a Corner Reference Point and makes no provision of multiple intersections between the LERL and SRL.

⁹¹ GTR 9, section 3.6, p. 38.

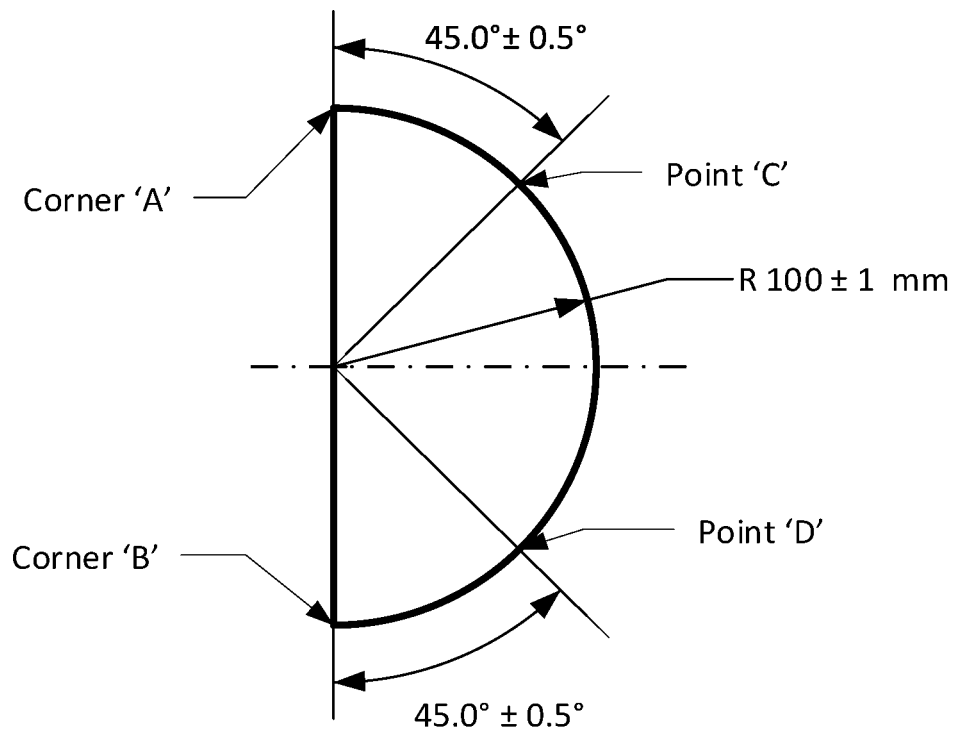


Figure VI.6. Template used to revise a non-intersecting rear reference line.

The template would be placed on the vehicle with corners "A" and "B" coincident with the side reference line. With these two corners remaining coincident with the side reference line, the template would be slid gradually

rearwards until the outer edge of the template makes first contact with the RRL. If the first point of contact between the template and RRL lies outside the arc identified by points "C" and "D," the RRL is extended and/or modified to

follow the circumferential arc of the template to meet the SRL, as shown in figure VI.7 (provided for illustration purposes).

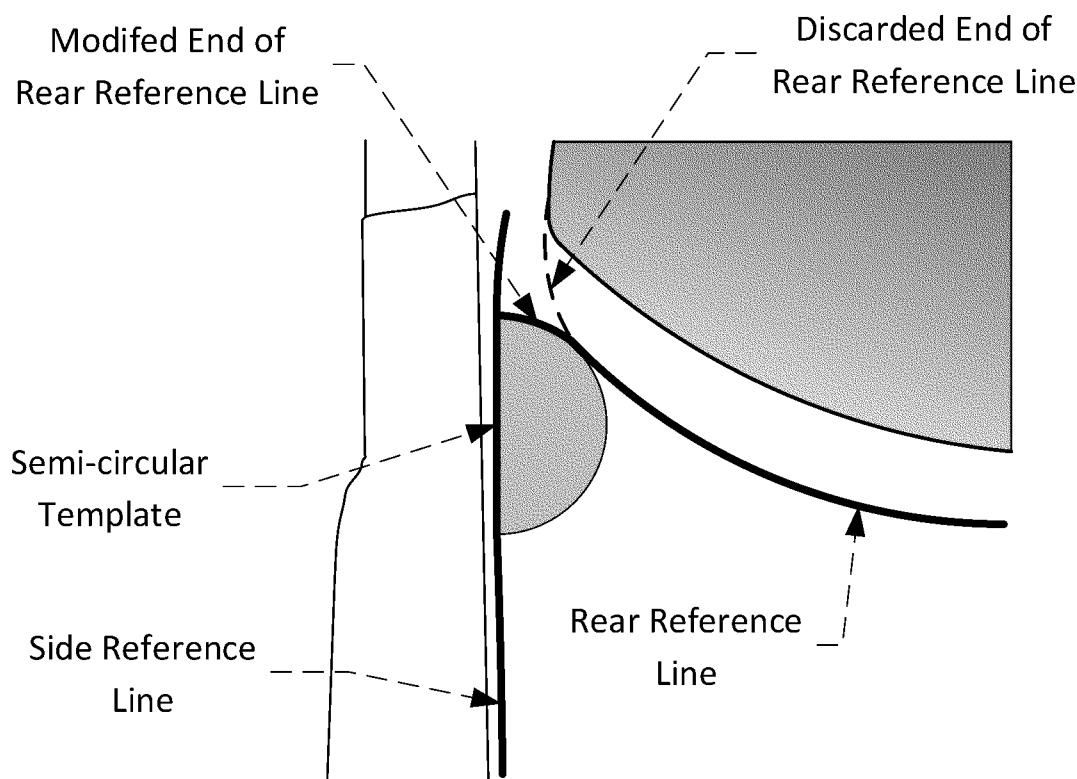


Figure VI.7. Marking of intersection between rear and side reference lines.

If the outer edge of the template shown in figure VI.6 cannot contact the rear reference line while simultaneously contacting the side reference line at points “A” and “B,” or the point at which the rear reference line and template make first contact lies within the arc identified by points “C” and “D,” then the standard prescribes that larger templates must be used where the radii are increased progressively in increments of 20 mm, until all the criteria above are met.

6. Clarifying the Borders

Through years of researching pedestrian head protection using the procedures described in the GTR, NHTSA has seen instances where the GTR is silent or ambiguous about its application to some aspects of hood design. NHTSA has developed ways to address these challenges consistent with

the GTR and NHTSA’s Safety Act requirements such that the FMVSS set forth objective and repeatable criteria. We propose to incorporate these lessons learned into FMVSS No. 228’s test procedures and criteria, some of which are highlighted below.

a. Addressing Discontinuities and Abrupt Direction Changes When Scribing the Side Reference Lines

In marking off the SRL using the straight edge, a contour on the hood or fender could create a continuous line with sudden changes in direction, or zigzagging in what was previously a relatively smooth line. NHTSA considers this marked-off side border a valid SRL and would not smooth out the line in a compliance test as may be customary in the European approval process.⁹²

Yet, some vehicle contours may result in a discontinuous line (a line with a break in it). In other words, a “jump” could occur such that the border is no longer continuous because the points contacted by the straight edge alternated between portions of the vehicle surface separated by some distance. See figure VI.8 below, which depicts a hypothetical vehicle with a discontinuous SRL (discontinuity is not to scale). As shown in the figure, in this situation, NHTSA would “fill in” the gap and make the broken line whole again using a procedure that involves holding a non-stretch wire taut across the gap in the line. The break is filled by scribing a line created by the projection of the wire vertically downward on the vehicle surface. This procedure also results in a zigzagging final line, which is an acceptable outcome.

⁹² Pedestrian Protection—ACEA Interpretations to the Respective Legislation of the UNECE and the European Union, revised November 30, 2010, Brussels. This document provides supplemental

definitions to several test procedures of GTR 9 that ACEA considered to be ambiguous. ACEA is the European Automobile Manufacturers Association, a group representing European-based automobile

manufacturers. <https://www.acea.auto/acea-members/>.

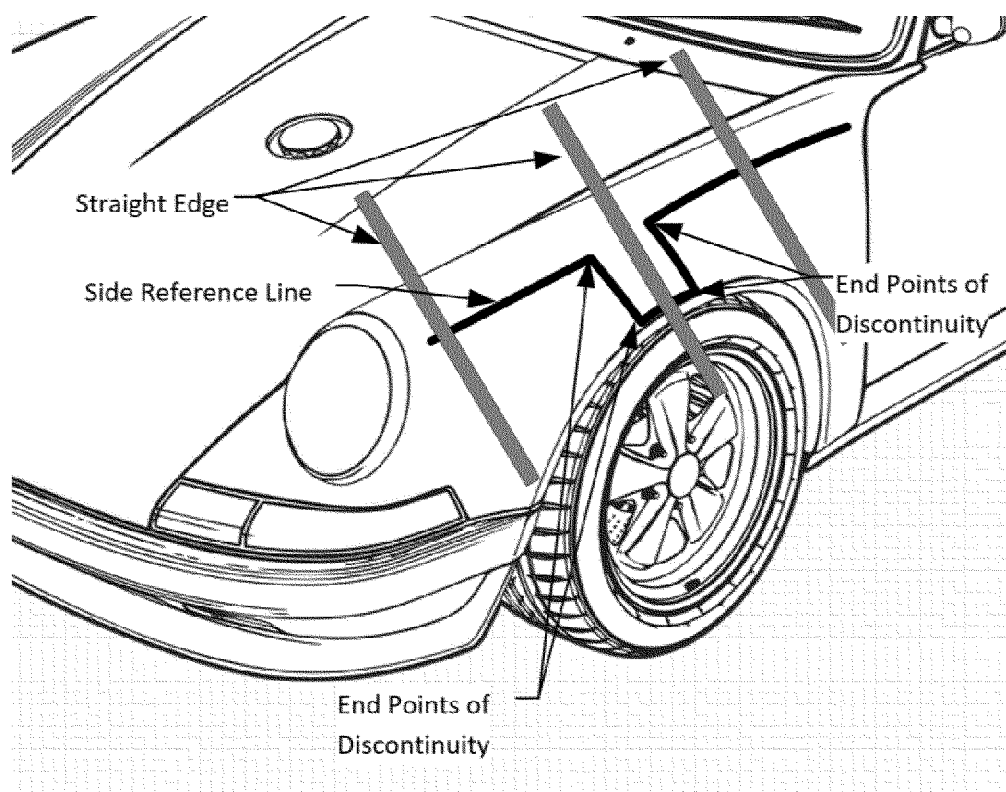


Figure VI.8. Illustration of a Side Reference Line where a line break has been connected. The final result is a zigzag line.

b. Multiple Contact Points

NHTSA has also encountered situations using the straight edge where the vehicle may be contoured such that the straight edge contacts two points at once (see figure VI.9). Such a situation could occur when scribing any of the hood borders. To address this, where multiple or continuous contacts occur NHTSA would use the contact that provides the largest Hood Top (*i.e.*, the

most outboard contact point for the side boundary, forward-most for the front boundary, and rearward-most for the rear boundary). This convention is also specified in Euro NCAP and the NCAP RFC for side borders. (We note that, as discussed in the next section, the procedure for scribing the Leading Edge Reference Line (LERL) uses a different strategy as a first step to avoid multiple contact points when scribing the line. The convention described above would

be used if multiple contact points occur even after using that initial step.) We note that GTR 9 specified the “highest points of contact” with the 700 mm straight edge when tracing the side reference line. In the example in figure VI.9, this would actually result in a more inboard point defining the SRL. However, in practice this is unlikely to result in any meaningful difference in the defined Hood Top.

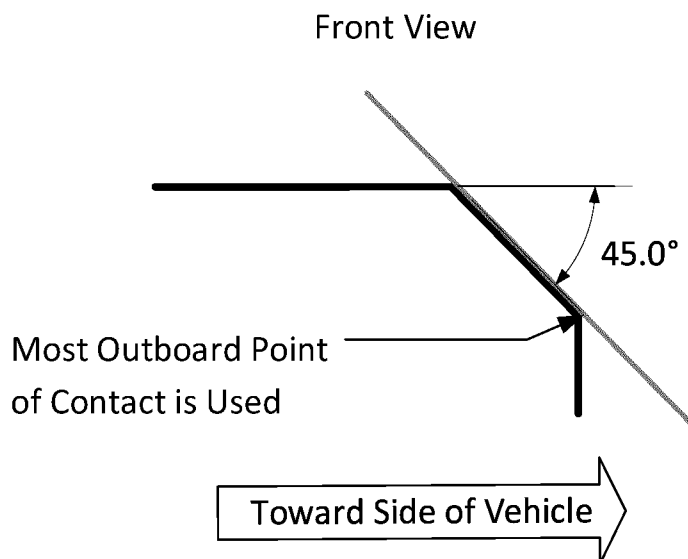


Figure VI.9. Illustration of multiple contact points on vehicle side and most outboard point of contact.

7. Special Provisions for the Leading Edge of the Hood

As explained earlier, NHTSA uses a straight edge to define the LERL of the hood. Similar to the side border, this front border of the hood may have multiple points of contact when using the straight edge held at 40° from the horizontal. If continuous or multiple points of contact result, this NPRM (consistent with the GTR) specifies

adjusting the angle of the straight edge from 40° to 50° from the horizontal to try to achieve a single point of contact.^{93 94} See figure VI.10 below, provided for illustration purposes. (This also has the effect of extending the LERL forward and thus increasing the headform test area, which NHTSA believes is desirable and consistent with safety.) We note that NHTSA is also proposing objective ways to determine whether there is “continuous contact”

or “multiple contact points” for assessing if the straight edge angle must change. Such a provision is not specified in GTR 9. A continuous contact would be established when the vehicle surface is within 0.5 mm of the straight edge for at least 50 mm of the straight edge. Contacts would have to be separated by at least 50 mm on the straight edge to be considered multiple contacts.

⁹³ Paragraph 3.5. “Bonnet leading edge reference line.”

⁹⁴ If this happens, the whole leading edge mark-off process is restarted using the 50° incline for the

entire leading edge, even though the discrepancy may have occurred at only one spot.

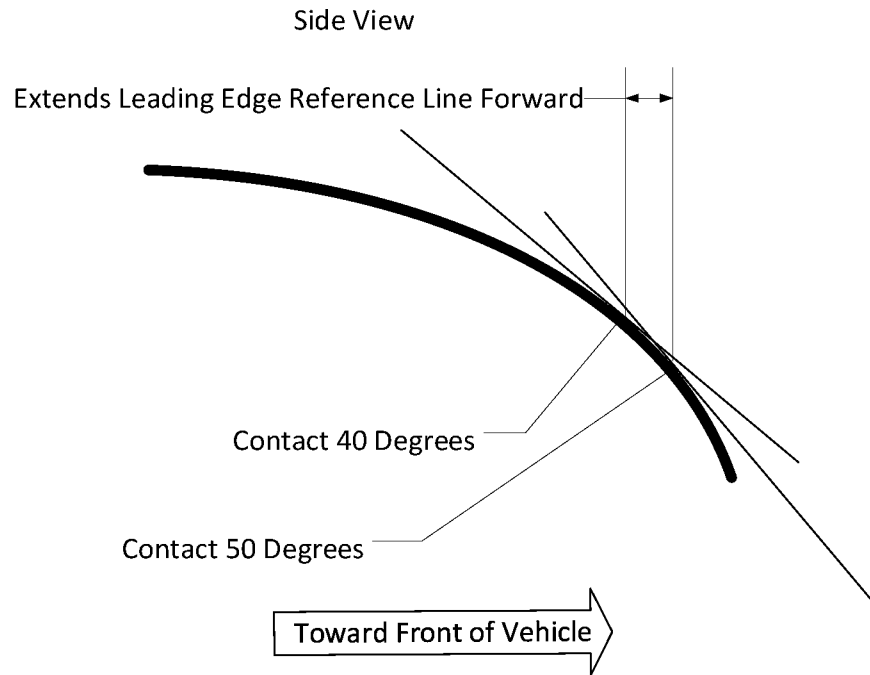


Figure VI.10. Straight edge angle change when scribing Leading Edge Reference Line if multiple or continuous contact occurs.

As is the case with the Side Reference Lines, a zigzagging final front border is an acceptable result. If there are gaps in the line, NHTSA would fill in the gaps using a non-stretch wire held taut across the gap in the line. The break is filled by scribing a line created by the projection of the wire vertically downward on the vehicle surface. Any protruding hood ornaments would be removed when drawing the LERL if they have the effect of pushing the border rearward (and reducing the test area).

One additional special provision of the LERL relates to vehicles where the only contact of the straight edge is at its upper tip. Consistent with the GTR, as the straight edge is moved laterally across the front of the vehicle, if the upper tip is the only contact point, the WAD1000 line is the LERL at this location. Additional discussion on this topic is presented later in this document.

B. Hood Area

After identifying the Hood Top, the next step is to establish the "Hood

Area."⁹⁵ The Hood Area (see light grey area in figure VI.11) is enclosed by the intersection of the following borders:

- *Front border:* the Leading Edge Reference Line (LERL) or the WAD1000 line, whichever is most rearward at the point of measurement;
- *Side border:* Side Reference Lines (SRL).
- *Rear border:* Rear Reference Line (RRL), or the WAD2100 line, whichever is most forward at the point of measurement.

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⁹⁵ For some vehicles, the Hood Area may be equivalent to the Hood Top. Also, we note that GTR

9 does not define a Hood Area. In GTR 9, the equivalent area would be what GTR 9 refers to the

"combined child and adult headform test areas." We have defined Hood Area for increased clarity.

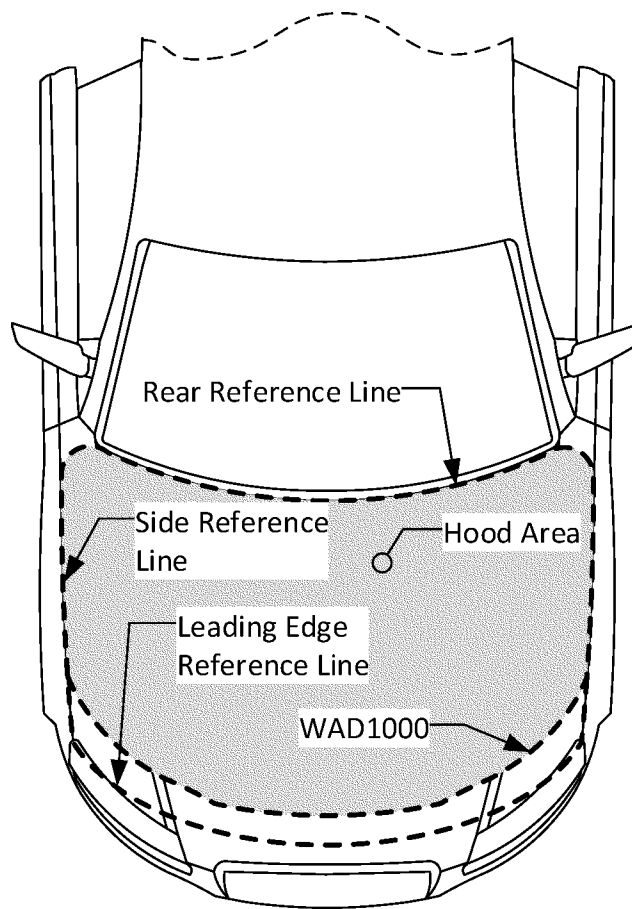


**Figure VI.11. Example Hood Area outline.
For illustration purposes only.**

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1. Front Border of the Hood Area

Consistent with GTR 9, this NPRM proposes to use the most rearward of either the WAD1000 line or the LERL in determining the front border of what proposed FMVSS No. 228 would call the Hood Area. In the example shown in figure VI.11 the Hood Area (light grey) does not completely cover the Hood Top because the WAD1000 line is rearward of the LERL. The cross hatched area shows the difference between the Hood Top and Hood Area. WAD1000 is just under the average height of a 6-year-old child (a target demographic of the standard), which is 1,150 mm. The drafters of the GTR explained that a WAD of 1,000 mm was selected as the forward boundary because real-world crash data show that over 80 percent of child pedestrian head contacts are above a WAD of 1,000 mm.⁹⁶ Figure VI.11, above, shows an example of the

WAD1000 line defining the front edge of the Hood Area, rather than the LERL. As we discuss in section VI.C.1, the front border of the Hood Area could be the front border of the Child Headform Test Area on some vehicles. We also discuss how we are considering shifting the front border of the Child Headform Test Area to increase the area subject to the proposed standard. (Conforming changes would be reflected in the front border of the Hood Area if such a change were made.)

2. Side Border of the Hood Area

The side borders for the Hood Area are the SRLs, which are also the side borders for the Hood Top. The length of side borders may differ from the Hood Top on some vehicles since the Hood Area may have different rear and front borders than those of the Hood Top.

3. Rear Border of the Hood Area

Similar to the process for the front border, the first step in establishing the rear border of the Hood Area is to locate the WAD2100 line (WAD2100). This NPRM's regulatory text proposes to use

the most forward of either WAD2100 or the Rear Reference Line (RRL)⁹⁷ in determining the rear border of the Hood Area. Strictly speaking, this is different from GTR 9, which defines the rear boundary of the equivalent area (rear reference line for the adult headform) as always being WAD2100. We believe this is an error in GTR 9, because under this reading of the GTR, even if the RRL were forward of the WAD2100 and WAD2100 is in the windshield area (essentially off of the Hood Top), WAD2100 still would be used as the rear border of the area in question. This would affect the calculation of the amount of area that must conform to a HIC1000 level, potentially including part of the windshield or cowl. This outcome is not consistent with our understanding of GTR 9.

This NPRM's regulatory text describes using the most forward of either

⁹⁶ Paragraph 72 of the "Safety Need" section of GTR 9. <https://unece.org/fileadmin/DAM/trans/main/wp29/wp29wgs/wp29gen/wp29registry/ECE-TRANS-180a9e.pdf>.

⁹⁷ As a reminder, the RRL is determined by inserting a 165 mm sphere into the cowl and against the windshield such that the sphere is in contact with the windshield and a point on the surface of the hood (usually the cowl's rear edge).

WAD2100 or the RRL in determining the rear border of the Hood Area. For most passenger cars, WAD2100 falls rearward of the cowl so the rear border would be the RRL. However, WAD2100 could define the rear border on some larger vehicles. Figure VI.12, below, shows an example of the WAD2100 line

defining the rear edge of the Hood Area, rather than the RRL. Again, the cross hatched area shows the difference between the Hood Top and Hood Area. As we discuss below, the rear border of the Hood Area may not necessarily be the rear border of the Adult Headform Test Area. In section VI.C.5, we discuss

using WAD2500 rather than WAD2100 as the rear reference line for the Adult Headform Test Area. (Conforming changes would be reflected in the rear border of the Hood Area if such a change were made.)

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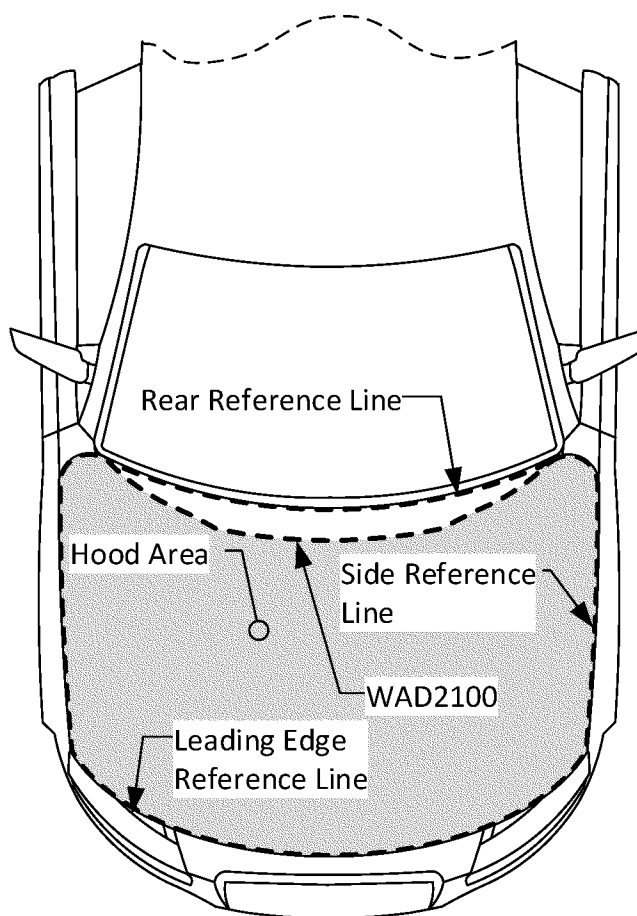


Figure VI.12. Example Hood Area outline.
For illustration purposes only.

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4. Corner Reference Point of the Hood Area

As was the case with the Hood Top, we believe it is also necessary to define a Corner Reference Point for the Hood Area to avoid any ambiguity in pinpointing the intersection of the front and side borders of the Hood Area. Obviously, when the Hood Top and Hood Area share the same front border (LERL), the corner point is the same. However, when the front border of the Hood Area is the WAD1000 line, the corner points will be different, with the Corner Reference Point of the Hood Area being at the intersection of the WAD1000 line and the side border, and

the Corner Reference Point of the Hood Top being at the intersection of the LERL and the side border.

C. Defining the Child Headform Test Area and the Adult Headform Test Area

Overview. Proposed FMVSS No. 228 defines a Child Headform Test Area and an Adult Headform Test Area, which are contained within the Hood Area.⁹⁸ Consistent with GTR 9, under this NPRM the test areas have been separated into child and adult regions because head strikes on the hood in

real-world collisions are dependent primarily on the collision speed, the height of the pedestrian, and the shape of the vehicle front-end.⁹⁹ WAD is used for demarcation of the Child and Adult Headform Test Areas because it is an excellent indicator of where a pedestrian's head will strike a hood under a given set of conditions.¹⁰⁰

⁹⁹ Ivarsson BJ, Crandall JR et al (2007), Pedestrian head impact- what determines the likelihood and wrap around distance? Paper No. 07-0373, 20th International Technical Conference on the Enhanced Safety of Vehicles Conference (ESV) in Lyon, France, June 18-21, 2007.

¹⁰⁰ The crash scenario represented by the test is a non-braking, 40 km/h impact. The suspension is set up for normal ride attitude, not braking.

⁹⁸ As noted earlier, this preamble occasionally refers to these two test areas together as the "Child and Adult Headform Test Areas" or "the combined Child and Adult Headform Test Areas."

Headform HIC Unlimited Areas

The Child and Adult Headform Test Areas are smaller than the Hood Area to account for specified regions that are not subject to HIC limits under the GTR, which we call “HIC Unlimited Area.”¹⁰¹ The HIC Unlimited Area shares an outer boundary with the Hood Top. Its inner boundary is called the HIC Unlimited Margin. The HIC Unlimited Margin forms the outer

boundary of the Child and Adult Headform Test Areas.

The Child Headform Test Area (See figure VI.13) is enclosed by the intersection of the following borders:

- *Front border:* HIC Unlimited Margin of the Leading Edge Reference Line.¹⁰²
- *Side borders:* HIC Unlimited Margins of the Side Reference Lines.
- *Rear border:* WAD1700 line or the HIC Unlimited Margin of the Rear

Reference Line, whichever is most forward at the point of measurement.

The Adult Headform Test Area (See figure VI.13) is enclosed by the intersection of the following borders:

- *Front border:* WAD1700 line.
- *Side borders:* HIC Unlimited Margins of the Side Reference Lines.
- *Rear border:* HIC Unlimited Margin of the Rear Reference Line.¹⁰³

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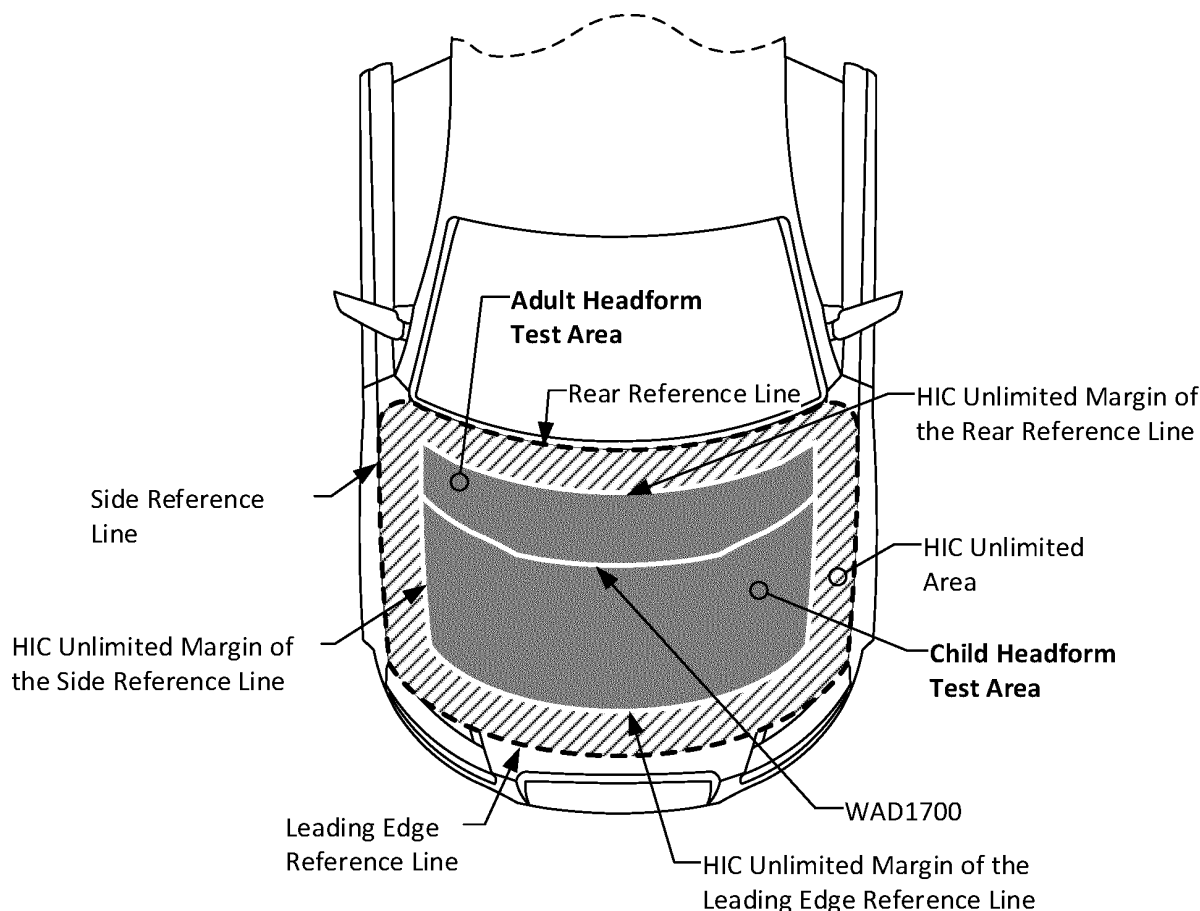


**Figure VI.13. Example Child and Adult Headform Test Area outline.
For illustration purposes only.**

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The first step in determining the HIC Unlimited Margin would be to establish a reference line by measuring an 82.5 mm (3.25 inches) distance from each point along the four borders of the Hood Top. For convenience, in this preamble we refer to this as “the 82.5 mm offset line.” (See figure VI.14.) For example, the HIC Unlimited Margin of the Side Reference Line is established by

following the SRL along the contour of the body in the y-z plane using the equivalent of a taut, 82.5 mm (3.25 inch) graduated wire. The regulatory text describes using the wire to measure the 82.5 mm (3.25 inches) distance over any surface bumps that may be present, such as ornamental trim. Since the wire is taut, it would span any depressions (such as a seam between the hood and fender) between the points on the SRL

to the measured points. The wire must not deviate from the y-z plane when establishing the HIC Unlimited Margin of the Side Reference Line. Similarly, an 82.5 mm offset line for the LERL and RRL would be drawn by measuring the prescribed distance from each point along the LERL and RRL along the contour of the body in the x-z plane using a taut, graduated wire.

¹⁰¹ As explained previously, the standard would provide for HIC Unlimited Areas as a practicability measure to accommodate a manufacturing need to reinforce and stiffen the hood edges.

¹⁰² As explained later in this section, this is either the 82.5 mm offset line or the WAD1000 line, whichever is more rearward.

¹⁰³ As explained later in this section, this is either the 82.5 mm offset line or the WAD2100 line, whichever is more forward.

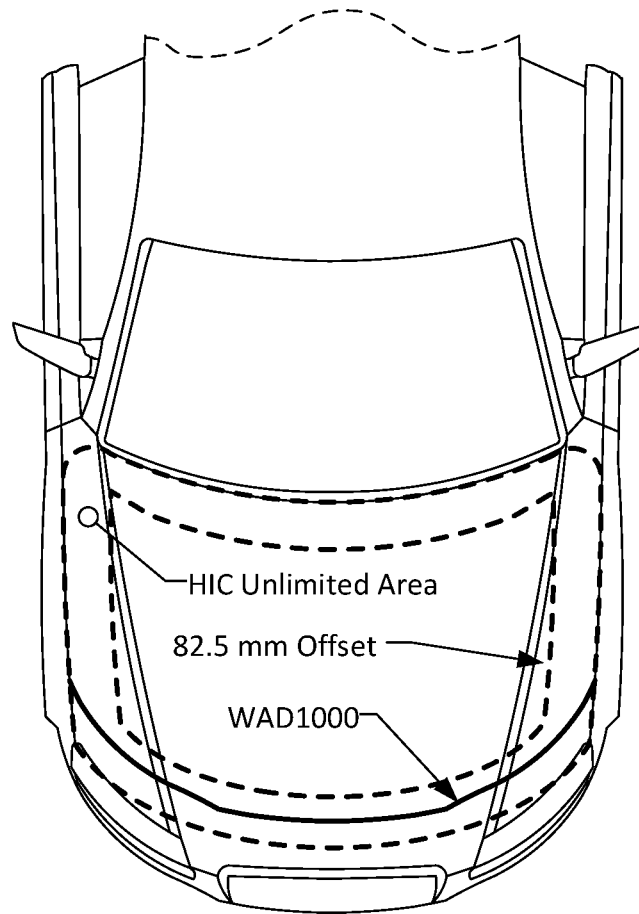


**Figure VI.14. Example of Establishing 82.5 mm Offset line. In this example, the WAD1000 is forward of the 82.5 mm Offset line. Not to scale.
For illustration purposes only.**

1. Front Border of Child Headform Test Area

The front border of the Child Headform Test Area is the HIC Unlimited Margin of the Leading Edge Reference Line, which is the WAD1000 line or the 82.5mm offset line, whichever is most rearward.¹⁰⁴ Figure VI.15 shows an example where the front border of the Child Headform Test Area

(right image) is formed by the 82.5 mm offset line and the front border of the Hood Area is the WAD1000 line (left image). As in figure VI.12, the left image shows the Hood Area overlaid on the Hood Top (cross hatch showing the difference), with the Hood Area being smaller because WAD1000 is rearward of the LERL. In the right image we see that the test area begins rearward of the

Hood Area front border. The left image shows the borders of the Hood Area (light grey area) and the right image the border of the Child and Adult Headform Test Areas (dark grey). Note that in the right image any area that is not part of the Child and Adult Headform Test Areas is part of the HIC Unlimited area (this includes the light grey and the cross hatched areas).

¹⁰⁴ Note that the front border of the Child Headform Test Area is the most forward border of the combined test area.

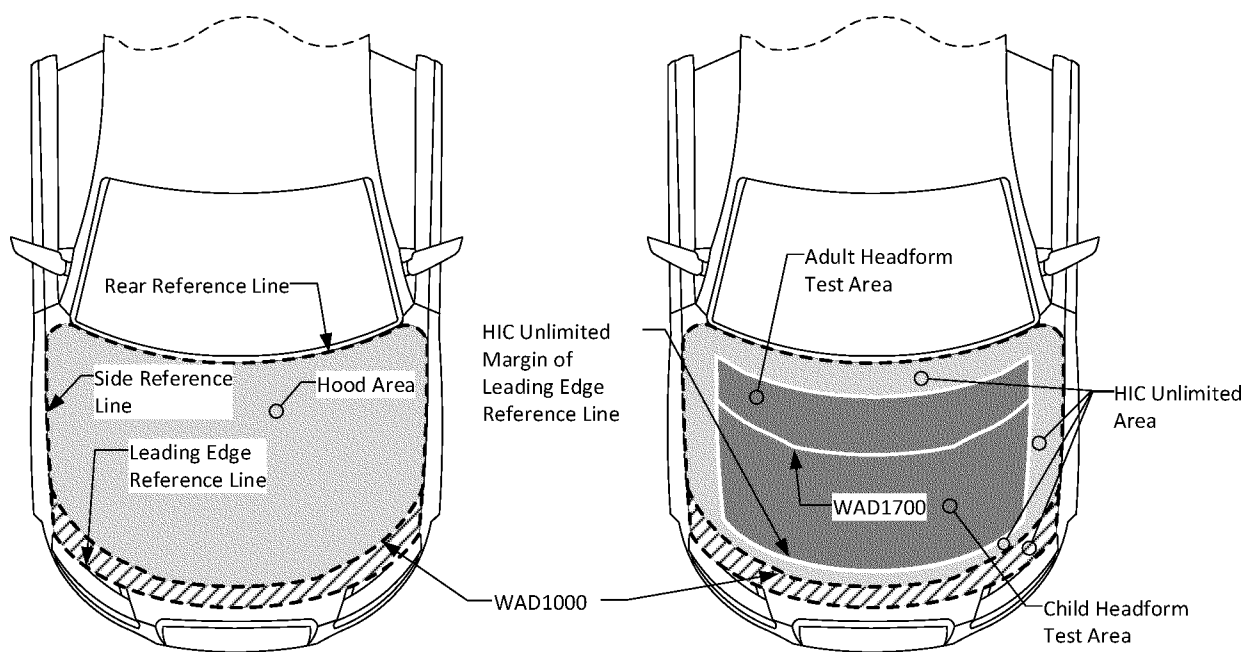


Figure VI.15. Left image shows an example of the Hood Area overlaid on the Hood Top. Right image shows the Test Area overlaid on the Hood Area. For illustration purposes only. Not to scale.

c. Considerations for the Child Headform Test Area Front Border

The agency believes there are several provisions where it would be worthwhile for FMVSS No. 228 to differ from GTR 9 with respect to the front border of the testable area, particularly for vehicles that are larger or smaller than typical size. NHTSA requests comment on these approaches for possible inclusion in the final rule.

First, with respect to large vehicles, this NPRM's regulatory text for FMVSS No. 228 reflects the provisions of GTR 9 regarding the procedures for testing vehicles with higher front ends, like larger light trucks, but the agency discusses in this section aspects that NHTSA believes may be more

appropriate for the U.S. fleet. To begin, the GTR procedure is as follows: When establishing the front border of the relevant Hood Top, Hood Area, and ultimately the Child Headform Test Area, the first step is to use the 1,000 mm straight edge to determine the LERL. As shown in figure VI.16, for passenger car designs, the straight edge is held high enough to engage the vehicle's front end. However, the upper leading edge of the hood for some full-sized pickup trucks exceeds 1,243 mm, which is the highest point of the straight edge from the ground. For these vehicles, the upper tip of the straight edge would be the only point of contact with the vehicle. If this occurs, consistent with S3.5 in GTR 9, by definition, the WAD1000 line becomes

the LERL. (This provision may also come into play for flat front EVs.) Thus, the front border of the Child Headform Test Area would be established by the 82.5 mm offset line from the WAD1000 line. In some vehicles this may be in the front grille area.

Large pickups and large SUV comprise about 18 percent of new vehicle sales, and some vehicles are large enough that they will engage the tip of the straight edge in this way, such as the MY 2022 Ford F250.¹⁰⁵ Given the prevalence of large vehicles in the U.S. fleet, we believe there are several points worthy of discussion related to this issue, and related to high or flat front vehicles in general. These are discussed below.

¹⁰⁵ 2021 Wards Automotive.

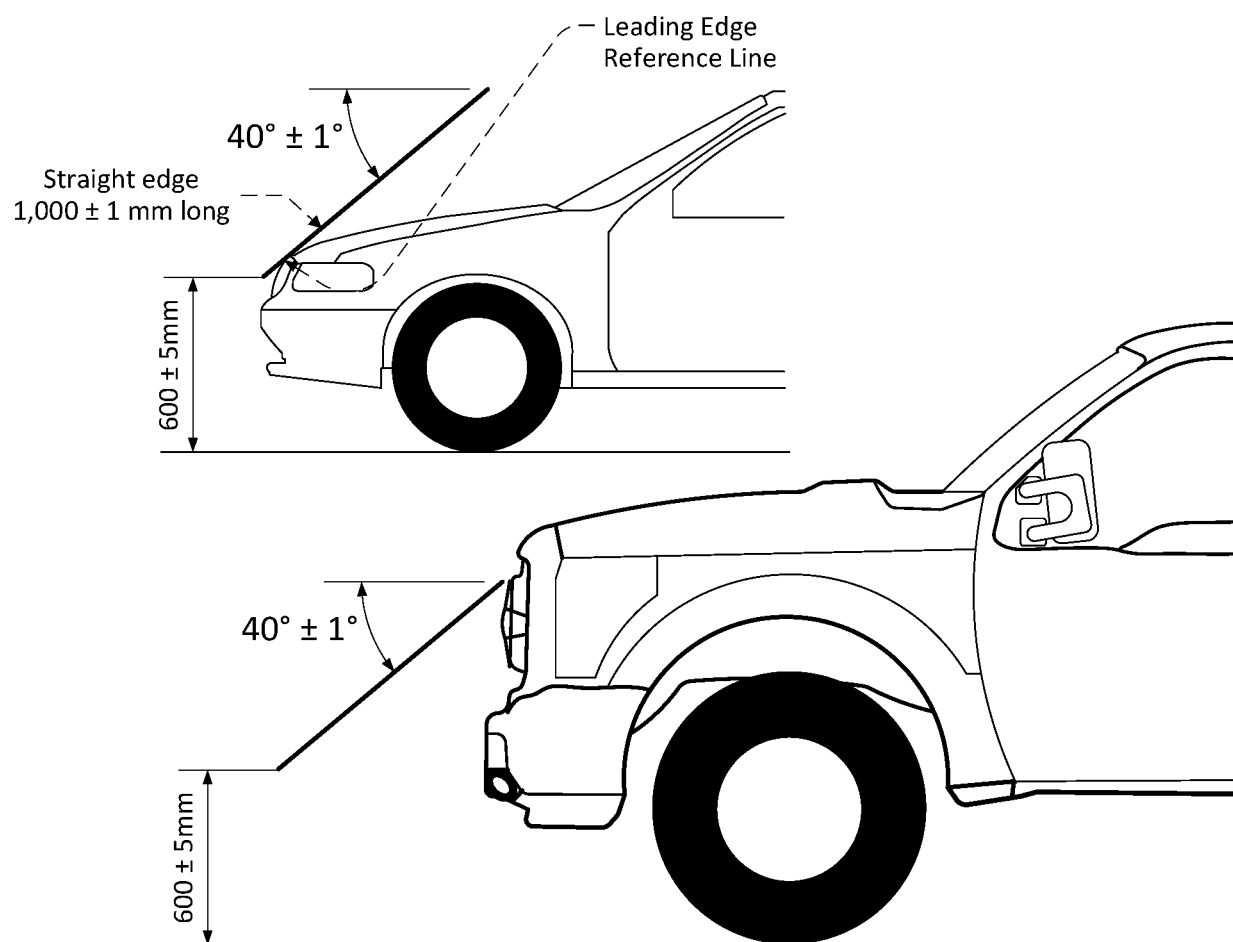


Figure VI.16. Hood Marking of Passenger Car Compared to High Front Vehicle.
For illustration purposes only.

i. Extending the Straight Edge

First, it would clearly be possible as a practical matter to extend the straight edge to whatever length necessary to contact the vehicle at the more typical front hood location. However, this may result in loss of a significant amount of testable area in the grille and associated safety benefits. Child and small adult pedestrian heads are more apt to strike the grille than the hood top on these vehicles, so extending the straight edge would reduce the real-world relevance of the test as regards those pedestrian impacts. Therefore, the agency is not inclined to make such an accommodation without a demonstration that subjecting the grille to testing is infeasible, meeting the standard is impracticable, or other such reason. In a section below, we request comment on the practicability of meeting proposed FMVSS No. 228 in the grille area.

ii. NHTSA Seeks a More Consistent Approach

The provision establishing the WAD1000 line as the LERL if the tip contacts the vehicle sets up a provision in the standard that would test vehicles differently. In vehicles such as that shown in the bottom part of figure VI.16, the LERL would be WAD1000 because the tip of the straight edge contacts the vehicle—and, as a result, because WAD1000 is in the grille, the grille would be tested. However, for a vehicle with a slightly lower hood height that just allows the straight edge to make contact with the hood along the straight edge length and not at its tip, the LERL would not drop to the WAD1000 line in the grille area—and so the grille area would not be tested. NHTSA believes a more consistent and reasonable approach could be one that determines the test area using data tied to where head impacts are likely to occur, as opposed to an approach that

determines test area by the length of a straight edge. Thus, NHTSA requests comments on an approach that establishes the WAD1000 line as the front border of the test area for all vehicle testing. NHTSA believes this approach is merited as it determines the test area based on where head impacts would occur in the real world, rather than where a straight edge makes contact. The agency poses specific questions at the end of this section and requests comments on using this approach in the final rule.

iii. Impact Angle Considerations

We request comment on the specifics of testing a grille area. As described in the test procedure of the GTR, the child headform is launched at 50 degrees down from the horizontal and would impact a horizontal surface at 40 degrees from a purely perpendicular impact. (The child headform impact angle is illustrated in figure V.3 of this preamble.) Assuming, for simplicity, a vertical front face of a vehicle, this

means the impact would be 50 degrees from purely perpendicular. However, striking a grille in this manner would constitute a slightly less direct impact and presumably a less severe test. We believe that, in a real-world impact, the head of a child striking such a high front end vehicle would have a trajectory more in line with the velocity vector of the vehicle than the current launch angle of the child headform. The Euro NCAP procedure and NHTSA's NCAP RFC allow for test points on the front surface of the vehicle. Euro NCAP and the NCAP RFC make an adjustment to the impact direction to 20 degrees when forward of the LERL so as to produce a more perpendicular impact. Additionally, if the LERL is between WAD930 and WAD1000, Euro NCAP monitors this location with a 20-degree impact test performed at the LERL.¹⁰⁶ NHTSA plans to conduct research on headform testing in the grille area of some pickup trucks using the proposed FMVSS No. 228 protocol to assess its practicality, as well as the merits of a more direct (perpendicular) impact. As discussed in the next section, depending on the results, the final rule may adjust the impact angle of the headform when the test is conducted in the grille area.

iv. Apportioning of Test Area to HIC Levels

For these high front and flat front vehicles, the apportioning of the amount of the test areas that must have a HIC1000 or less merits discussion. As previously mentioned and discussed in more detail in section VII of this

preamble, the portion of the Combined Child and Adult Headform Test Areas that must meet the HIC1000 provision must be at least the numerical value of two-thirds of the Hood Area placed inside of the Child and Adult Headform Test Areas. Because this two-thirds calculation is made on the basis of a two-dimensional projection on to a horizontal plane, if some of the Child Headform Test Area could be on a front surface of a vehicle that is more vertical than horizontal, this area would not be added to the Hood Area calculation simply due to the method of calculation using the two-dimensional projection onto a horizontal plane. The concern here is that this vertical test area, even if considered part of the headform test area, would not be considered in calculating the amount of required HIC1000 area. Stated another way, the vertical test area, or an equivalent amount, would not have to meet HIC1000; it could be assigned only HIC1700, which would result in the vehicle providing a lowered level of head protection. (Comments are requested on this issue in the next section.)

v. Shifting the Test Border Forward

This point relates to large vehicles in general where the upper portion of the straight edge, but not the tip, makes contact with the vehicle. For these vehicles, WAD1000 could be in the grille area,¹⁰⁷ but under the GTR, the Child Headform Test Area begins well beyond WAD1000, because the test area would begin at the 82.5 mm offset line as it is more rearward than WAD1000.

NHTSA is concerned that, for such vehicles, under the GTR provisions the agency would not be testing the areas of the hood that could be struck by children of the stature of a 6-year-old. As mentioned above, the NCAP RFC procedure allows for testing to WAD1000, even when WAD1000 is forward of the LERL. In 2014, NHTSA investigated how the different interpretations of the impact point targeting methods could change the actual testable area of a hood.¹⁰⁸ Headform tests were performed along the forward-most border of the test zone and, depending on which targeting method was used, the actual point of first contact of the headform with the hood was either on the border or slightly in front of the border (see table VI.1). Although HIC was found to increase at first contact locations in front of the border, the increase did not appear to have affected conformance, *i.e.*, impact points conforming to either HIC1000 or HIC 1700 remained below the required HIC limit. Based on these results, NHTSA believes a requirement that vehicles meet FMVSS No. 228 with a 30 mm shift of the forward-most border seems practicable. We request comments on this issue. We note that in section VII and XI of this preamble, we also discuss the issue of whether proposed FMVSS No. 228 should reduce or eliminate the areas in which, under the GTR, HIC is not assessed (the HIC Unlimited Area). Reducing or eliminating the HIC Unlimited Area would also shift the forward-most border forward.

TABLE VI.1—HIC AT POINTS TESTED ON THE FORWARD-MOST BORDER AND AT A POINT SHIFTED SLIGHTLY AHEAD OF THE BORDER

Vehicle	HIC comparison		HIC % increase
	At forward-most border per GTR 9	At point shifted about 30 mm forward of border	
2010 Buick Lacrosse	1026	1041	1.5
2010 Kia Forte	626	703	12.3
2010 Acura MDX	1283	1326	3.4
2010 Hyundai Tucson	638	670	5.0
2011 Jeep Grand Cherokee	651	874	34.3
2011 Honda Odyssey	1302	1379	5.9

¹⁰⁶ Monitors means the results could be called out but are not part of the Euro NCAP scoring. See, Technical Bulletin 019—Headform to Bonnet Leading Edge. <https://www.euroncap.com/en/for-engineers/supporting-information/technical-bulletins/>. This bulletin explains that the result of this test will be monitored against a HIC value of 650. Where a “poor” test result has been achieved,

Euro NCAP may choose to comment on this alongside the normal pedestrian protection score. The results of these tests will not be reflected in the pedestrian protection score or any other part of the overall assessment.

¹⁰⁷ GTR data indicate that 6-year-old child head impacts start at about WAD1000.

¹⁰⁸ Details of these tests can be found in: Suntay B and Stammen, JA (August 2018), Vehicle hood testing to estimate pedestrian headform reproducibility, GTR 9 test procedural issues, and U.S. fleet performance. Docket NHTSA–2008–0145–0014.

vi. Testing Forward of WAD1000 for Small Vehicles

Regarding smaller vehicles, the NPRM's regulatory text reflecting the GTR specifies that the forward border of the required test area would be the 82.5 mm offset line or WAD1000, whichever is most rearward. Under this proposed provision, requirements for head protection would start at WAD1000 for most small vehicles as the WAD1000 line is usually more rearward than the 82.5 mm offset line. However, for many smaller vehicles WAD1000 is far up the hood, which means much of the hood (the forward portion) would not be subject to any headform testing. It does not appear there are practicability barriers to headform testing of the hood on small vehicles, because comparable areas of the hood on larger vehicles would be regulated under the proposed standard and thus subject to headform testing. Testing forward of WAD1000 would potentially add to the protection of children with a standing height of less than 1,000 mm. As discussed below, to increase the safety benefits of the rule, we are considering an alternative provision that would test forward of WAD1000. NHTSA requests comment on this issue.

Request for Comment on Modifying the Forward Border

Based on the above discussion, NHTSA requests comments on the questions below to help the agency decide whether a final rule should identify the forward border differently. Please comment on the potential gain in safety benefits as well as any potential practicability, cost, or technical issues.

- The NPRM's regulatory text reflects the GTR 9 provision that accounts for the situation where the tip of the 1,000 mm straight edge defines the LERL (rather than a point further down along the straight edge), such as when the tip of the straight edge could make first contact with the grille of a subject vehicle. In this situation, the WAD1000 line becomes the LERL. This means that the testable area could potentially include the grille area of the vehicle

(*i.e.*, headform impacts could be conducted on the grille area of the vehicle). We request comment on adjustments to the launch angle¹⁰⁹ for such impacts, to potentially make them more perpendicular to the impacted surface to replicate a real-world impact more accurately. What impact point condition/location should trigger a change in impactor launch angle? Additionally, should the estimate of Hood Area be modified if some portion of the Hood Top is in the grille area, such as using a test area projection onto a vertical plane for the more vertical tests areas?

- There may be large vehicles with a hood height slightly lower than those where the straight edge tip contacts the vehicle first, such that the provision to drop the LERL to WAD1000 is not triggered. Additionally, the NPRM's regulatory text (reflecting the GTR) specifies that, for large vehicles in general, the Child Headform Test Area begins well rearward of WAD1000—*i.e.*, well rearward of where a child's head is likely to strike. However, NHTSA requests comments on changing the front border of the Child Headform Test Area to be either the Offset Line or WAD1000, whichever is *forward-most*, rather than *rearmost*. An outcome of this change would be that, in some cases, the test area would be forward of the Hood Top and conforming changes would need to be made to maintain the test area within the Hood Top. We note that the Euro NCAP and the NCAP RFC allow for testing at WAD1000, even if it is forward of the LERL. Euro NCAP monitors performance at the LERL as far forward as WAD930 if the LERL is forward of WAD1000, although this does not factor into the score.

- For many smaller vehicles the forward line where testing is required is at WAD1000, far behind the LERL, which means much of the hood (the forward portion) would not be subject to headform testing. We note that

¹⁰⁹ The Child Headform is launched at 50 degrees down from the horizontal and would impact a vertical surface at 50 degrees from a purely perpendicular impact.

subjecting these forward areas of the hood to the standard may benefit children smaller than the average 6-year-old. A potential way to subject the forward areas to testing could be the same as that suggested above for larger vehicles, *i.e.*, selection of the test area boundary based on the *forward-most* of the WAD1000 or of the Offset Line, rather than the *rearward-most*. We ask for comment on this issue in the context of smaller vehicles.

- As discussed above, another alternative on which we request comment involves how the GTR determines the HIC Unlimited Margin for the front and sides. (Impacts in the HIC Unlimited Margin are not subject to any HIC limit.) The NPRM's regulatory text reflects the GTR's specification that the margin would be determined using an 82.5 (3.25 inch) mm taut wire, but NHTSA finds merit in using a 50 mm (1.97 inch) taut wire instead to increase the testable area, and reduce the allowable area of the HIC Unlimited Margin.

2. Transition Between Child and Adult Headform Test Areas at WAD1700

Consistent with the GTR, proposed FMVSS No. 228 would separate the Child Headform Test Area from the Adult Headform Test Area at WAD1700. For many smaller vehicles, it is possible that there would be no Adult Headform Test Area at all when the transition between the child and adult test areas is drawn at WAD1700. Consistent with the GTR, proposed FMVSS No. 228 would require that, if there is only a Child Headform Test Area, the requirements that applied to the combined Child and Adult Headform Test Area are applied to the Child Headform Test Area alone. For example, at least two-thirds of the numerical value of the Hood Area, when placed within the boundary of the Child Headform Test Area (as opposed to the combined areas) must not exceed HIC of 1000 using the child headform. For the remaining area the HIC shall not exceed 1700.

This NPRM uses WAD1700 to transition between the Adult and Child Headform Test Areas because GTR data indicate that 6- to 15-year-old child head impacts start at about WAD1000 and end at WAD1700. A 5th percentile female has a standing height of an average 12-year-old child and would likely have a head impact within the Child Headform Test Area. Consistent with this, figure VI.17 below from the

Pedestrian Crash Data Study (PCDS) shows that for all adults, impacts start at about WAD1400 and end at WAD2400. PCDS shows that about 70% of all adult pedestrian head impacts are between WAD1000 and WAD2100. Separating the genders, about half of adult female and one third of adult male head impacts are between WAD1000 and W1700 (not depicted in figure VI.17). As shown in figure VI.17, the

WAD1700 represents the 75th percentile for children under age 10 and the 25th percentile for all adults. Because stature distribution has remained stable over the past two decades¹¹⁰ and because WAD has been shown to depend primarily on the pedestrian's stature for a particular vehicle impact speed,^{111 112 113} this WAD distribution would still be representative today.

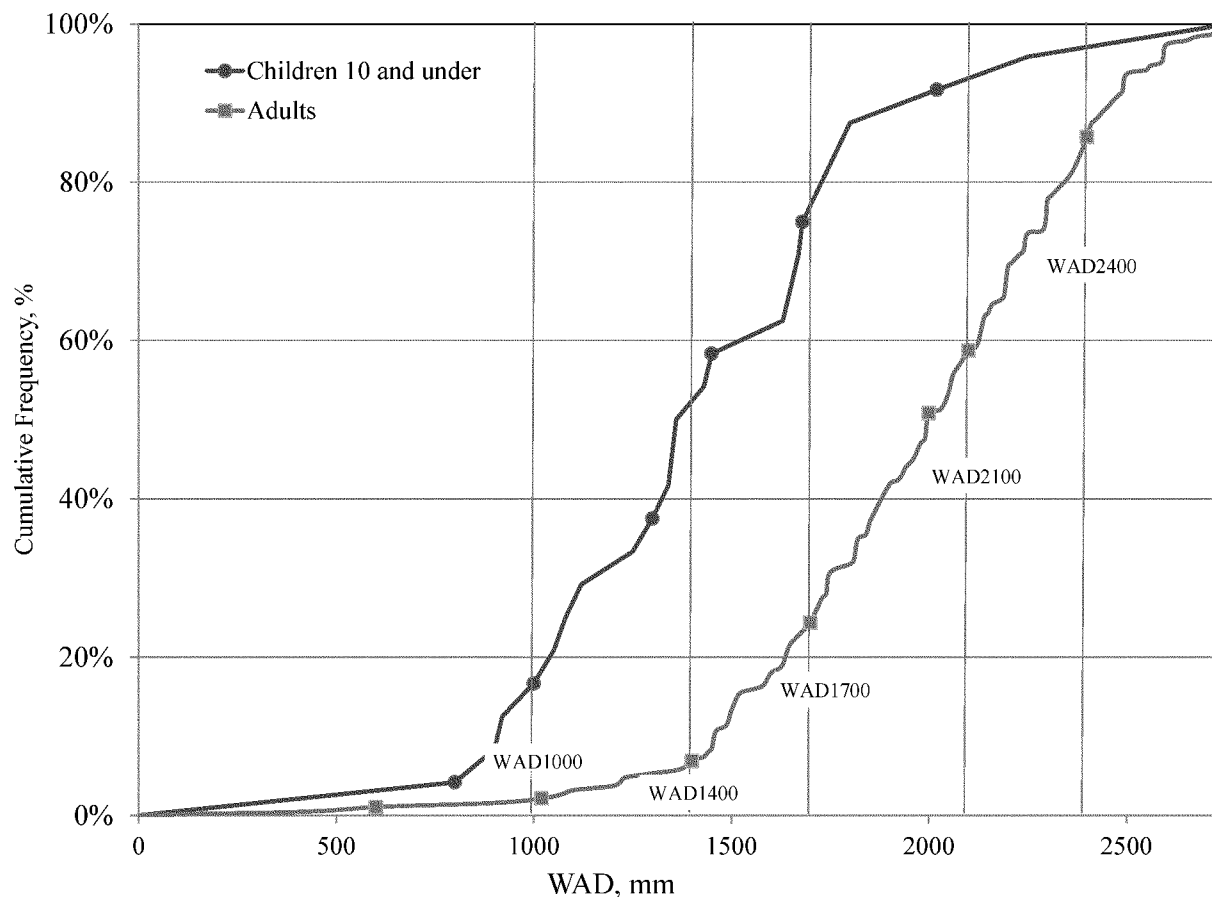


Figure VI.17. Cumulative frequency of pedestrian head strike WAD measurements.
Source: PCDS.

Data show that child-adult overlapping of impacts occurs between 1400 and 1700 mm. The drafters of the GTR considered whether to use a test method where the child and adult test areas overlap or whether a step change should be used, and where it should be drawn. The goal was to ensure that the transition area would provide protection against both child and adult head

impacts. The drafters considered an approach to specify a test area (transition zone) in which both a child headform and an adult headform would be used to assess compliance, because both children and adults strike this area. Such a transition zone could, for example, be WAD 1400—WAD1700 or WAD1500—WAD1700. They also considered, and ultimately adopted, a

sudden transition (step change) approach. However, the NCAP RFC and Euro NCAP test procedures have adopted a transition zone between WAD1500—WAD1700, where both impactors must be used if the RRL is between WAD1500 and WAD1700.

The rationale supporting a step change approach is that a sudden step change in hood performance is not

¹¹⁰ Fryar CD, Kruszon-Moran D, Gu Q, Ogden CL. Mean body weight, height, waist circumference, and body mass index among adults: United States, 1999–2000 through 2015–2016. National Health Statistics Reports; no 122. Hyattsville, MD: National Center for Health Statistics. 2018.

¹¹¹ Ivarsson J, et al. "Pedestrian Head Impact—What Determines the Likelihood and Wrap Around Distance?", 20th Enhanced Safety of Vehicles Conference (2007); paper no. 07-0373.

¹¹² Kiuchi T, et al. "Comparative Study of VRU Head Impact Locations," Sixth Expert Symposium

on Accident Research (ESAR). Hanover, Germany (2014).

¹¹³ Otte, D. "Wrap Around Distance WAD of Pedestrian and Bicyclists and Relevance as Influence Parameter for Head Injuries," SAE Technical Paper 2015-01-1461, 2015.

likely to be engineered into the design of a hood, and that a step change approach reduces the need to conduct unnecessary headform tests. In practice, a sudden step change produces a hood design with an area around the transition line that is safe for both child and adult pedestrians. Therefore, it was decided that a hood designed for overlapping child-adult safety is effectively achieved without the need to specify the use of two headforms. Further, a defined boundary at 1,700 mm provides a clearer approach. The GTR adopted the step change approach with a transition at WAD1700, which biases protection towards children. That is, the use of WAD1700 makes more of the hood tuned to protect a child's head than an adult head. Rather than having to design hoods for both head masses, the use of a non-overlapping transition at WAD1700 allows safety in the transition area to be optimized for the lighter headform.

Request for Comment on the Transition Zone

- NHTSA tentatively agrees with the above reasons and has drafted the regulatory text of proposed FMVSS No. 228 to specify a non-overlapping transition from the Child Headform Test Area to the Adult Headform Test Area at WAD1700. However, we request comments on the merits of a transition zone. We would like to know more about the degree to which a step change approach addresses safety for both adults and children for vehicles that have sharp changes in structure, such as the joint between the rear of the hood and the cowl, which may occur along the transition line. This is indeed the case for many smaller vehicles which have no Adult Headform Test Area at all when the transition is drawn at WAD1700. While this helps with design feasibility for such vehicles (requirements apply for the lighter headform only), it may reduce the safety of such vehicles for shorter adult pedestrians because the hood may not provide sufficient penetration depth for the heavier adult headform. We therefore seek comment on other options for FMVSS No. 228. These options may include a revised procedure in which the adult/child border is drawn at a different WAD and use of a transition area that is tested with both headforms.

3. Rear Border of Adult Headform Test Area

Consistent with GTR 9, the rear border of the Adult Headform Test Area is the HIC Unlimited Margin of the Rear Reference Line, which is the WAD2100

line or the 82.5mm offset line, whichever is more forward. WAD2100 is based on the average height of a 50th percentile adult male, which is about 1750 mm. This height is about the 97th percentile for adult females in the U.S.¹¹⁴

d. Considerations for the Adult Headform Test Area Rear Border; Request for Comment

NHTSA is considering several changes to the GTR approach related to the rear border of the Adult Headform Test Area to increase the test area. These considerations offer the potential of providing increasing pedestrian protection to individuals taller than the average male, and to individuals involved in higher speed impacts.

1. First, we are considering including headform testing of the windshield. This NPRM's regulatory text does not include testing of the windshield, A-pillars or top edge of the windshield, which is reflective of GTR 9's text. The GTR excludes the A-pillars and top edge of the windshield from the test area because of practicability reasons, and NHTSA generally agrees with excluding those areas. It is difficult to reduce the stiffness of the windshield frame because it serves as a support structure and helps to ensure the integrity of the occupant compartment. Furthermore, in the lower windshield area the requisite deformation space to meet HIC is restricted by the dashboard and instrument panel. Some components must be positioned in the dashboard and instrument panel to provide occupant protection (e.g., air bags) and crash avoidance safety, e.g., defrosting requirements, forward-view sensors for automatic emergency braking, and rearview cameras. In addition, the structural components of the dashboard comprise important load paths in front and side crashes that contribute to occupant crash protection.

The GTR drafters excluded the windshield for different reasons, finding that the windshield itself does not cause severe injuries and therefore the number of casualties averted would be very low. The center of the windshield—away from the edges—generally produces good safety scores, although impacts near the A-pillars universally produce poor results. This is consistent with real-world data which show that fatal injuries are more common when the head strikes the windshield frame rather than the center area.¹¹⁵

¹¹⁴ Based on 2007–2010 NHANES from <https://tools.openlab.psu.edu/tools/explorer.php>.

¹¹⁵ Fredriksson R (2011). Priorities and potential of pedestrian protection—accident data,

Nonetheless, NHTSA is concerned that head-to-windshield impacts are associated with a high incidence of pedestrian injuries. One reason is that a head-to-windshield impact may have a higher velocity than a head-to-hood impact.¹¹⁶

NHTSA has also observed that vehicle designs have changed in recent years in that windshields are more forward on the hood, where the cowl may begin at WAD1700. WAD1700 separates the Child Headform Test Area from the Adult Headform Test Area. Because the area rearward of the cowl is excluded from the headform test area, these vehicles have hoods that would only have a Child Headform Test Area and would be tested only with a child headform. NHTSA is concerned that these designs may be particularly detrimental to shorter adult pedestrians who are more apt to strike the hood near the cowl than in the case of designs of predecessor vehicles whose cowls began at a higher WAD measurement. Extending the test area into the windshield may serve to disincentivize such designs by eliminating the compliance advantage that may come with limiting the hood size to WAD1700. Further, the windshield itself on these vehicles tends to be more horizontal than vertical, and so a larger portion of the windshield lies directly above and near the dashboard panel where there is less penetration depth to protect the head. The extended windshield (i.e., a windshield placed immediately beyond WAD1700) may also be stiffer than the portion of the hood that would otherwise have covered the same area. Extending the test area into the windshield may serve to protect pedestrians who may strike this stiffer portion of the windshield.

NHTSA has also observed the development of automated rideshare vehicles and other modern EVs with very flat fronts, with the base of the windshield or windshield-like areas at very small WAD locations compared to traditional vehicles. For such vehicles, exclusion of the windshield-like areas would essentially permit the vehicle to not provide any form of pedestrian head protection.

Finally, as we noted above, some of these automated vehicles appear to have

experimental tests, and numerical simulations of car-to-car pedestrian impacts. Doctoral Thesis, Department of Public Health, Karolinska Institutet, Stockholm, Sweden, 2011.

¹¹⁶ Kerrigan J, Arregui C, Crandall JC (2009). Pedestrian head impact dynamics: comparison of dummy and PMHS in small sedan and large SUV impacts, Paper No. 09-0127, 21st International Technical Conference on the Enhanced Safety of Vehicles Conference (ESV)—International Congress Center Stuttgart, Germany, June 15–18, 2009.

a windshield-like area, but it is not a windshield in the traditional sense since it is not transparent. For such vehicles, the RRL would not exist since it is determined by inserting a 165 mm sphere into the cowl and against the windshield such that the sphere is in contact with the windshield and a point on the surface of the hood (usually its rear edge). For such vehicles, the rear boundary of the Hood Area and Adult Headform Test Area would be defined by the WAD2100 line. Comments are requested on how the test area should be determined for vehicles with no traditional windshield and on the merits of determining the rear boundary of the Hood Area and Adult Headform Test Area by WAD2100 for such vehicles, as would be the case for the proposed regulatory text.

As for practicability, NHTSA has performed eleven tests into the windshield as part of the testing documented in table VII.1, below. Of those eleven tests, nine had HIC below 1000 and the other two tests were HIC below 1700, which support a finding that testing of at least some portion of the windshield may be reasonable and practicable.

It is the agency's understanding that UNECE Reg. No. 127 has a proposal to specifically add the windshield as a new test area.¹¹⁷ This area is bound, in the front, by a line 100 mm rearward of the blacked-out (non-transparent) portion of the windshield base and in the rear by WAD2500 or a line 130 mm forward of the rear edge of the windshield, whichever is more forward at a given lateral position. The side border is 100 mm inside of the blacked-out area. Adding the windshield to UNECE Reg. No. 127 would indicate the provisions of GTR 9 are appropriate for the windshield.

- Given the above, there appears to be merit to including the windshield in a test area for FMVSS No. 228. The regulatory text of this NPRM does not include the windshield, but NHTSA is considering language for a final rule that would include the windshield. The NCAP RFC and various international NCAP programs that assess pedestrian safety (Euro NCAP, Japan NCAP, Korea NCAP, and Australian NCAP) include a head-to-windshield impact test area. In addition, a UNECE Reg. No. 127 proposal also includes the windshield for testing.

2. The next subject for consideration is the limitation of testing beyond WAD2100. Consistent with GTR 9, this NPRM's regulatory text states that the rear border of the Adult Headform Test

Area is either WAD2100 or the HIC Unlimited Margin of the Rear Reference Line, whichever is more forward. However, the ECE proposal mentioned above changes WAD2100 to WAD2500. That is, the rear border of the Adult Headform Test Area ("Adult Bonnet Top Headform Test Area" in the ECE proposal) would be changed from the forwardmost of WAD2100 or the 82.5 mm offset line, to the forwardmost of WAD2500 or the 82.5 mm offset line. The change to WAD2500 would increase the test area. We are also aware of similar changes to the Euro NCAP requirements being implemented in 2023, with the area between WAD2100 and WAD2500 being referred to as the Cyclist Zone.¹¹⁸ WAD2500 might extend past the windshield to the roof, and, under Euro NCAP procedures, the A-pillars are tested. Any impacts to the roof under Euro NCAP procedures involve a 45-degree angle rather than 65 degrees. We are considering similarly changing WAD2100 to WAD2500 for FMVSS No. 228.

The specification of WAD2100 recognizes that the point of head contact—relative to the height of the pedestrian—moves further rearward as pedestrian stature increases. WAD2100 corresponds to the typical head impact location of a pedestrian with a height of 1,750 mm for a vehicle speed of 40 km/h. A height of 1,750 mm is approximately the height of a 50th percentile male. For most passenger cars and minivans, WAD2100 lies rearward of the Rear Reference Line (RRL) (which is at the cowl) so WAD2100 would not be consequential as it would not be used to define the rear border of the hood area. However, for some larger vehicles in the U.S., the WAD2100 line can be forward of the RRL, which means that WAD2100 would be the rear border of the testable area of the hood even though there could be parts of the hood rearward of that WAD2100 line.¹¹⁹

- We seek comment on moving the rear boundary of the test area consistent with using WAD2500 as the reference, rather than WAD2100. Such a change has been proposed for UNECE Reg. No.

¹¹⁸ Euro NCAP Vulnerable Road User Testing Protocol <https://cdn.euroncap.com/media/70319/euro-ncap-vru-testing-protocol-v901.pdf>.

¹¹⁹ NHTSA recognizes that moving the WAD line rearward to account for head impacts rearward of WAD2100 could bear on other aspects of the test procedure, such as the velocity of the headform impact in the test, because actual pedestrian head impact velocities are generally higher at WADs greater than 2100 mm. This means that, if the WAD line were moved rearward of WAD2100, the agency would carefully consider whether adjustments would be appropriate to the test procedure to ensure the continued relevance of the procedure relative to a real-world impact at WADs greater than 2100 mm.

127 and Euro NCAP. We also seek comment on the need for a modified impact angle for the roof, if moving to a WAD2100 boundary results in headform testing in the A-pillar or roof areas.

3. Another issue that arises in defining the Adult Headform Test Area rear boundary is that the GTR uses the *most forward* of either WAD2100 or the 82.5 mm offset line. Figure VI.18 shows an example where the WAD2100 is the rear boundary of the Adult Headform Test Area. For the final rule, NHTSA is considering enlarging the test area rearward by considering the *most rearward* of these borders.

- Regardless of any change to the WAD reference, we request comment on using the *most rearward* of the WAD line or offset line to define the rear boundary of the Adult Headform Test Area, rather than using the line that is most forward.

4. We are also considering reducing the HIC Unlimited Area by using a 50 mm (1.97 inch) offset line rather than an 82.5 mm (3.25 inch) offset line at the rear of the Hood Top. This HIC Unlimited Margin at the rear of the Hood Top was originally written into the GTR to prevent a test anomaly where the headform could hit the windshield and the hood simultaneously. However, NHTSA believes that the use of the 165 mm sphere to define the RRL works adequately to prevent situations where the headform could contact the windshield and hood simultaneously. We also note that the NCAP RFC and Euro NCAP do not consider impact points on the hood that are a distance less than 50 mm from the Side Reference Line (SRL) measured in the lateral direction; *i.e.*, they use what amounts to a 50 mm offset line rather than an 82.5 mm offset.

- Accordingly, while the regulatory text of this NPRM uses an 82.5 mm Offset Line, NHTSA is considering using a 50 mm Offset Line rather than an 82.5 mm Offset Line to define the rear HIC Unlimited Margin. The reduced Offset Line would make more of the hood on larger vehicles subject to headform testing. NHTSA requests comments on the merits of the agency's adopting a 50 mm Offset Line in the final rule.

5. Finally, we are considering and request comments on the merits of including the entire Hood Top as the testable area. This would mean the elimination of the HIC Unlimited Area completely, of both the Child and Adult Headform Test Areas, and expansion of the front test border to the LERL and the rear border to the RRL. We discuss this

¹¹⁷ ECE/TRANS/WP.29/GRSP/2021/28.

in more detail in section XI, Considered Alternatives.

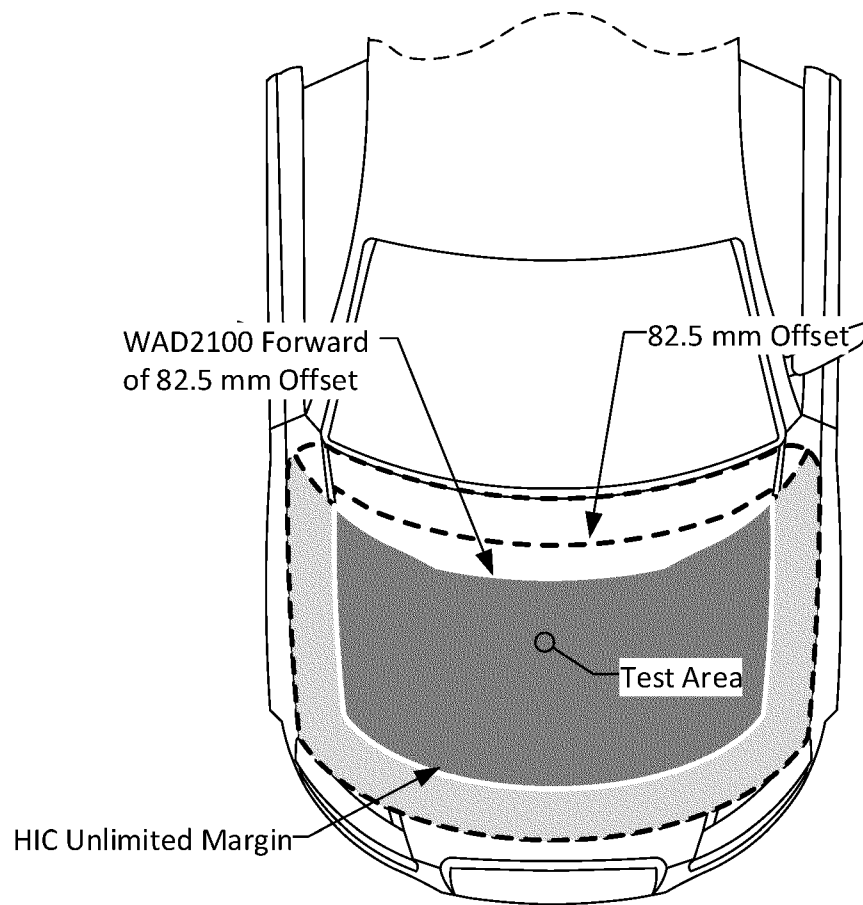


Figure VI.18. Example showing WAD2100 forward of the 82.5mm Offset Line, forming the rear boundary of the Adult Headform Test Area.
For illustration purposes only.

4. Corner Reference Point of the Child Headform Test Area

Finally, we believe it is also necessary to define a corner reference point for the test areas (specifically the Child Headform Test Area), just as it is for the Hood Area. The rationale is the same as for the Hood Area, *i.e.*, we need to clearly define the extent of the test area. There may be multiple intersections between the front border of the Child Headform Test Area (HIC Unlimited Margin of the LERL) and the side border of the Child Headform Test Area (HIC Unlimited Margin of the SRL). The definition would make clear that we would be using the most outboard intersection when there are multiple intersections of the front and side borders. This term would be called the “Corner Reference Point of the Child Headform Test Area.”

VII. Proposed Requirements and Assessing Compliance

A. Amount of Hood Area That Must Conform to HIC1000

Consistent with GTR 9, the regulatory text of this NPRM prescribes the amount of the Child and Adult Headform Test Areas that must conform to a HIC1000 limit (HIC1000 Area). The remainder of the Child and Adult Headform Test Areas must be able to conform to a HIC1700 limit (HIC1700 Area).

The basis for the minimum HIC1000 Area is the size of the Hood Area. After the Hood Area is determined, the performance requirements would be applied as follows:

(1) The numerical value of two thirds of the Hood Area is calculated. At least this amount of area, when placed within the boundary of the Combined Child and Adult Headform Test Area, must

not exceed HIC1000.¹²⁰ As we explained in section VI.C, the Child Headform Test Area and the Adult Headform Test Area are defined in a manner that excludes “HIC Unlimited” margins in the Hood Area. Thus, the requisite HIC1000 areas described in this paragraph (1) and in paragraph (2) (below) must fit into the respective headform test areas contained inside of the HIC Unlimited margins.

(2) The numerical value of one-half of the Hood Area under WAD1700 is calculated. At least this amount of area, when placed within the boundary of the Child Headform Test Area, must not exceed HIC1000.

(3) For all other tests, HIC must not exceed HIC1700.

¹²⁰ If the numerical value of two thirds of the Hood Area exceeds the combined Child and Adult Headform Test Area, the entire combined Child and Adult Headform Test Area must be HIC1000 Area.

In sum, under the provisions described above:

- One-half of the numerical value of the Hood Area that lies below WAD1700, when placed in the Child Headform Test Area, must meet HIC1000.

- At least two-thirds of the numerical value of the entire Hood Area, when placed within the Combined Child and Adult Headform Test Area, must meet the HIC1000 requirement.

- In the event the numerical value of two-thirds of the Hood Area exceeds the Combined Child and Adult Headform Test Area, the entire Combined Child and Adult Headform Test Area must meet HIC1000. There would be no HIC1700 area.

- There may be cases where there is no Adult Headform Test Area; in such cases, by definition, the Child Headform Test Area represents the entire test area. In that case, the one-half requirement in the Child Headform Test Area does not apply. Instead, the HIC recorded shall not exceed 1000 over two-thirds of the Hood Area when placed within the Child Headform Test Area, since it represents the entirety of the test area. For the remaining Child Headform Test Area, the HIC shall not exceed 1700. All tests in the Child Headform Test Area would be with the child headform.

Proposed FMVSS No. 228 would provide manufacturers considerable flexibility in designing their hoods to provide the protective HIC1000 area. They have the flexibility to account for hard points under the hood that prevent the hood from meeting HIC1000. As explained below, upon request, under NHTSA's enforcement authority, they must report their design choices to NHTSA, so that the agency will know the locations of the HIC1700 areas and can assess the compliance of the vehicle based on that information.¹²¹

B. Manufacturer Designations of HIC1700 Areas

Upon request and under the authority provided in 49 U.S.C. 30166, manufacturers would be required to identify to NHTSA the HIC1700 portions of the test areas.¹²² The HIC1700 areas need not be continuous and are not limited in number. They may consist of an unlimited number of portions as long as the requisite

HIC1000 area is met by the vehicle.

However, a manufacturer must attest to the information by the time it certifies the vehicle, and the declaration would be irrevocable. Thus, in a compliance test, manufacturers would not be permitted to change the attestation and claim that an impact that was previously designated as being in the HIC1000 area is now in a HIC1700 area after the impact results in an HIC value above HIC1000.

FMVSS No. 228 would place some conditions on manufacturers' designations of HIC1700 areas. When the HIC1700 area is contiguous with reference lines, HIC Unlimited margins or WAD lines set forth in FMVSS No. 228, the lines determined according to the standard would supersede any conflicting coordinates provided by the manufacturer. In other words, the borders as set forth in the standard are definitive and NHTSA will use the procedures to determine the relevant areas on the hood without manufacturer input.¹²³ Upon request, manufacturers must tell NHTSA where the HIC1700 areas are by providing coordinates or decals. If these coordinates or decals conflict with the provisions of FMVSS No. 228, NHTSA would conduct compliance tests using the reference lines of the test area borders as determined by the standard, and not the manufacturer's description of the location of test area borders.

To enable more efficient compliance testing, this NPRM specifies ways in which the HIC1700 areas would be disclosed to NHTSA. This NPRM proposes to require manufacturers to identify HIC1700 areas by providing the (x,y) coordinates of their borders referenced from the intersection of WAD1000 and the longitudinal centerline of the vehicle.¹²⁴ The number of coordinates and the spacing of the coordinates would be provided at the discretion of the manufacturer, but the points would have to be joined by straight lines in the x-y plane when marking off the test areas of an actual vehicle. In lieu of (x,y) coordinates, we propose that the manufacturer could provide decals or templates with registration marks (marks used for alignment) referenced from the

intersection of WAD1000 and the vehicle longitudinal centerline.

Request for Comment on Allocating HIC1700 Area

- Under the GTR, when the Adult Headform Test Area is relatively small compared to the Hood Area, it is possible in some instances for a manufacturer to define *all* of the adult area as HIC1700 Area and still meet the requirement that the numerical value of two-thirds of the Hood Area be HIC1000 Area. In such an instance there would be no HIC1000 requirement for the adult headform. This raises a concern to us because then, real-world adult pedestrian head strikes would likely only be in HIC1700 area (and not in the more protective HIC1000 area). We request comment on whether the final rule should require that HIC1700 areas be allocated such that at least *some* HIC1000 area must be provided in the Adult Headform Test Area.

C. First Point of Contact

Under the proposed FMVSS No. 228 test procedures, with the agency knowing the manufacturer's information identifying the HIC1700 areas, NHTSA would launch a headform at the hood. The standard would take a simple approach to determine the HIC requirement that applies to a particular impact. For any given headform launch, NHTSA would identify the first point of contact between the headform and the hood. NHTSA's proposed method of targeting areas on the hood and assigning HIC values through the first point of contact is consistent with NHTSA's interpretation of GTR 9, and we refer to it as the "3D Method." If the impact is in a HIC1000 area, the headform must measure a HIC equal to or less than 1000 for the vehicle to pass the test. If the impact is in a HIC1700 area, the headform must measure a HIC equal to or less than 1700. We will test as many points on the hood as we deem necessary to assure the vehicle complies with the standard.¹²⁵ If a test finds that the HIC is greater than the limit prescribed by the standard, we will investigate the finding as a potential noncompliance in accordance with NHTSA's Office of Vehicle Safety Compliance protocol.

¹²¹ As discussed in section VIII.B below, there are pending proposed GTR 9 amendments that would substantially reduce the amount of required HIC1000 area.

¹²² In drafting this NPRM, NHTSA decided it would not matter substantively if manufacturers had to identify the HIC1000 or the HIC1700 portions, but identifying the HIC1700 portions seems more straightforward since that area would be smaller than the HIC1000 areas.

¹²³ When marking off the vehicle as described in this NPRM, only the HIC1700 areas are derived from information supplied by the manufacturer. All other borders will be drawn up on each individual vehicle in accordance with the standard's regulatory text and NHTSA's compliance test procedure (TP); they need not be determined based on manufacturer information.

¹²⁴ If no HIC1700 area is provided by the manufacturer, the child or adult test areas would be tested as HIC1000 area.

¹²⁵ We recognize the potential that dents caused by headform impacts on one part of the hood may affect the performance of the hood in subsequent tests, depending on location of the impacts. NHTSA's Office of Vehicle Safety Compliance (OVSC) will issue a test procedure guidance document that would describe the agency's protocol for conducting a compliance test. The test procedure would explain NHTSA's protocol for changing out hoods between impactor tests.

We recognize the possibility that the first contact of the headform could occur at multiple points on the hood simultaneously due to the curvature of the hood and the headform, and that these points could lie in different test areas. For example, one point could lie in the HIC1000 portion of the Child Headform Test Area and another could lie in the HIC1700 of the Adult Headform Test Area. To address this problem, we propose to use a simple and common-sense approach to cover instances where the first contact occurs in more than one area: when such a situation arises, the more stringent requirement applies.¹²⁶ For example, if first contact occurs in a child HIC1000 area and a child HIC1700 area simultaneously, the HIC1000 requirement applies for that particular launch location. If the first contact occurs in both the Child Headform Test Area and the Adult Headform Test Area (e.g., multiple simultaneous contact points), requirements for both headforms would need to be met. That is, NHTSA could perform more than one test of the same point with the different headforms.

Proposed FMVSS No. 228 would not specify how many tests NHTSA would conduct on a particular hood or where precisely the headforms would be aimed (such as minimum spacing between the test points on the hood). NHTSA agrees with the drafters of the GTR that the specification of such points is not necessary because, for Contracting Parties such as the United States that use a self-certification regulatory framework, specifying the number of tests required for testing or the spacing of test points is unnecessary. Under NHTSA's statutory framework and proposed FMVSS No. 228, it would be incumbent on vehicle manufacturers to ensure that their vehicles comply with all the impact zone requirements defined within the standard when tested by NHTSA. Accordingly, proposed FMVSS No. 228 does not specify these provisions.

¹²⁶ With Contracting Parties like Japan and the E.U., situations like this are worked out between the manufacturer and the type approval authority. In contrast, the Safety Act provides for a self-certification framework—so NHTSA does not approve vehicles before sale—and requires the FMVSS to be objective. This means that the FMVSS must be capable of producing identical results when tests are conducted in identical conditions and compliance must be based on scientific measurements, not on opinions that could vary from individual to individual and be subjective.

D. Consideration Related to the Amount of Test Area That Must Meet the HIC1000 and HIC1700 Limits

In section VII.A, we explained the requirement for the amount of test area within the Child and Adult Headform Test Areas that must be capable of achieving HIC not greater than 1000. The basis for this amount of area is two-thirds of the Hood Area, and the Hood Area by definition is always larger than the test area. Thus, more than two-thirds of the test area must be HIC1000 Area, and the remainder (less than two-thirds) must be HIC1700 Area. More than a decade and a half of agency testing with the pedestrian headform to the specifications of the GTR show that this level of performance is practicable.

NHTSA's pedestrian headform testing provides the data needed to understand the distribution of HIC outcomes on U.S. vehicle hood areas. Test data have been collected in numerous research studies¹²⁷ that have included 2001–2021 model year vehicles. These data, which also include 6 data points for 1994 Honda Civic and 8 data points for 1999 Dodge Dakota, provide the basis for the estimates in the PRIA. Over the years, this testing has kept NHTSA well-informed about the evolving status of pedestrian protection for the U.S. vehicle fleet. A total of 344 headform impact tests were analyzed to understand the feasibility of meeting both HIC1000 and HIC1700 performance requirements in both central (within the Child and Adult Headform Test Areas) and peripheral (near/outside the HIC Unlimited Margin¹²⁸) areas of vehicle front ends. Out of the 272 tests, only 28 (10.3%) of the impacts, regardless of impact location, failed to meet HIC1700 (table VII.1). For tests within the Child and Adult Headform Test Areas, 75 of 87 impacts (86.2%) met the HIC1000 limit and another 10 impacts (11.5%) were between HIC1000 and HIC1700.

¹²⁷ Reference 1—NHTSA “VRTC Pedestrian Research Activities” GTR No. 9 Informal Working Group Document #WP29–144–03 (2006); Reference 2—Mallory A, et al. “Pedestrian GTR Testing of Current Vehicles” ESV (2007); Reference 3—Suntay B, et al. “Vehicle Hood Testing to Evaluate Pedestrian Headform Reproducibility, GTR No. 9 Test Procedural Issues, and U.S. Fleet Performance,” NHTSA Docket NHTSA–2008–0145–0014 (2018); Reference 4—Suntay B, et al. “Pedestrian Protection: U.S. Vehicle Fleet Assessment,” DOT HS 812 723 (2019); Reference 5—Suntay B, et al. “Assessment of Hood Designs for Pedestrian Head Protection: Active Hood Systems,” DOT HS 812 762 (2020); Reference 6—Suntay B, et al. “Vehicle Assessment using Integrated Crash Avoidance and Crashworthiness Pedestrian Safety Test Procedures.” DOT HS 813 521.

¹²⁸ As explained earlier in this preamble, the “HIC Unlimited Margin” is the inner boundary of the HIC Unlimited Area.

Only 2 impacts (2.3%) within the Child and Adult Headform Test Area exceeded HIC1700. For tests near/outside the HIC Unlimited Margin, 79 of 185 impacts (42.7%) met HIC 1000. Further, when only model year 2010 or later vehicles are considered, there were only 8 instances out of 155 tests (5.2%) that were above HIC1700, including impacts in the HIC Unlimited Area. Again, restricting this to tests in the proposed test area, 34 of 40 impacts (85%) were below HIC1000, 5 of 40 (12.5%) were between HIC1000 and HIC1700 and 1 of 40 (2.5%) was above HIC1700.

This analysis is considered a conservative approximation of practicability (it underestimates the degree to which vehicles could meet the proposed limits) for four reasons.

First, 109 of these 272 tests were conducted at the NCAP RFC and Euro NCAP test velocity of 40 km/h, which is higher than the 35 km/h speed proposed here. The HIC outcomes in those tests would be expected to be lower if the proposed 35 km/h impact speed were employed at those same impact locations. On the other hand, the 33 tests included in the Ref. 1 study were conducted at 32 km/h since, at the time that research was performed, the draft GTR procedure specified that lower impact speed. Those same tests would be expected to have slightly higher HIC at a speed of 35 km/hr. All of those test outcomes were included in the analysis; however, it should be noted that there were over three times as many tests at 40 km/hr as there were at 32 km/h in the sample. Second, as noted earlier, vehicle designs have gotten more protective over the years as evidenced by the lower HIC outcomes in more recent vehicles.

Third, we note that certain tests have not been included in our analysis of practicability, but note them here for completeness. Eleven NHTSA tests into the windshield were not included since the windshield is not covered by the GTR. However, of those eleven tests, nine had HIC below 1000 and the other two tests had HIC below 1700, which supports a finding that the HIC 1000 and 1700 limits are reasonable and practicable. Finally, six tests on fully deployed pop-up hood systems from two vehicles (see Ref. 5) were not included in this analysis, since those tests included European-market-only hood actuator components installed on a U.S. vehicle and it is unclear how such vehicles would have been configured if FMVSS No. 228 were in place. Nonetheless, all six of those tests had HIC below 1000. Taken together, inclusion of these additional data would

indicate 17 tests with HIC below 1700 and 15 of 17 with HIC below 1000.

TABLE VII.1—DISTRIBUTION OF HIC OUTCOMES IN NHTSA TESTING
[MY 2001–2021 vehicles]

Source of data (vehicle model years)	Child/adult test area			Near/outside HIC unlimited margin		
	# Tests	HIC <1000	HIC <1700	# Tests	HIC <1000	HIC <1700
Ref. 1 (2001–2004)	11	11	11	22	12	19
Ref. 2 (1999–2006)	36	30	35	48	9	32
Ref. 3 (2010–2011) .....	.....	.....	.....	46	26	46
Ref. 4 (2015–2017)	31	26	31	51	21	46
Ref. 5 (2014)	1	0	0	2	0	0
Ref. 6 (2016–2021)	8	8	8	16	11	16
Total	87	75	85	185	79	159
Pct within HIC req. ....	.....	86.2%	97.7%	.....	42.7%	85.9%

* Note that impact locations with respect to the HIC Unlimited Margin needed to be estimated in some cases where the margin was unknown. Also note that tests in this analysis included impact speeds from 32–40 km/h. Therefore, these numbers should only be considered approximate with respect to the proposed 35 km/h test speed and HIC Unlimited Margin locations on future vehicle front ends.

NHTSA understands that these data represent discrete points on the hood surface tested in the program and do not describe the performance of any particular vehicle hood in its totality. Nonetheless, taken together, the analysis of existing NHTSA-performed pedestrian head impact testing indicates that the proposed compliance limits and requirements for proposed FMVSS No. 228 are practicable for U.S. vehicles.

E. Considerations for Expansion of Test Area When It Is Less Than Two Thirds of the Numerical Value of the Hood Area

Although very rare, based on the vehicles tested by NHTSA, it appears possible for the numerical value of two thirds of the Hood Area to exceed the Combined Child and Adult Headform Test Area.¹²⁹ While this can only occur when the test area is very small, NHTSA would like to make clear that, in this situation, the proposal requires that the entire Combined Child and Adult Headform Test Area be HIC1000 Area. Stated differently, for such a vehicle, if there is no “remaining area,” there would be no HIC1700 Area. We believe this view of the proposed standard is consistent with GTR 9, but GTR 9 does not appear to set forth any explicit contingencies for this occurrence. NHTSA takes the view that the entire Combined Child and Adult Headform Test Area must meet HIC1000 out of a concern that permitting a HIC1700 area for such a vehicle would result in less than two thirds of the Hood Area being tested to the HIC1000 threshold. This means that such a vehicle would provide less protection to pedestrians

than all other vehicles (with larger hoods). Moreover, to address and improve upon this situation, NHTSA is considering expanding the test area to encompass at least two thirds of the Hood Area on these vehicles when the test area, as currently defined, is smaller than two thirds of the Hood Area. The entirety of the test area would remain HIC1000 Area to remain consistent with the provision that the numerical value of two thirds of the Hood Area be HIC1000 Area. NHTSA requests comment on whether the test area increase should simply be a proportional expansion of the entire test area.

VIII. GTR 9 Terminology and Amendment 3

In drafting the regulatory text of this NPRM, one of NHTSA’s goals has been to produce a proposal that has a high degree of fidelity to GTR 9. However, we have found the need to define some terms in a slightly different way than the GTR to produce an objective standard that meets the requirements of the Safety Act and the needs of the self-certification environment in the United States. In this section, we highlight some of the differences in terminology between GTR 9 and FMVSS No. 228, after which we provide details related to, and request comments on, an “Amendment 3” proposal that has since 2021 reemerged as the source of potential revisions to GTR 9.

A. Comparison of Terminology

As we explained in section VI of this preamble, the major components that constitute the hood are the Hood Top, Hood Area, Child Headform Test Area,

Adult Headform Test Area and HIC Unlimited Area. In some cases, GTR 9 uses identical or very similar terminology; however, the terminology sometimes does not have the same meaning. In other cases, the terminology is different or the terms do not exist. Table VIII.3 references the terms defined in FMVSS No. 228 (first column) and the related terms in GTR 9 (second column). The focus here is on the terms used to define the hood surface and tested area.

The term Hood Top and its related borders, shown in rows 1–4 of table VIII.3, has equivalents in GTR 9, *i.e.*, *Bonnet Top*, *Side Reference Line*, etc. The term Hood Area in FMVSS No. 228 is represented in GTR 9 by the combined *child headform test area* and *adult headform test area*. We note that the GTR 9 *child headform test area* and *adult headform test area* are larger than the similarly named areas in FMVSS No. 228, because GTR 9 does not subtract the HIC Unlimited Area from the GTR child and adult headform test areas. Just as the Hood Area forms the basis of the amount of area needing to have a HIC of 1000 or less in this NPRM, GTR 9 states at S5.2.3 that “two thirds of the combined child and adult headform test areas” must meet this requirement. Hood Area and the analogous GTR terms are shown in rows 5–8 of table VIII.3.

The area described in the “Child Headform Test Area” term in FMVSS No. 228 is not described by a specific term in GTR 9. However, an equivalent set of borders for defining the area is provided in S7.3.2 of GTR No. 9 (see table VIII.1).

¹²⁹ The only vehicle tested by NHTSA where this occurred was on the 2004 GM Savana. For this

vehicle the numerical value of the two thirds of the

Hood Area was essentially the same as the Test Area.

TABLE VIII.1

S7.3.2 of GTR 9

Selected impact points on the bonnet for the child headform impactor shall be, at the time of first contact:

- (a) a minimum of 82.5 mm inside the defined side reference lines, and;
- (b) forward of the WAD1700 line, or, a minimum of 82.5 mm forwards of the bonnet rear reference line, —whichever is most forward at the point of measurement, and;
- (c) be rearward of the WAD1000 line, or, a minimum of 82.5 mm rearwards of the bonnet leading edge reference line, —whichever is most rearward at the point of measurement.

Rows 9–12 in table VIII.3 show the corresponding regulatory text sections related to Child Headform Test Area.

Similarly, “Adult Headform Test Area” in FMVSS No. 228 does not have an equivalent term in GTR 9. However,

an equivalent set of borders for restricting the testing is provided in S7.4.2 (see table VIII.2)

TABLE VIII.2

S7.4.2 of GTR 9

Selected impact points on the bonnet for the adult headform impactor shall be, at the time of first contact:

- (a) a minimum of 82.5 mm inside the defined side reference lines, and;
- (b) forward of the WAD2100 line, or, a minimum of 82.5 mm forward of the bonnet rear reference line, whichever is most forward at the point of measurement, and;
- (c) rearward of the WAD1700 line.

Rows 13–16 in table VIII.3 show the corresponding regulatory text sections related to Adult Headform Test Area.

Although there are terminology differences between FMVSS No. 228 and GTR 9, the regulatory text of this NPRM is essentially aligned with GTR 9. To the extent there are differences, the differences would enable the

proposed standard to meet Safety Act requirements. As discussed throughout this preamble, however, the NPRM’s regulatory text reflects the wording of the GTR to benchmark the GTR’s concepts and methods implemented as an FMVSS. NHTSA has requested comments on the pros and cons of

various aspects of the NPRM’s regulatory text, particularly with respect to the areas of the vehicle that would be subject to headform testing under the GTR’s wording, and has focused readers on ways NHTSA believes the regulatory text could possibly be enhanced to achieve more safety benefits in the U.S.

TABLE VIII.3—COMPARISON OF TERMS USED TO HOOD SURFACE AND TEST AREA IN FMVSS NO. 228 AND GTR 9

Row No.	FMVSS No. 228	GTR 9
1	Leading Edge Reference Line (S6.3.2)	Bonnet leading edge reference line (S3.5).
2	Side Reference Line (S6.3.3)	Side reference line (S3.24).
3	Rear Reference Line (S6.3.4)	Bonnet rear reference line (S3.6).
4	Hood Top (S6.5.1)	Bonnet Top (S3.7).
5	Hood Area (S6.5.2)	Combined child and adult headform test areas (S3.12 and S3.1).
6	Hood Area front border (S6.5.2(a))	Front reference line of the child headform test area (S3.15).
7	Hood Area side border (S6.5.2(b))	Side reference line of the child and adult headform test areas (S3.12 and S3.1).
8	Hood Area rear border (S6.5.2(c))	Rear reference line for adult headform (S3.23).
9	Child Headform Test Area (S6.5.3)	No equivalent term defined, but essentially dictated by S7.3.2.
10	Child Headform Test Area front border (S6.5.3(a)) = HIC Unlimited Margin of the Leading Edge Reference Line (S6.4.2).	No equivalent term defined, but essentially dictated by S7.3.2(c).
11	Child Headform Test Area side border (S6.5.3(b)) = HIC Unlimited Margin of the Side Edge Reference Line (S6.4.3).	No equivalent term defined, but essentially dictated by S7.3.2(a).
12	Child Headform Test Area rear border (S6.5.3(c))	No equivalent term defined, but essentially dictated by S7.3.2(b).
13	Adult Headform Test Area (S6.5.4)	No equivalent term defined, but essentially dictated by S7.4.2.
14	Adult Headform Test Area front border (S6.5.4(a))	No equivalent term defined, but essentially dictated by S7.4.2(c).
15	Adult Headform Test Area side border (S6.5.4(b)) = HIC Unlimited Margin of the Side Edge Reference Line (S6.4.3).	No equivalent term defined, but essentially dictated by S7.4.2(a).
16	Adult Headform Test Area rear border (S6.5.4(c)) = HIC Unlimited Margin of the Rear Reference Line (S6.4.1).	No equivalent term defined, but essentially dictated by S7.4.2(b).

B. Amendment 3

As early as 2011, in discussions at WP.29, the International Organization of Motor Vehicle Manufacturers (OICA)¹³⁰ suggested an amendment to the GTR that would have changed the existing GTR protocol as well as the method of determining the allotment of HIC1000 and HIC1700 Area (discussed above in section VII of this preamble).¹³¹ This suggested proposal was then officially taken up by the Netherlands in November 2011.¹³² The proposal was revised and listed at the 55th GRSP meeting (May 2014) as Amendment to Phase 1.¹³³ Action on this document was deferred for many years, until a 2021 version (Amendment 3) submitted by the Economic Commission for Europe was brought back up for discussion for a possible introduction into GTR 9.¹³⁴ NHTSA had concerns about the suggested amendment and did not support it in either the 2011 or 2021 form and the suggestion, to date, has not been adopted. Below we discuss the two main aspects of the proposal. The first significantly reduces the amount of test area that must conform to a test value with a HIC1000 limit. The second changes the way test target points are determined, which has the potential to shrink the amount of test area at the HIC Unlimited Margin of the Side Reference Line. We discuss these changes here and seek comment because domestic auto

manufacturers have recently contacted NHTSA to express support for Amendment 3.¹³⁵

1. Change to the Amount of Area That Must Comply With HIC1000

One of the main changes proposed by Amendment 3 relates to how the *child headform test area* and *adult headform test area* are defined in GTR 9. Currently, the GTR 9 combined *adult headform test area* and *child headform test area* are equivalent to the FMVSS No. 228 Hood Area. Essentially, the new Amendment 3 definitions of *adult headform test area* and *child headform test area* would bring the areas described in the definitions into alignment with how the Child Headform Test Area and Adult Headform Test Area are defined in proposed FMVSS No. 228, as explained in section VI.C of this preamble, *i.e.*, these areas are defined as being within the 82.5 mm offset lines. However, GTR 9 at S5.2.3 maintains the requirement that two-thirds of the combined *adult headform test area* and *child headform test area* is required to have a HIC of 1000 or less. This test area is renamed the *bonnet top test area*. Thus, as a result of the Amendment 3 definitional changes, the amount of HIC1000 area would now be based on a smaller amount of area. NHTSA has not supported this change because it would reduce the stringency

of the GTR 9 by decreasing the amount of HIC1000 area and increasing the amount of HIC1700 area.

The agency analyzed a regulatory approach incorporating the aspect of Amendment 3 related to a reduction of the HIC1000 area. The PRIA discusses this approach as Alternative 1. This analysis includes a cost teardown study and assumes the costs associated with meeting the requirements are similar for a regulatory alternative incorporating Amendment 3 and the proposed rule. The details of this analysis can be found in the PRIA for this NPRM. The equivalent life saved (ELS) estimate and cost per ELS of Amendment 3 compared to the proposed rule are shown in table VIII.4 below. The monetized benefits and net benefits of Amendment 3 compared to the proposed rule are shown in table VIII.5. In comparison to the proposed rule, the equivalent lives saved under a regulatory alternative incorporating Amendment 3 are approximately 59% of that under the proposed rule. Under the assumption that the costs are the same for both the regulatory alternative and proposed rule, the cost per ELS under Amendment 3 is nearly double that of the proposed rule. Lastly, net benefits under Amendment 3 are approximately 55% of the benefits of the proposed rule.

TABLE VIII.4—COMPARISON OF COST PER EQUIVALENT LIFE SAVED (ELS)
[Millions]

Regulatory approach	Cost		Equivalent lives saved		Cost per equivalent life saved	
	3%	7%	3%	7%	3%	7%
GTR 9 Amendment 3 (PRIA Alternative #1)	\$60.43	48.94	32.28	26.20	\$1.87	\$1.87
Proposed Rule	60.43	48.94	54.87	44.46	1.1.0	1.10

TABLE VIII.5—COMPARISON OF MONETIZED AND NET BENEFITS FOR PROPOSED RULE AND AMENDMENT 3
[Millions]

Regulatory option	Monetized benefits		Net benefits	
	3%	7%	3%	7%
GTR 9 Amendment 3 (PRIA Alternative #1)	\$384.51	\$312.09	\$324.08	\$263.15
Proposed Rule	653.76	529.74	593.33	480.79

¹³⁰ OICA was actively involved in the working group meetings developing GTR 9. OICA's website states that its members represent the global auto industry. It is known as the "Organisation Internationale des Constructeurs d'Automobiles (OICA)." www.oica.net.

¹³¹ Proposal of Amendments to GTR 9 (Pedestrian safety), WP.29 Informal document GRSP-49-09, 49th GRSP Meeting, 16–20 May 2011. <https://unece.org/DAM/trans/doc/2011/wp29grsp/GRSP-49-09e.pdf>.

¹³² ECE/TRANS/WP.29/2011/148, <https://unece.org/DAM/trans/doc/2011/wp29/ECE-TRANS-WP29-2011-148e.pdf>.

¹³³ ECE/TRANS/WP.29/GRSP/2014/5, <https://unece.org/DAM/trans/doc/2014/wp29grsp/ECE-TRANS-WP29-GRSP-2014-05e.pdf>.

¹³⁴ TWSG-01-04—ECE-TRANS-WP29-2021-053e, <https://unece.org/sites/default/files/2021-02/ECE-TRANS-WP29-2021-053e.pdf>.

¹³⁵ In advance of the publication of this NPRM, NHTSA received a letter from the Alliance for Automotive Innovation (Innovators) restating support of the interpretation of the GTR 9 that aligns with the proposed GTR amendment. (The letter can be found in the docket for this NPRM.) Additionally, in December 2022, NHTSA and the Innovators met at the latter's request to discuss the same topic. An ex parte memo documenting this meeting can also be found in the docket.

2. Change From 3D Method to 2D Targeting Method

The second significant change proposed by Amendment 3 is related to the targeting method to determine the point on the test surface that is assigned the HIC value from the impact test. As we stated previously, NHTSA's proposed method of targeting areas on the hood and assigning HIC values through the first point of contact is consistent with GTR 9, and we refer to it as the "3D Method." NHTSA believes GTR 9 is sufficiently objective using the 3D Method and that Amendment 3 would not improve the objectivity of the regulation.

We refer to the Amendment 3 suggested method as the "2D Measuring Point Method" or, for simplicity, the "2D Method" in the discussion below. Under the 2D Method, the contact point between the mid-sagittal plane of the headform and the hood, referred to as the "measure point" in the GTR amendment, serves to define whether HIC1000 or HIC1700 applies to the particular impact. The "2D measure point" is established prior to a launch and the HIC limit is assigned to that point. Proponents of the amendment argued that the 2D Method improved objectivity over the 3D Method because, with the 3D Method, the first point of

contact may be related to multiple lateral headform launch positions.

To illustrate, figure VIII.1 is a top down and rearward-looking view of a hood with a sharp bend in the lateral plane. Because of this sharp transition in the hood profile, it is possible for the headform impactor to contact the same or nearly the same point (first point of contact, which in this case is the sharp transition point) for different launch positions of the headform. However, both the 2D and 3D Methods will have the same range of headform launch positions that would result in the first point of contact at the sharp transition.

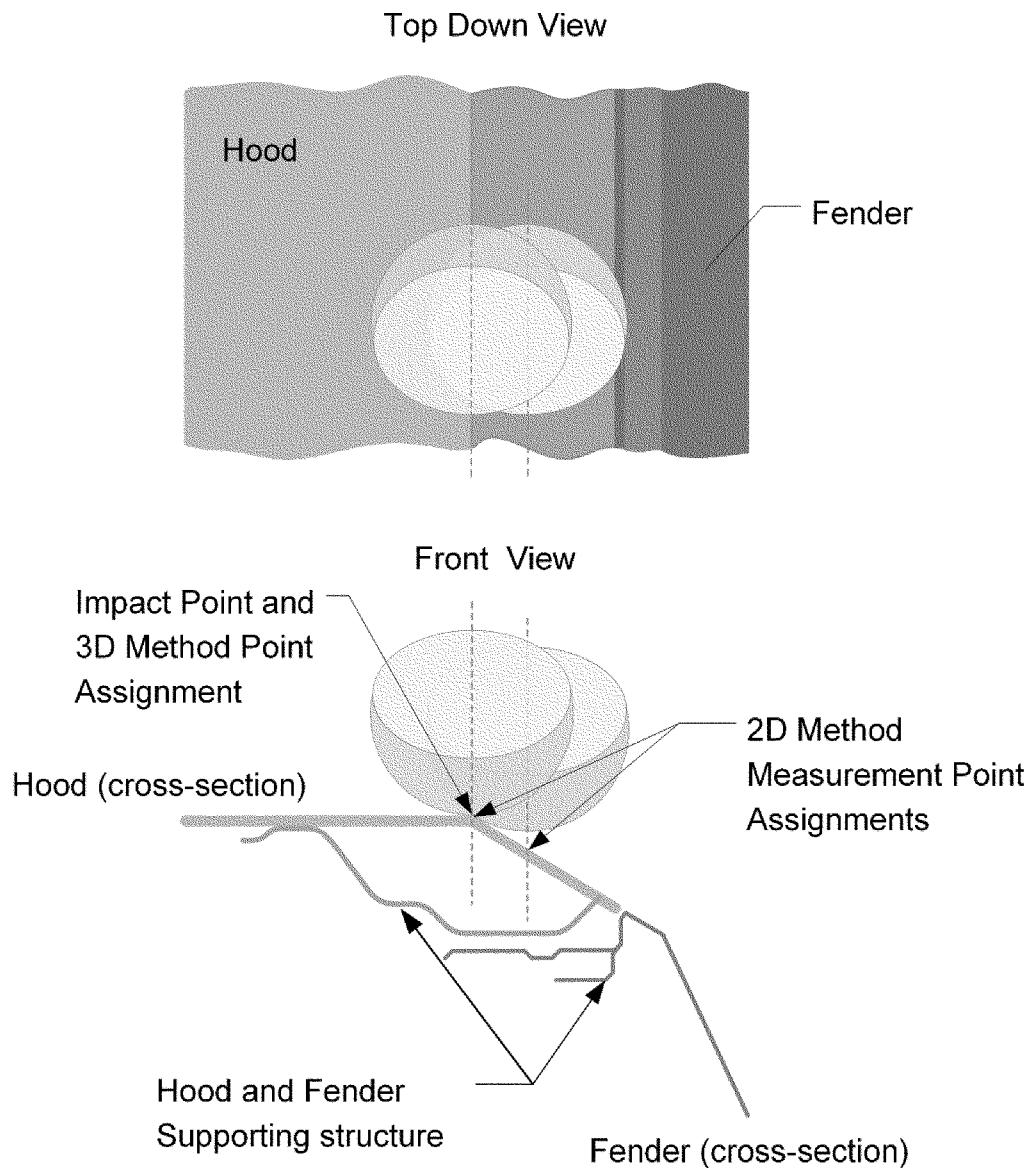


Figure VIII.1. Range of test positions that impact the same point on a sharp transition.

As explained above, in the 2D Method, the 2D measure point on the hood is established prior to a launch and the pre-test position of the headform is determined by aligning the mid-sagittal plane of the headform to that point. Although proponents of the 2D Method argued that this method of pre-determining the test point on the hood and assigning the test results to that point improves objectivity of the

test, NHTSA disagrees. For the hood profile shown in figure VIII.1, the test results for a range of 2D measure points will be associated with the headform impacting the same hood location (the sharp transition). NHTSA believes this situation creates ambiguity rather than improves objectivity because in some instances, the HIC assignment for a point might not be related to the point being impacted. As illustrated in figure

VIII.1, the HIC values were assigned to points on the slope, from an impact location further up the slope. In contrast, the 3D Method is more representative of real-world impacts as it assigns each test result to its corresponding location of impact (first contact point) (see figure VIII.2).

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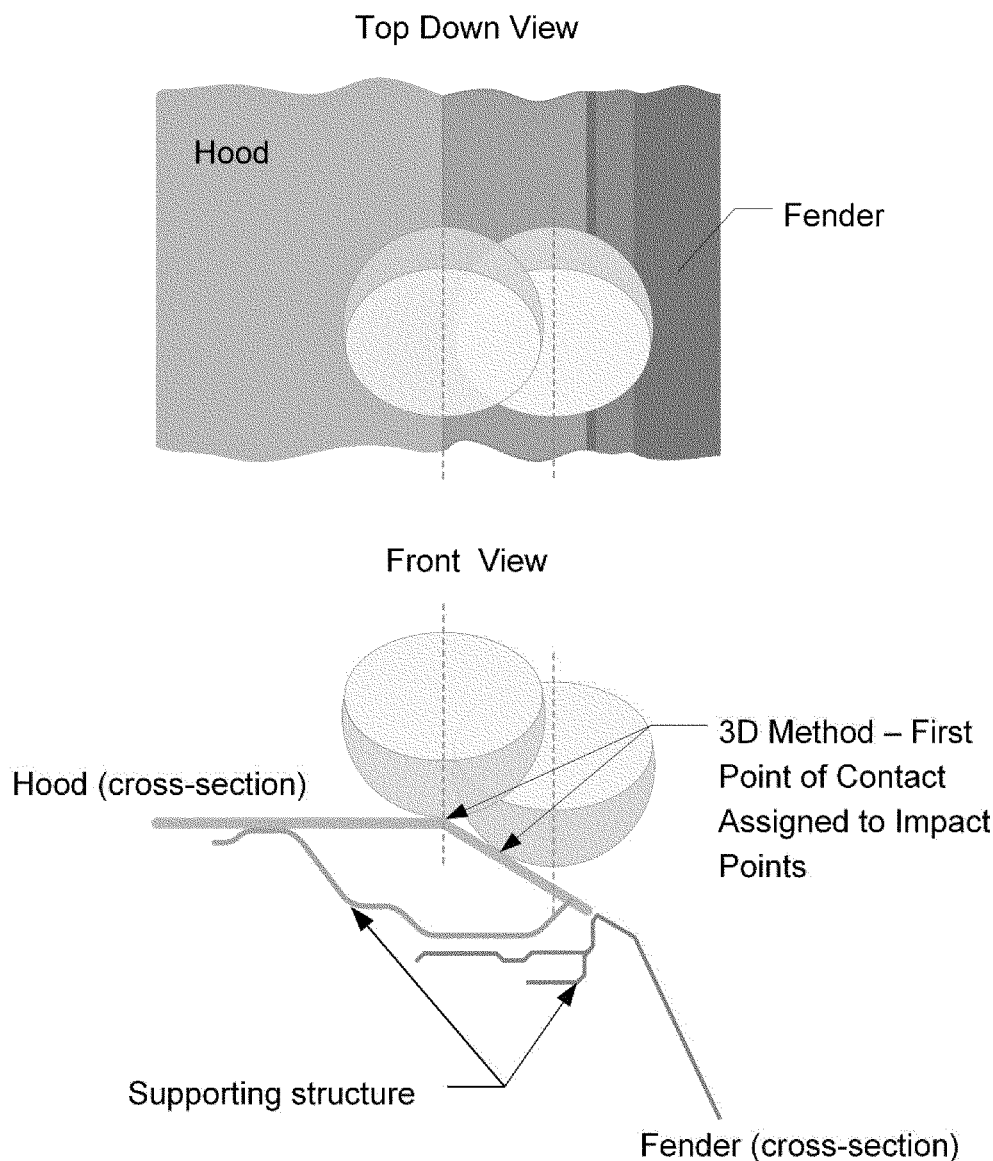


Figure VIII.2. – 3D Method Assigns HIC Value to Actual Contact Location.

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Additionally, in the 3D Method both the lateral pre-test position of the headform as well as the first point of contact are known, which enables NHTSA to fully define each test in a

compliance proceeding.¹³⁶ This makes each test objective and highly

¹³⁶ Manufacturers must certify compliance with any first point of contact to the require HIC limit for that location, irrespective of the launch position(s) of the of the headform.

repeatable. Thus, we see no reason to favor the 2D Method over the 3D Method based on claims of improved objectivity.

NHTSA is also concerned about the safety implications of the 2D Method.

The 2D Method can result in a smaller test area, particularly on hoods that have a downward slope at the sides of the vehicle (See figure VIII.5). In this figure, the more outboard headform indicates valid positions that would be tested by the 3D Method. Conversely, the valid positions tested by the 2D Method are shown by the more inboard position, where the mid-sagittal plane of the headform aligns with the HIC Unlimited Margin. As can be seen, the methods used result in different test area, with the 2D Method decreasing the size of the area tested. In our own testing of six vehicles of model year 2011 or later, we observed that the 2D Method moved the impact point further inboard for five of the six vehicles we tested (and by as much as 46 mm for

one vehicle). As expected, because hood edges are reinforced, HIC scores were lower when the headform was further inboard. Those data are consistent with NHTSA testing that has shown that these perimeter locations may produce higher HIC levels compared to the rest of the hood.¹³⁷

Previous real-world studies have shown that many pedestrian head impacts take place along the hood-fender junction. One study found the most severe head injuries concentrated towards the outer third of the hood.¹³⁸

¹³⁷ Details of these tests can be found in: Suntay B and Stammen, JA (2014), Vehicle hood testing to estimate pedestrian headform reproducibility, GTR No. 9 test procedural issues, and U.S. fleet performance

¹³⁸ Koetje B and Grabowski J. A Methodology for the Geometric Standardization of Vehicle Hoods to

As far back as our 1990 era standards development effort, we observed an incidence rate of about 20% along the sides.¹³⁹ NHTSA is not aware of research indicating that this rate has gotten or will get lower. Thus, NHTSA believes the reduction in safety using the 2D Method could be significant and has decided not to include the method in this NPRM.

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Compare Real-World Pedestrian Crash; *Annals of Advances in Automotive Medicine*. 2008; 52: 193–198.

¹³⁹ An analysis of the potential costs and benefits of pedestrian head-to-hood impact protection, NHTSA Office of Regulatory Analysis, NHTSA Docket 91–43, Notice 1, document No. 3, January 1990. A copy of this document is in the docket for this NPRM.

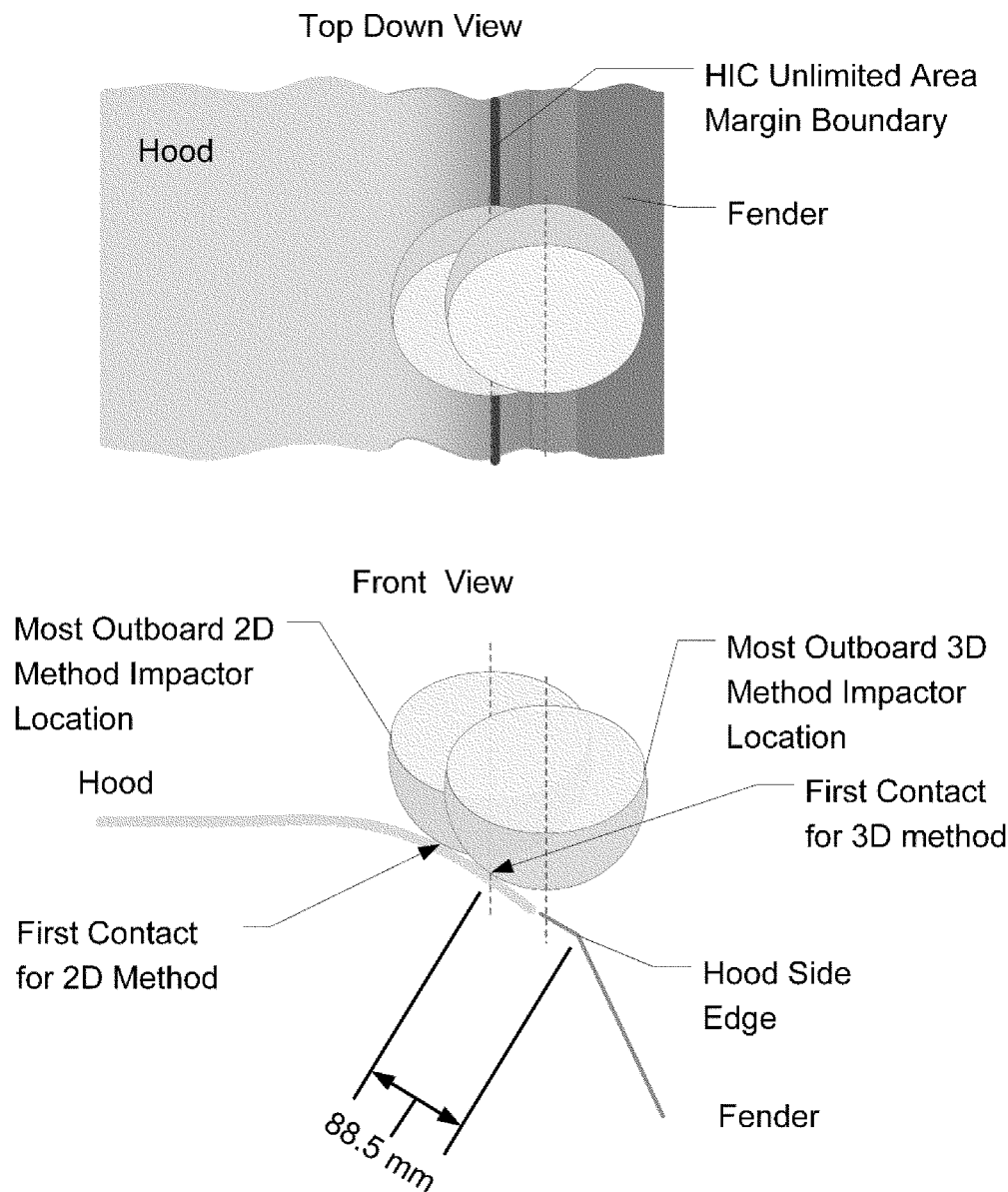


Figure VIII.5. 3D Method allows for a more outboard test position than the 2D Method.

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IX. Headform Characteristics

A. General

The proposed headform impactors are hemispherical and completely featureless. The mass of the child headform is 3.5 kg and that of the adult headform is 4.5 kg. During the development of the GTR, researchers attempted to determine the appropriate “effective mass” of the headforms to account for the influence of the neck/torso mass on the force the head would impart to the hood. The researchers determined that, averaged over a variety of vehicle shapes, the “effective mass” was comparable to the head mass

itself.¹⁴⁰ Thus the masses selected represent both the “effective masses” and actual masses of an average 6-year-old child and a 50th percentile adult male. The mass for a 5th percentile female head is 3.7 kg.¹⁴¹ Using

¹⁴⁰ Mizuno, Y, Summary of IHRA Pedestrian Safety WG Activities (2005)—Proposed Test Methods to Evaluate Pedestrian Protection Afforded by Passenger Cars. ESV 05-0138.

¹⁴¹ Schneider, L.W., Robbins, D.H., Pflüg, M.A., and Snyder, R.G. (1983). Anthropometry of Motor Vehicle Occupants: Development of anthropometrically based design specifications for an advanced adult anthropomorphic dummy family, Volume 1. Final report DOT-HS-806-715. U.S. Department of Transportation, National Highway Traffic Safety Administration, Washington, DC.

anthropometric data of adult female head circumference, we can estimate the female head mass percentile for both the child and adult headform.¹⁴² The 3.5 kg mass of the child headform represents a 1st percentile female head mass and the 4.5 kg mass of the adult headform represents a 64th percentile female head mass. Thus, these headform masses represent a range of pedestrian sizes from small children, 64 percent of all female adults, and up to the average adult male. The effective mass is the

¹⁴² Based on 2007–2010 NHANES from <http://tools.openlab.psu.edu/tools/explorer.php>. Head mass is assumed to be proportional to the volume of a sphere with a circumference equal to the measured head circumference.

estimated head mass that is applied to the hood by a struck pedestrian and includes an allowance for the body force acting through the neck during the head impact. Effective head mass has been estimated via laboratory tests with pedestrian dummies and postmortem human subjects (PMHS), and through mathematical modelling of pedestrian collisions.

The diameter of the proposed headforms is 165 mm for both the child and adult headforms. The average cross-sectional axis of a 6-year-old child head in the transverse plane at its forehead is about 165 mm (circumference is 523 mm according to Irwin, 1997).¹⁴³ For an adult, the head is more elliptical at the forehead cross-section and 165 mm falls between the breadth (154 mm) and depth (197 mm) of a 50th percentile male.

Each headform would have three parts: an aluminum hemisphere, a synthetic covering, and an end plate. The main hemisphere of each headform is hollowed out to eliminate internal corners and mitigate low-frequency resonance. The lighter hemisphere has a deeper cavity to achieve the same 165 mm diameter as the heavier, adult headform. Both the proposed child and adult headforms have vinyl coverings and the headforms and coverings together are designed to achieve a specific system response.

The proposed headform end plates are bolted onto the hemisphere and hold the synthetic coverings in place. This NPRM specifies the material and dimensions of the end plates. A triaxial arrangement of accelerometers is mounted on the inner surface of each end plate such that they are located at the centroid of the headforms.

Each combination of hemisphere, synthetic covering, and end plate (including accelerometers and their mount blocks) would assure that the center of gravity of the complete headform is coincident with the geometric center of the spheroid (*i.e.*, the centroid) while attaining a moment of inertia that is representative of a 6-year-old child (for the child headform) and a 50th percentile adult male (for the adult headform).

A complete set of drawings for each headform is provided as part of the regulatory text of proposed FMVSS No. 228 in figures 13–27. The drawings are, to NHTSA's knowledge, consistent with the current production of two known manufacturers of headforms that the agency has used in testing and

evaluation described in section IX.C.¹⁴⁴ In some cases, dimensions have been purposefully made “reference” dimensions to facilitate flexibility in producing headforms such as those evaluated headforms. GTR 9 does not provide this level of specificity and only provides headform schematics such as are included in figures 11 and 12 in the proposed regulatory text. Contrary to that approach, the agency believes there is benefit to providing more detailed drawing dimensions, as we have done in figures 13–27. These detailed drawings should allow any entity wishing to produce a headform that can be used in FMVSS No. 228 to simply meet the provided dimensions. However, consistent with GTR 9, the notes provided on the headform drawings specify that headform dimensions may be modified as long as a set of specifications of the drawings is met. These specifications pertain to the impactor mass, diameter, skin material and thickness, center of gravity, moment of inertia, accelerometer mounting, accelerometer damping, qualification limits and natural frequency. The agency requests comment on the approach taken with the headform drawings. Should the agency take an even more prescriptive approach than has been proposed or should it take a less prescriptive approach similar to GTR 9?

B. Qualification Limits

This NPRM proposes a set of pre-test qualification limits to ensure the headforms are functioning properly.¹⁴⁵ The qualification tests are also intended to assure that the impact responses of the headforms are uniform. NHTSA's regulation for anthropomorphic test devices (49 CFR part 572) specifies qualification tests and limits for all anthropomorphic test devices (ATDs) used in the FMVSSs.

The proposed qualification tests are headform drop tests. The proposed qualification requirements are based on the peak resultant acceleration measured within the headform in the

qualification test. The test apparatus is shown in figure 12 of proposed FMVSS No. 228, *infra*.

The proposed apparatus and procedure have been adapted from those used to qualify the headforms of ATDs specified in 49 CFR part 572. The proposed test for the child headform was adapted from the test used for the Hybrid III 6-year-old child dummy (part 572, subpart N), while the proposed test for the adult headform was adapted from the test for the Hybrid III 50th percentile adult male (part 572, subpart E). In the proposed tests, the headform is suspended at a height of 376 mm and a drop angle of 50 degrees and 65 degrees, with respect to the vertical, for the child and adult headforms, respectively.

For each pedestrian headform, there would be qualification tests consisting of three head drops with the headform rotated 120° around its symmetrical axis after each drop. We propose that the resultant acceleration of the child headform must fall between 245–300 g's for drops at each rotation. For the adult headform, the proposed limits are 225–275 g's. The limits are the same as those currently in part 572 for headform qualification of the Hybrid III 6-year-old child and Hybrid III 50th percentile adult male test dummies. These G-limits represent ±10 percent of the midpoint of data obtained from headform drops in tests conducted for the Hybrid III 6-year-old and 50th percentile adult male dummies. In addition, we propose requirements for off-axis sensitivity and a unimodal response, as well as a protocol to clean the headform prior to qualification testing to improve repeatability. These factors are in addition to GTR 9 specifications and are based on NHTSA's years of testing and qualifying headforms. They would be consistent with other part 572 headform requirements.

C. Repeatability and Reproducibility

The headforms have been shown to produce repeatable and reproducible results. Repeatability is defined as the similarity of responses from a single headform when subjected to multiple repeats of a given test condition. Reproducibility is defined as the similarity of test responses from multiple headforms when subjected to multiple repeats of a given test condition. NHTSA assessed the repeatability and reproducibility (R&R) of the headforms in qualification drop tests and actual hood tests.

1. Headform Drop Tests

In headform drop tests, we assessed the R&R of child and adult headforms

¹⁴³ Irwin A and Mertz HJ (1997), Biomechanical basis for the CRABI and Hybrid III child dummies, 41st Stapp Car Crash Conference, 1997.

¹⁴⁴ Humanetics Corp., Farmington Hills MI, formally FTSS, and Cellbond, Huntingdon, United Kingdom.

¹⁴⁵ “Qualification limits” set parameters to ensure test devices are functioning properly. Test devices (*e.g.*, headforms) are subjected to a prescribed test protocol and are deemed acceptable if they provide measurements within the qualification limit. If the qualification limits are not met, the agency will adjust the device (headform) until the qualification limits are met or discard the device (headform), deeming it insufficiently reliable for use in a compliance test. A “narrowing” of the qualification limit means that less variation in the performance of the test devices at issue would be acceptable to NHTSA compared to a qualification limit that had a wider tolerance as to acceptable performance.

manufactured by two different manufacturers, Cellbond and FTSS.¹⁴⁶ As part of this assessment, we also varied the type of accelerometer installed within the headform. We ran two sets of qualification tests with the Cellbond headforms: one with damped accelerometers and one with undamped accelerometers. One set of tests was run with the FTSS headforms, fitted with

undamped accelerometers. All acceleration responses were filtered at Channel Filter Class (CFC) 1000. The responses are summarized in table IX.1, including averages, standard deviations, and percent coefficients of variation (%CV). The %CV is computed by dividing the standard deviation by the average (and multiplying the result by 100 percent). The results are similar for

both headform manufacturers and for both accelerometer types. Typically, NHTSA strives for a %CV of less than 5 percent, so the low %CV observed in our tests indicates a high degree of repeatability and reproducibility by our measure and is well within an acceptable interval.

TABLE IX.1—QUALIFICATION DROP TESTS: PEAK RESULTANT ACCELERATION (AND HIC SCORES) OF HEADFORMS

Headform (compliance interval, g)	Statistical measure	Peak acceleration, g (HIC score in parentheses)			
		Cellbond (damped)	Cellbond (undamped)	FTSS (undamped)	Combined
Child (245–300)	Average	257 (871)	258 (851)	262 (904)	259 (876)
	StdDev	4.36 (3.00)	1.00 (19.35)	9.07 (46.32)	5.62 (34.21)
	%CV	1.7% (0.3%)	0.4% (2.3%)	3.5% (5.1%)	2.2% (3.9%)
Adult (225–275)	Average	238 (779)	237 (758)	235 (766)	237 (768)
	StdDev	5.57 (16.82)	3.06 (17.58)	1.15 (11.36)	3.57 (16.26)
	%CV	2.3% (2.2%)	1.3% (2.3%)	0.5% (1.5%)	1.5% (2.1%)

The headforms were dropped from a height of 376 mm, which is the height specified in GTR 9 and the height used in other part 572 headform qualification tests. However, we are considering raising the drop height. Typically, in NHTSA's practice an ATD qualification procedure exercises the ATD near the pass/fail reference measure. In this case, the HIC scores obtained from the 376 mm drop are slightly below the HIC1000 limit proposed for the pedestrian headform requirement, and well below the HIC1700 requirement. (Average HIC produced by the 376 mm drop are 876 for the child headform, and 768 for the adult headform). Therefore, we request comments on raising the drop height to a height that would produce HIC scores somewhere between 1000 and 1700.

We also request comments on changing the qualification bounds of 245–300 g's for the child headform and 225–275 g's for the adult headform. For other ATDs used in FMVSSs, we generally set qualification bounds by examining data from multiple test labs, several ATDs, and ATDs built by different manufacturers. In other words,

the qualification bounds are derived from the qualification data, not set *a priori*, with a goal to set them at no greater than 10 percent of the mean.

We understand that the qualification bounds of GTR 9 were set *a priori*, by using the qualification limits of part 572 as a basis for the bounds. While this would be acceptable given that the part 572 bounds have worked satisfactorily historically, our results suggest that those pre-existing headform qualification limits could be narrowed for both of the pedestrian headforms. The part 572 headform qualification limits were developed for the Hybrid III head, but the hemispherical headforms specified in this NPRM are much more geometrically uniform. For the pedestrian headforms, the acceptance bounds of ± 25 g's (for the adult headform) and ± 27.5 g's (for the child headform) are both derived using the 10 percent approach. In part 572, NHTSA has generally sought to set qualification limits for a test device within $\pm 10\%$ of a nominal target, usually the mean response from all relevant data available about a test device gathered from agency

research, commenters' submissions and other means. The $\pm 10\%$ margin is considered wide enough to account for normal variations in response and laboratory differences, and narrow enough to ensure consistent and repeatable measurements in standardized testing. However, both sets of bounds represent well over three standard deviations from the mean based on the test data shown in table IX.1. From a probabilistic standpoint, three standard deviations constitute an unusually wide bound.

Since the publication of the headform evaluation report, NHTSA Vehicle Research and Test Center (VRTC) has continued to conduct many more headform qualification tests to support vehicle impact testing. This updated dataset provides a significantly greater number of samples from a much larger number of headforms. These data can be used to better determine whether the current GTR 9 qualification bounds are appropriate and sufficient, rather than using only the data from table IX.1. Table IX.2 summarizes this updated dataset.

TABLE IX.2—UPDATED NHTSA DATA FROM HEADFORM QUALIFICATION TESTS

[Peak resultant acceleration]

Headform orientation	Child headform (12 headforms subjected to 60 total tests)			Adult headform (12 headforms subjected to 60 total tests)		
	Average	Standard deviation	%CV	Average	Standard deviation	%CV
0 deg	275	16.7	6.1	252	12.1	4.8
120 deg	272	14.7	5.4	251	13.0	5.2

¹⁴⁶ Santay B and Stammen, JA (August 2018), Vehicle hood testing to estimate pedestrian

headform reproducibility, GTR 9 test procedural

issues, and U.S. fleet performance. Docket NHTSA–2008–0145–0014.

TABLE IX.2—UPDATED NHTSA DATA FROM HEADFORM QUALIFICATION TESTS—Continued
[Peak resultant acceleration]

Headform orientation	Child headform (12 headforms subjected to 60 total tests)			Adult headform (12 headforms subjected to 60 total tests)		
	Average	Standard deviation	%CV	Average	Standard deviation	%CV
240 deg	274	16.6	6.1	250	13.0	5.2
All	273	15.8	5.8	252	12.1	4.8

The average responses are almost exactly in the middle of the GTR specification for a large number of headforms and tests, and the current GTR 9 tolerance of $\pm 10\%$ closely approximates two standard deviations for both headforms (slightly less for the child headform and slightly more for the adult headform). Based on this information, the FMVSS No. 228 proposal retains the GTR specification rather than providing an alternative specification unique to NHTSA.

While the data shown in table IX.2 constitute a substantial set of 120 data points from 24 different headforms, our tests were conducted at a single laboratory (NHTSA's Vehicle Research and Test Center) with headforms from three headform manufacturers.¹⁴⁷ Our data may not reflect normal variations that accrue when a large set of headforms are tested across various laboratories. There may be unknown variability associated with different labs, operators, headforms, and other typical variances such as temperature and humidity, that may not be present in our dataset.

Thus, although we have used the conservatively wide bounds from part 572 in the proposed regulatory text for this NPRM, we seek qualification data from commenters. We will examine all qualification data provided and anticipate that, when new qualification data are combined with our current set of data, the bounds could be tightened, such as to one standard deviation or less. For a final rule, our intent is to set bound widths as narrowly as is reasonable to control variability to the extent possible.

We note that a comparison of qualification results for Cellbond vs. FTSS headforms used in our research programs did show some differences. In qualification tests, Cellbond and FTSS headforms were essentially equivalent in terms of the peak acceleration they measured, but HIC scores differed between the FTSS and Cellbond child headform by about 5%. Also, a phase difference in the signal response appears evident, with the Cellbond units producing peaks in acceleration that occur about 0.5 ms earlier in both the adult and child headforms. However, as discussed below, the FTSS and Cellbond headforms are essentially equivalent when considering the HIC scores produced by hood impacts.

2. Headform Performance in Hood Testing

We also assessed the performance of the headforms in tests on actual hoods. The Cellbond and FTSS headforms were evaluated on three vehicle models: the 2010 Kia Forte, the 2010 Buick LaCrosse, and the 2010 Acura MDX. We also used different types of accelerometers to assess the effect of damped versus undamped models. (Although these vehicle models are now more than a decade old, the results and conclusions are still valid as they relate to how the headforms performed relative to an actual hood. The assessment was done in the 2012–2014 timeframe on new hoods. The vehicles were selected to provide a cross-section of vehicle manufacturers, vehicle classes and hood contours.)

We selected three test points in areas on the hood where HIC was expected to exceed HIC1000 and approach HIC1700.

In other words, we exercised the headforms near the proposed HIC performance thresholds. The three points were: an inboard point along the WAD1000 border (near the front edge of the hood); a point just inside the HIC Unlimited Margin of the Side Reference Line (near the fender); and an inboard point near the Rear Reference Line (near the rear edge of the hood).

We conducted tests at all three points with one headform brand/accelerometer combination before switching to another. Each time a headform switch was made, a new hood was installed. For each vehicle, the impact points were tested in the same order. The order of headform use was: (1) FTSS (undamped accelerometers); (2) Cellbond (damped accelerometers); and, (3) FTSS (damped accelerometers). The hoods of the Forte and the LaCrosse were sufficiently short that only child headforms were used. Child and adult headforms were used on the Acura MDX.

Qualification tests were performed on each headform before and after the test series to ascertain the accuracy of their measurements. The headforms met all of the qualification response requirements, both before and after the tests.

We note that when comparing tests at the same test point on different samples of the same hood, the data also represent differences that may exist due to production variability of the hood itself. Without extensive testing of many copies of a particular hood, it was not possible for NHTSA to separate this production variability from that of the headform and test procedure. HIC results are presented table IX.3 for the three vehicles tested.

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¹⁴⁷ Table IX.1 contains headform data from two manufacturers, while table IX.2 contains headform data from three manufacturers.

Table IX.3. HIC scores for headform-to-hood impacts on three vehicles.

Vehicle	1st Contact Point		Test Order	HIC15	Headform	Mfg	Accel. Type	Test location (Comment)
	WAD, mm	Distance from CL, mm						
2010 Buick Lacrosse	1000	220	1	1026	Child	FTSS	Undamped	WAD1000 border
			2	1053	Child	Cellbond	Damped	
			3	1025	Child	FTSS	Damped	
			Average	1034.7				
			StdDev	15.9				
			%CV	1.54%				
	1289	769	1	1602	Child	FTSS	Undamped	Side no-test border
			2	1578	Child	Cellbond	Damped	
			3	1482	Child	FTSS	Damped	
			Average	1554.0				
			StdDev	63.5				
			%CV	4.09%				
	1690	-369	1	686	Child	FTSS	Undamped	Rear no-test border
			2	650	Child	Cellbond	Damped	
			3	636	Child	FTSS	Damped	
			Average	657.3				
			StdDev	25.8				
			%CV	3.92%				
2010 Kia Forte	1000	220	1	626	Child	FTSS	Undamped	WAD1000 border
			2	524	Child	Cellbond	Damped	
			3	506	Child	FTSS	Damped	
			Average	552.0				
			StdDev	64.7				
			%CV	11.72%				
	1130	-740	1	1587	Child	FTSS	Undamped	Side no-test border
			2	1537	Child	Cellbond	Damped	
			3	1540	Child	FTSS	Damped	
			Average	1554.7				
			StdDev	28.0				
			%CV	1.80%				
	1586	-370	1	597	Child	FTSS	Undamped	Rear no-test border
			2	486	Child	Cellbond	Damped	
			3	516	Child	FTSS	Damped	
			Average	533.0				
			StdDev	57.4				
			%CV	10.77%				
2010 Acura MDX	1120	183	1	1283	Child	FTSS	Undamped	BLE no-test border (spot weld separation lowers HIC on last test)
			2	1324	Child	Cellbond	Damped	
			3	969	Child	FTSS	Damped	
			Average	1192.0				
			StdDev	194.2				
			%CV	16.29%				
	1755	-740	1	1696	Adult	FTSS	Undamped	Side no-test border.
			2	1366	Adult	Cellbond	Damped	
			3	1519	Adult	FTSS	Damped	
			Average	1527.0				
			StdDev	165.1				
			%CV	10.82%				
	1700	174	1	503	Adult	FTSS	Undamped	WAD1700 border (fender deformation before last test lowers HIC)
			2	603	Adult	Cellbond	Damped	
			3	505	Adult	FTSS	Damped	
			Average	537.0				
			StdDev	57.2				
			%CV	10.65%				

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2010 Buick Lacrosse. For the Buick LaCrosse, the HIC variability was less than 10 percent at all three points. Notably, tests at two of the points produced HIC scores near the HIC1000 and HIC1700 thresholds, and the third produced an average HIC score near 650. This demonstrates a high level of repeatability when test results are near

the pass-fail compliance thresholds. It also demonstrates that the various headform and accelerometer combinations performed in a functionally equivalent manner.

2010 Kia Forte. For the Kia Forte, one test point, near the fender, produced HIC scores near a compliance threshold. HIC scores were just below the HIC1700

threshold, and the variability was very low—less than 4 percent.

At the two other points (near the WAD1000 border and the rear HIC Unlimited Margin), variability was over 10 percent. However, at both points the HIC scores were well below HIC1000. In addition, we note that for lower HIC values, a similar absolute difference in HIC value represents a higher

percentage of the HIC level. In other words, the CV% is artificially high because the denominator (average HIC) is low—not so much that the variability in repeated impacts is excessive.

2010 Acura MDX. At each of the three test points, HIC variability was 10 percent or higher. However, we believe that factors may have increased the variability. During the tests at the WAD1700 border (and near to the hood hinge), we observed fender deformation that took place during the course of testing. (Use of the heavier adult headform may have caused the deformation.) The damage occurred within the body structure, not on the hood itself, and was not repaired or replaced between tests. The deformation could have lowered the HIC of a subsequent test and contributed to the variability in HIC scores.

Also, in the test with the FTSS-damped headform run near the HIC Unlimited Margin of the Leading Edge Reference Line, there was a spot weld separation within the hood structure where an inner layer of sheet metal was mated to the bottom side of the outer layer. The test had a HIC of 969. No separation was observed in the other two tests, which had more comparable HIC scores (1283 and 1324).¹⁴⁸

3. Reproducibility in Hood Testing

The results of the hood testing program also demonstrated good reproducibility of the headforms' measurement of HIC.¹⁴⁹ The results in table IX.3 show that FTSS and Cellbond headforms are essentially equivalent when considering the HIC scores produced by hood impacts in which test conditions were otherwise identical.

We analyzed HIC scores produced by child headforms fitted with Endevco model 7264G damped accelerometers. For the six pairs of tests considered, the variability was no greater than 7 percent in any of the paired tests. Also, there was no apparent trend in which one headform produced higher HIC scores than the other. For four of the test points, the lowest HIC score was produced by the FTSS unit. In the other two, the Cellbond scores were lowest. We did observe that the FTSS child unit had relatively high variability for HIC (Standard Deviation = 46), but not peak acceleration. Adult headforms had much lower variability for all conditions.

¹⁴⁸ We do not believe the 2010 Acura MDX was designed in accordance with GTR 9 requirements. The 2010 Acura MDX was produced in Canada, and to our knowledge, was not sold in Europe.

¹⁴⁹ This conclusion is based only on tests on the Kia and Buick since variability was observed in the way the hood of the Acura MDX deformed.

4. Instrumentation

Proposal for Damped Accelerometers

This NPRM proposes a specification for damped accelerometers in the headforms. Although the GTR does not refer specifically to damped¹⁵⁰ accelerometers, the preamble to the GTR recommends damped accelerometers based on findings from a 2002 research program using 2001 headform data collected for the Japan New Car Assessment Program (J-NCAP). In headform tests with undamped accelerometers, abnormal signals that produced high HIC values were observed in windshield impacts¹⁵¹ and occasionally in hood impacts. The cause of the abnormality was attributed to vibrations that arose when the impulse of the impact was near the resonant frequency of the accelerometer.^{152 153}

NHTSA's testing has been with undamped accelerometers. The testing and findings are described in section IX.C.5.c, below. We did not observe any signal irregularities of the sort observed in the J-NCAP study. We did observe a difference in peak measurements depending on the type of accelerometer (they were generally lower with damped units). In vehicle tests, these sharp pulses occur when hard metal-to-metal contacts or mechanical fractures take place. If an accelerometer is attached directly to a vehicle structure (such as the frame rail), the sharp pulse can often saturate the measurement system. However, ATDs such as crash test dummies are designed to avoid internal mechanical fractures or metal-to-metal contact that could produce sharp pulses. Therefore, undamped accelerometers are typically specified for ATDs used in FMVSSs.¹⁵⁴

Nonetheless, although we saw no resonance issues in our tests with ATD heads fitted with the undamped units, we propose damped accelerometers for the pedestrian headforms. We envision using the same headforms in NCAP where the test protocol includes

¹⁵⁰ In general, damped accelerometers are used when shock pulses of extremely short durations occur in a test environment that would otherwise induce resonance in the sensor.

¹⁵¹ The windshield is no longer included within the test area prescribed by the GTR.

¹⁵² Informal document no. GR/PS/96, Problem of undamped accelerometer in headform impact test. 7th meeting of the pedestrian safety informal working group, Paris, France, September 28, 2004.

¹⁵³ Informal document no. GR/PS/133, Miniature Damped Accelerometer Series, 8th meeting of the pedestrian safety informal working group, Brussels, July 11, 2005.

¹⁵⁴ Also, pedestrian headforms, with their synthetic coverings, when used on the hood do not engage in metal-to-metal contact, nor do the hollowed aluminum hemispheres incur internal mechanical fractures.

potential testing of the windshield, cowl, and A-pillar. When testing such areas, the uncovered rear portion of the headform may come into contact with a vehicle structure such that an undamped accelerometer may produce a spurious signal and invalidate a test, similar to what was observed in J-NCAP testing. We request comment on the proposed use of damped accelerometers and whether it would be more appropriate to use an undamped accelerometer in proposed FMVSS No. 228, as is used in part 572 ATD heads.

This NPRM also proposes to specify the performance of the accelerometers in accordance with SAE J211/1_202208 (2022), "Instrumentation for Impact Test Part 1—Electronic Instrumentation," in lieu of what GTR 9 references, which is ISO 6487 (2002), "Measurement Techniques in Impact Tests." SAE J211 and ISO 6487 are essentially equivalent. SAE J211 is the most current of the two, and FMVSSs have historically referenced SAE J211, not the ISO standard. For those reasons, we propose to reference the current version of SAE J211 in proposed FMVSS No. 228.¹⁵⁵

5. Technical Assessment

a. Hood Impact Tests

In our test program assessing the performance of the Cellbond and FTSS headforms on the 2010 Kia Forte, the 2010 Buick LaCrosse, and the 2010 Acura MDX (results above), we also used different types of accelerometers to assess the effect of damped versus undamped models. We examined our headform test signals for any indication of resonant vibrations and examined any differences in responses depending on whether damped or undamped accelerometers were used.¹⁵⁶

At each of the six test points (three on the Buick, three on the Kia), one test was run with undamped units (in an FTSS headform) and two were run with damped units (one each for the FTSS and Cellbond headforms). The highest HIC score was recorded with the undamped (FTSS) unit for five of the six test points, with a percent difference ranging from 3 percent to 19 percent higher. For the other test point, all three HIC scores were nearly the same (less than 3 percent difference).

We also checked the test signals (figure IX.1) in all tests with undamped accelerometers and did not observe any

¹⁵⁵ This NPRM proposes to amend 49 CFR 571.5 to add SAE J211 (2022) to the list of material incorporated by reference in the Federal motor vehicle safety standards.

¹⁵⁶ In our examination of hood impact tests, we considered tests run only on the Buick and Kia because we observed variability in the way the hood of the Acura MDX deformed.

spurious signals to indicate that resonance frequencies had been reached. The undamped Endevco units that we used (model 7264C) had a resonant frequency rated at >26,000 Hz, which is extremely high relative to the

impulses typical of headform-to-hood impacts. We note that the natural frequency of the headform itself is much lower, specified as >5,000 Hz in the GTR. Thus, the root cause of resonance observed by J-NCAP might have been

ringing of the headform at a relatively low frequency, rather than excitation of the accelerometer at its rated (higher) frequency.

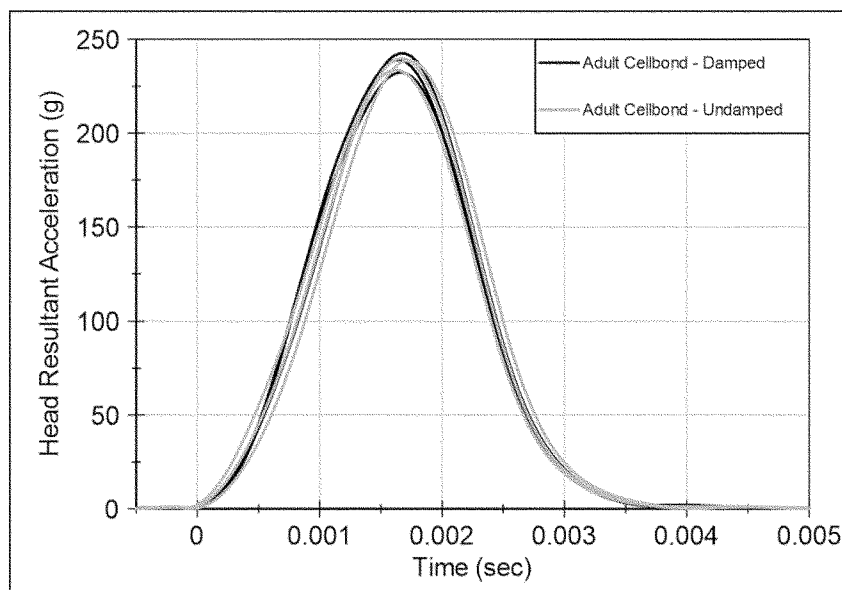


Figure IX.1. Resultant acceleration results from Cellbond adult headform qualification tests with damped (red) and undamped (blue) accelerometers.

b. Qualification Tests

We examined our qualification head drop signals for differences in responses depending on whether damped or undamped accelerometers were used. (This comparison was carried out for the Cellbond units only). We did not observe any consistent difference between accelerometer types. The magnitude in the peak acceleration was about the same for both. Also, we did not observe any perceptible phase shift.

X. Other Issues

A. Active Hoods

An active hood uses actuators and lever arms to automatically lift the hood when a sensor detects that a pedestrian has been struck by the front-end of the vehicle. The system acts to pre-position the hood before the secondary (head) impact takes place with an oncoming pedestrian. In doing so, space is created between the hood and rigid components in the engine bay, thus reducing the risk of injury to the pedestrian. Compared to non-deploying hoods, active hoods offer the potential to greatly increase the free penetration space underneath the hood. They may be especially advantageous because they create extra space in the cowl area where pedestrian head strikes

to the hood are most apt to take place. NHTSA testing indicates that, historically, the rear of the hood near the cowl has included stiff structures, giving HIC values close to or above 1700, especially in areas near the hinges at the rear corners of the hood and around the wiper mounts. For vehicles with non-deploying hoods, the cowl usually lies rearward of the HIC Unlimited Margin of the Rear Reference Line. A HIC1700 relaxation area is typically allocated to the Adult Headform Test Area adjacent to the margin.

FMVSS No. 228 would include provisions in the compliance test procedure that provides for deployment of active hoods.¹⁵⁷ Consistent with GTR 9, this NPRM's regulatory text specifies

¹⁵⁷ GTR 9 does not directly address active hoods except to note that active hoods and other active safety devices "must not create a higher risk of injuries for the pedestrians." (United Nations (18 November 2004). *Global technical regulation No. 9: Pedestrian Safety* [Addendum to GTR] Geneva, Switzerland. Page 28, section A.8.b.122, and that "[a]ll devices designed to protect vulnerable road users when impacted by the vehicle shall be correctly activated before and/or be active during the relevant test. It shall be the responsibility of the manufacturer to show that any devices will act as intended in a pedestrian impact." *Id.*, page 50, section B.6.2.2.

that NHTSA will deploy an active hood in accordance with manufacturer instructions prior to launching the headform, including the irrevocable selection of the minimum and maximum period of time between device deployment and the impact of the headform to assure full deployment at impact. The proposed regulatory text does not set the conditions under which the active hood must activate, the timing of their activation and deployment, or provide performance criteria testing that the sensor works as intended. However, we have included a provision in the standard that would require manufacturers to, upon request and under the authority provided in 49 U.S.C. 30166 (NHTSA's enforcement authority), provide information to NHTSA explaining the basic operational characteristics of their active hood sensor system.¹⁵⁸

Under FMVSS No. 228, the point of first contact between the headform and the hood would be determined while the hood is fully deployed. However,

¹⁵⁸ This provision is similar to that in FMVSS No. 226, "Ejection mitigation," regarding the sensor system and pertinent inputs to the algorithm used to determine when a side curtain will deploy in a real world rollover.

consistent with the GTR, the standard's test procedure would specify that the borders and test areas are marked off when the hood is in its normal, undeployed position as with a conventional hood. This is for practical reasons. Obviously, the agency is not able to mark off the hood when the hood is in a dynamic, moving state. We understand that the hood could be fixed in some deployed position. However, the current mark off method may not lend itself to the deployed surface and the transitions between the deployed hood and the fixed hood/fender areas without appropriated modification. Finally, the agency has not yet researched the implications of marking off a hood fixed in a deployed position.

NHTSA believes there are very few recent vehicles in the U.S. vehicle fleet with active hood designs. Therefore, data on their performance are limited. According to a 2014 survey of European sales data, only about 8% of new light vehicles sold in Europe had active hoods. North American variants of those models make up about 7% of light vehicle sales in the U.S.¹⁵⁹

In general, vehicles with active hoods performed better than vehicles without active hoods in Euro NCAP tests. To date, NHTSA's research program has tested four vehicles equipped with active hood systems. Two of these vehicles (2014 Cadillac ATS, 2017 Audi A4) were U.S. variants retrofitted with European active hood components.¹⁶⁰ The reduction in HIC observed with the hood fully deployed was much greater for the Cadillac than for the Audi. However, NHTSA believes this difference reflected the vehicles' baseline performance when the hood is undeployed. More recently, NHTSA identified two U.S. market vehicles (2018 Buick Regal, 2021 Volkswagen Arteon) that have active hood systems. The HIC reduction observed in testing those vehicles with the hood fully deployed versus not deployed varied widely by vehicle and impact location.¹⁶¹ At impact points already with low HIC without hood deployment, HIC reduction was minimal when an active hood was employed, while at stiffer impact points, hood deployment did improve

performance substantially in many instances.

Based on these test results, the safety benefit relative to the cost of implementing an active hood system may not be significant for some vehicles. However, there is still reason to believe that these types of systems may become more common in the U.S. market because it may be a viable design solution for some vehicles to meet the proposed pedestrian protection requirements. Therefore, NHTSA is considering developing a set of compliance test requirements to assure the proper deployment and function of active hoods. For example, we would like to consider the appropriateness of requirements for the lift mechanisms to assure that they do not collapse inappropriately under the full body weight of a pedestrian. We seek comment and data on the real-world performance and proper function of active hood systems observed in the E.U. and elsewhere. We request information to shed light on the reliability of the systems, including information on the rate of false-positive deployments. We are interested in learning more about the consequences to pedestrians if a collision occurs below the hood activation threshold. Would a pedestrian be placed in undue risk if the undeployed hood is overly stiff? Should there be HIC limits in headform impact tests on an undeployed hood to ensure HIC values are not too high (e.g., HIC values must be less than 1350)¹⁶² when a test is conducted at a designated deployment threshold speed?

XI. Effect on Other Standards

NHTSA has examined the potential effect of this NPRM on other Federal motor vehicle safety standards and programs. As discussed below, the agency has determined that FMVSS No. 228 would not affect the ability of a vehicle to meet all other FMVSS applying to the vehicle. We request comment on our conclusions. Vehicles in the U.S. already have hoods that meet GTR 9, which indicates the compatibility of the GTR (and proposed FMVSS No. 228) with applicable FMVSSs. Further, GTR 9 has been implemented by Contracting Parties worldwide that have standards that are similar to many of those discussed below, which also show how pedestrian protective hoods meeting FMVSS No. 228 could be integrated into vehicle designs.

Safety Standards

FMVSS No. 104, Windshield wiping and washing systems, specifies requirements for windshield wiping and washing systems. FMVSS No. 228 would not affect the performance of the windshield wiping and washing systems, as the "hood area" subject to FMVSS No. 228 would preclude the area in which the systems are located.¹⁶³ If manufacturers would like to opt for designs where windshield wiper arms are hidden or made softer or deformable to better protect pedestrians, FMVSS No. 228 would not preclude such designs.

FMVSS No. 108, "Lamps, reflective devices and associated equipment," would not be affected by this proposed standard as the relevant equipment covered by Standard No. 108 would generally be outside of the hood area. Yet, if pop-up style headlights are in the hood area and are subject to headform testing, FMVSS No. 228 would require the vehicle to meet the tests when the lights are both deployed and in their stowed position. This is to optimize pedestrian protection in the real world, as an impact could occur when the movable lights are deployed and when they are stowed.

FMVSS No. 208, "Occupant crash protection," is intended to reduce the number of deaths of vehicle occupants, and the severity of injuries, by specifying vehicle crashworthiness requirements in terms of forces and accelerations measured on anthropomorphic dummies in frontal crashes, and by specifying equipment requirements for active and passive restraint systems. FMVSS No. 228 would not interfere with a manufacturer's ability to meet FMVSS No. 208, because the vehicle structures related to occupant protection in general and frontal crashes in particular, should be substantially unaffected by any redesign needed for pedestrian head protection.

FMVSS No. 113, "Hood latch system," requires that a front opening hood must be provided with a second latch position on the hood latch system. FMVSS No. 228 would not interfere with a vehicle's compliance with FMVSS No. 113 because vehicles are already manufactured to meet FMVSS No. 113 and the requirements of GTR 9 (and by implication, the proposed requirements of FMVSS No. 228).

FMVSS No. 401, "Interior trunk release," requires a trunk release

¹⁵⁹ Ames E., Martin P. "Pop-up Hood Pedestrian Protection," 24th Enhanced Safety of Vehicles, paper 15-0111 (2015).

¹⁶⁰ Suntay B., Stammen J. "Assessment of Hood Designs for Pedestrian Head Protection: Active Hood Systems," DOT HS 812 762 (2020).

¹⁶¹ Suntay B., et al. "Vehicle Assessment using Integrated Crash Avoidance and Crashworthiness Pedestrian Safety Test Procedures" DOT HS 813 521.

¹⁶² A HIC1350 limit is used in Euro NCAP in tests of this condition. We request comments on the merits of the HIC1350 threshold.

¹⁶³ NHTSA has requested comment in this NPRM on extending the testable area to the windshield. The NCAP RFC and Euro NCAP procedures test the windshield and the wiper and washing system area.

mechanism to enable a person trapped inside the trunk compartment of a passenger car to escape from the compartment. If the trunk is located in the front of the vehicle, the trunk lid would be subject to FMVSS No. 228. The agency believes that there is no conflict between providing a trunk (which is the hood, when located in front) release and FMVSS No. 228. The release mechanism would be similar to existing hood releases, except it would have a control inside the trunk.

FMVSS No. 219, "Windshield zone intrusion," provides that a vehicle's hood must not enter a defined zone in front of the vehicle's windshield during a frontal barrier crash test at 48 km/h (30 mph). The purpose of the standard is to reduce injuries and fatalities that result from occupant contact with vehicle components, such as the hood, that are displaced into the occupant compartment through the windshield or into the zone immediately forward of the windshield aperture during a frontal crash. NHTSA concludes that FMVSS No. 228 would not interfere with a vehicle's compliance with FMVSS No. 219, as vehicles are already manufactured that meet FMVSS No. 219 and the specifications of proposed FMVSS No. 228.

FMVSS No. 127 Pedestrian Automatic Emergency Braking (PAEB)

NHTSA plans for proposed FMVSS No. 228 to work with FMVSS No. 127 which includes a requirement for pedestrian automatic emergency braking (PAEB). PAEB safety systems are designed to stop the vehicle automatically before striking a pedestrian up to a certain speed or reduce the speed at which an impact occurs if the vehicle's initial speed is too high to avoid impact. More specifically, the target population for proposed FMVSS No. 228 was adjusted downward by anticipating the potential benefits of FMVSS No. 127. We also note that it is possible that there may be additional fatalities and non-fatal injuries that would fall into the target population potentially addressed by FMVSS No. 127 in cases that PAEB results in crash mitigation rather than avoidance. That is, for many impacts that cannot be avoided due to the closing speed of the vehicle, PAEB will lower the vehicle's speed so that more impacts will be at speeds of 40 km/h (25 mph) or less, which are pedestrian impacts that this proposed FMVSS No. 228 pedestrian head protection standard addresses. For these impacts FMVSS No. 228 would ensure the striking vehicles have features that protect against serious to fatal head injury in

these impacts. Due to data limitations, however, we are unable to estimate the number of additional fatalities and non-fatal injuries that may be potentially addressed by proposed FMVSS No. 228 following the adoption of FMVSS No. 127.

49 CFR Part 581, "Bumper Standard"

49 CFR part 581, issued under the Cost Savings Act,¹⁶⁴ applies to passenger cars. It specifies a set of vehicle bumper tests designed to reduce physical damage to the front and rear ends of a passenger motor vehicle from low speed (2.5 mph) collisions. NHTSA does not believe there is an incompatibility between the bumper standard and this NPRM. The proposed rule would not have a direct effect on the bumper area of vehicles.

Fuel Economy Standards

As explained below in the Benefits and Costs section of this notice, the costs associated with this proposal are assumed to be based on increased weight and its effect on fuel economy. See table XIII.2 for a breakdown of the estimated costs.

New Car Assessment Program

FMVSS No. 228, if adopted, would lay the regulatory foundation for NHTSA's adopting a crashworthiness pedestrian protection component into NHTSA's New Car Assessment Program (NCAP), as laid out in the May 26, 2023 NCAP RFC, *supra*. NCAP would build on proposed FMVSS No. 228 and incorporate enhanced crashworthiness tests into the consumer information program. The NCAP RFC proposes adding the majority of Euro NCAP's injury assessment scheme for head and leg test devices and the method in which scores for each impact point are calculated. These Euro NCAP tests correspond closely to those in GTR 9.

There are important differences, however, between FMVSS No. 228 and the NCAP RFC. While both mark off the Hood Top in a similar way and the impactors used for testing are the same, the final test areas differ, as do the outcomes of the tests (FMVSS No. 228 would have pass/fail criteria while NCAP would determine specific scores at each test point). The NCAP RFC test area is larger than the FMVSS No. 228 test area due to the HIC Unlimited Area on the sides of the Hood using a 50 mm offset (NCAP RFC) rather than the 82.5 mm Offset Line (FMVSS No. 228). In

section VI.C of this preamble, we requested comment on modifying the final rule offset to 50 mm.

Additionally, on the front boundary of the test area, the NCAP RFC does not utilize an 82.5 mm Offset Line and does not limit the testing to areas rearward of the LERL, if WAD1000 is forward of that line. Thus, test points may be on the bumper or grille area. For the FMVSS No. 228 procedure, there are no test points forward of the LERL, regardless of the WAD1000 location. Again, in section VI.C of this preamble we have requested comment on testing to WAD1000 regardless of its location and the most forward of WAD1000 or the 82.5 mm Offset line. Similarly, for the NCAP RFC there is no Offset Line of any size on the rear boundary. Additionally, the windshield is a valid impact location. In section VI.C of this preamble, we requested comment on extending the testing to WAD2100 and onto the windshield.

The NCAP RFC also differs from FMVSS No. 228 on how impact points are targeted. As explained, in section VII.C of this preamble, we explain how FMVSS No. 228 uses a first point of contact/3D method to target any point within the Child and Adult Headform Test Area that can be touched by the impactor. Thus, there are an infinite number of test locations. However, such a testing system does not lend itself to a scoring scheme. The NCAP RFC limits the number of valid test points by marking off a 100 mm by 100 mm grid within the test border. These grid points are targeted via the "Aiming Point," which is the intersection of the line of flight of the headform centerline with the hood surface. Due to the angle of the impact direction, the impact point on the hood will always be slightly forward of the Aiming Point. Nonetheless, the HIC score for the impact is assigned to the grid point that was aimed at ($HIC15 < 650$ = Green, $650 \leq HIC15 < 1000$ = Yellow, $1000 \leq HIC15 < 1350$ = Orange, $1350 \leq HIC15 < 1700$ = Brown, $HIC15 \geq 1700$ = Red). This method has the benefit of being able to assign a HIC score to every grid point regardless of the contour of the hood, which is essential for a rating scheme. However, such a method is not necessary for FMVSS No. 228, which incorporates a pass/fail requirement for any point that can be contacted within the test area. In addition, the grid method is limited in its ability to test a specific location on the hood that may be particularly injurious to a pedestrian, which, again, is important for a minimum performance requirement.

For the NCAP RFC, the impactor used (Child versus Adult Headform) depends

¹⁶⁴ The Motor Vehicle Information and Cost Savings Act, 49 U.S.C. 325, provided for promulgation of bumper standards to reduce the economic loss resulting from damage to passenger motor vehicles involved in motor vehicle crashes.

on the WAD of the grid point. For grid points between WAD1000 and WAD1500, the Child Headform Impactor is used. For grid points between WAD1700 and WAD2100, the Adult Headform is used. The above is consistent with the FMVSS No. 228 procedure. However, unlike FMVSS No. 228, the NCAP RFC procedure has a provision where both the Child and Adult Headforms are used at grid locations between WAD1500 and WAD1700 if the RRL is within these WAD ranges. We noted this difference in section VI.C of this preamble, and request comment on modifying the final rule test procedure accordingly. As we stated earlier, we do not think that actual hoods will have an abrupt transition engineered into their design, and the FMVSS No. 228 procedure reduces the need to conduct unnecessary headform tests. Further, as the limited nature of the NCAP RFC grid points is more restrictive of testing than the proposed FMVSS No. 228 procedure, the grid approach lends itself more readily to the testing with both impactors in the transition zone.

Finally, the impact speed for the NCAP RFC is 40 km/h as opposed to 35 km/h in FMVSS No. 228. NHTSA sees no inherent conflict in this difference. We continue to believe the 35 km/h impact is well supported by field data as providing a regulatory minimum performance standard for pedestrian head impact. Using a higher impact speed in the NCAP RFC may mean that not all vehicles receive credit for NCAP pedestrian protection, thus giving consumers additional information with which to make their vehicle purchasing decision and incentivizing designs that go beyond the minimum provided to meet the FMVSS.

As the above discussion shows, there are important differences between the NCAP RFC and FMVSS No. 228. The fact that there will be a pedestrian crashworthiness component of NCAP does not mean there should not be a standard related to the same safety risk. For example, the introduction of the frontal and side crashworthiness portions of NCAP did not lead the agency to abandon standards in these areas. NCAP remains a consumer information program that provides important information for vehicle purchasing decisions, which encourages manufacturers to voluntarily make

changes to vehicles to attain positive NCAP test results and thereby improve safety. FMVSSs, on the other hand, are mandatory and specify a minimum level of safety that all vehicles sold must provide. The two programs are complementary and beneficial to safety.

XII. Proposed Lead Time

We propose that FMVSS No. 228 would become effective the first September 1, two years after the date of publication of a final rule. For example, if a final rule were published in October of 2025, the effective date would be September 1, 2028. Most passenger cars, minivans, cross-over vehicles, and other vehicles under 3500 kg (7716 lb) GVWR sold in the U.S. share similar global designs as models currently sold in the E.U. Manufacturers probably would need considerably less time than two years to meet the requirements specified in the proposed rule due to their familiarity with similar requirements already established in the EU. However, we propose to allow manufacturers two years of lead time to assure that vehicles unique to the U.S. market—such as large SUVs and pickup trucks—are in full compliance with the standard.¹⁶⁵ In addition, two years may be needed even for the vehicles that have European variants.

This NPRM initiates the process of implementing GTR 9 into the FMVSS.¹⁶⁶ Throughout this NPRM, however, particularly in sections VI.C and XI, we have discussed our views on possibly adjusting the GTR's test protocols and some performance requirements to maximize safety benefits, address safety problems in the U.S., and develop a standard meeting Safety Act criteria. Comments are requested on whether, and the extent to which, such adjustments to implement or expand the requirements of the proposal would affect the lead time needed for manufacturers to implement the changes to their current vehicle designs that meet GTR 9.

From our observations of vehicle designs following the GTR in 2008, it seems that vehicle front-ends, including hoods, have evolved in design to meet European pedestrian protection requirements. The very latest vehicle models—those that have been designed with the GTR in mind from the platform level up—have contoured hoods, fenders, and headlamps that dovetail

closely with the borders and margins of the GTR. An example of this is seen in one of the vehicles we tested: the 2011 Hyundai Tucson. The Tucson has curved headlamps that blend into the fenders, and they are positioned just outside the Child Headform Test Area and right up to the HIC Unlimited Margin. Without the margin, about half of the headlamp would lie within the test area.

The GTR specifies that the rear border of the Child Headform Test Area is either the WAD1700 line or a line 82.5 mm forward of the Rear Reference Line, whichever is most forward. For the Tucson and the 2011 Buick Lacrosse, the two lines coincide (except for a very small area near the hinges). Thus, there is no Adult Headform Test Area for either of these vehicles. The design is such that the hood is exactly the size necessary to avoid having an Adult Headform Test Area. We believe this is unlikely to be a random occurrence. It appears that, for many years, vehicle manufacturers have considered the GTR provisions when designing their vehicles.

Notwithstanding how the current GTR border specifications seem to affect hood designs, the agency's test data, summarized in section VII.D, indicate that meeting the requirements discussed in this preamble are practicable and that testing beyond the GTR borders into the HIC Unlimited Area is also feasible. We request comments on the lead time needed to achieve these outcomes.

XIII. Benefits and Costs

NHTSA has prepared a Preliminary Regulatory Impact Analysis (PRIA) that assesses the benefits, costs and other impacts of this NPRM.¹⁶⁷ Table XIII.1 provides a summary of the estimated annual incremental benefits in terms of injuries and fatalities mitigated by the proposed standard. The proposal is estimated to mitigate 67.4 fatalities. We note that overall injuries, and all injury levels except MAIS 3, are estimated to increase (represented by negative numbers in this table) because fatalities averted become higher level injuries and higher level injuries averted become lower-level injuries. Although the net total of non-fatal injuries from MAIS 1 to MAIS 5 increase under the proposed rule due to change in those fatalities and non-fatal injuries, overall there is a benefit at each MAIS level.

¹⁶⁵ Multistage manufacturers and alterers would be allowed an additional year of lead time, in accordance with 49 CFR 571.8(b).

¹⁶⁶ This NPRM uses different terminology than the GTR, but the specifications for determining test

borders and performance levels is consistent with GTR 9.

¹⁶⁷ The PRIA is available in the docket for this NPRM and may be obtained by downloading it or by contacting Docket Management at the address or

telephone number provided in the ADDRESSES section of this document.

TABLE XIII.1—SUMMARY OF ANNUAL INCREMENTAL BENEFITS

Injury severity	Benefits by vehicle type		Total benefits
	Passenger cars	LTVs	
MAIS 1	– 23.3	– 47.2	– 70.5
MAIS 2	– 3.7	1.2	– 2.5
MAIS 3	7.0	16.8	23.9
MAIS 4	– 0.7	– 0.3	– 1.1
MAIS 5	– 2.5	– 2.6	– 5.1
Fatalities	27.8	39.7	67.4

Note: Values may not sum due to rounding. Negative values represent an increase in the number of injuries at that specific severity.

Table XIII.2 provides the estimated annual cost of the proposal, broken down by passenger car and LTV. Many manufacturers of vehicles that would be subject to the proposed rule also manufacture vehicles in the European Union (EU) market. Potentially, some of these vehicles under production could be designed to a regulatory body's application of GTR 9 that may differ from a NHTSA rule implementing GTR 9 in the United States (see previous discussion of Amendment 3 in section VIII.B). Therefore, for such vehicles, there could be a potential one-time cost associated with redesigning vehicle hoods to comply with the requirements

adopted by NHTSA. The PRIA made use of a teardown study conducted by the agency to compare the same or similar models of vehicles with and without the countermeasures that would be used to meet the proposed rule. The assemblies had no perceived differences in design or assembly, but did indicate a slight difference in weight. Therefore, the potential one-time cost associated with redesigning vehicle hoods to meet the requirements specified in the proposed rule are expected to be negligible, especially when considered on a per-vehicle basis, across design cycles, and given the lead time specified in the proposed rule. This analysis estimates

the impact that the incremental weight associated with meeting the requirements specified in the proposed rule may have on fuel economy for passenger cars and LTVs, respectively.

As the costs associated with fuel economy are incurred over the course of a vehicle's lifespan, these costs are discounted. When discounted at 3% and 7%, the incremental cost associated with the impact to fuel economy is estimated to be in the range of \$2.86–\$3.50 for passenger cars. Similarly, LTVs have a per vehicle cost of \$3.29–\$4.08. The overall combined fleet cost range is estimated to be from \$48.9 million to \$60.4 million.

TABLE XIII.2—TOTAL ANNUAL COST

Category	Number of vehicles impacted	Per vehicle cost		Total fuel economy cost	
		Discounted at 3%	Discounted at 7%	Discounted at 3%	Discounted at 7%
Passenger Car	6,257,000	\$3.50	\$2.86	\$21,923,153	\$17,887,026
LTV	9,445,000	4.08	3.29	38,507,293	31,055,176
Total Annual Cost				60,430,447	48,942,202

Note: Values may not sum due to rounding.

Table XIII.3 provides a summary of the cost and benefits. To make a comparison across alternatives, the primary outcome of the regulatory action must be quantified on a single numerical index. Therefore, safety benefits, measured in fatalities and non-

fatal injuries mitigated, are translated to Equivalent Lives Saved (ELS) and monetized benefits. This table provides the cost, ELS, cost per ELS, monetized benefits (assuming benefits of \$11.9 million per ELS) and net benefits at the 3% and 7% discount rates. The overall

ELS ranges from 44.46 to 54.87. The cost per ELS is \$1.10 million. The overall monetized benefits range is \$529.74 million–\$653.76 million. After subtracting the cost at each discount rate, the overall net benefits range is \$480.79 million–\$593.33 million.

TABLE XIII.3—SUMMARY OF COSTS AND BENEFITS

[Millions]

Discount rate	Cost	Equivalent lives saved	Cost per equivalent live saved	Monetized benefits	Net benefits
3%	\$60.43	54.87	\$1.10	\$653.76	\$593.33
7%	48.94	44.46	1.10	529.74	480.79

XIV. Considered Alternatives

In several parts of this preamble, NHTSA explained how the agency is considering alternatives to the GTR-

based test procedure reflected in this NPRM's regulatory text. The agency requested comments on the alternatives that NHTSA would consider when developing the final rule.

- In section VI.C, several options for expanding the testable area were presented along with associated rationale. This also included

consideration of including the windshield as an additional testing area.

- In section VIII.B, GTR 9 Amendment 3 is discussed. Amendment 3 would, among other things, reduce the amount of HIC1000 test area compared to proposed FMVSS No. 228. In that section of the preamble, we provide the costs and benefits of a regulatory approach under Amendment 3. The details of this assessment can be found in the PRIA for this NPRM as Alternative 1.

- We now discuss a potential modification to the test procedure that would require the entire Hood Top to be tested. Under this version of the test procedure, the HIC Unlimited Area would no longer exist. Any point within the boundary of the Hood Top, as described in section VI.A, would be a valid impact point. The agency sees this as consistent with the notion that the HIC Unlimited areas were added due to practicability concerns, not based on the concept that a pedestrian's head would not strike these parts of the Hood Top. Therefore, a procedure including these areas would provide an outcome more aligned with optimizing the safety benefits of this rulemaking. The PRIA discusses this approach as Alternative 3.

We believe reduction of the area of the hood that can be tested by subtracting areas at the perimeter of the Hood Top was based on the premise that it was simply not practicable to design hoods with perimeters that could

meet HIC1000 or HIC1700 limits. The agency test data summarized in section VII.D, however, indicates that it is feasible for U.S. vehicles to achieve the HIC requirements in the "HIC Unlimited Area." Further, in order to achieve a significant safety benefit to pedestrians, the areas designated as the HIC Unlimited Area using the procedure in GTR 9 could, instead, be required to meet either a HIC 1000 or 1700 limit, depending on the manufacturer's assignment of those respective areas on the vehicle.

Under a procedure where the entire Hood Top is tested, the HIC1000 Area could be required to cover at least two-thirds of the Hood Top and the HIC1700 Area could be required to cover the remainder. Additionally, it is our expectation, due to previous agency testing, that the 3D Method of impact point targeting would remain appropriate even at the edges of the Hood Top.

Under a test scheme that includes the entire Hood Top as the testable area, an issue discussed earlier in this preamble would remain for large vehicles whose LERL is rearward of WAD1000. For such vehicles, if the test area were limited only to the Hood Top, areas on the front of the vehicle that could be contacted by a child's head would not be regulated. We note that this is also the case with the current proposed standard, as mentioned above in section VI.C.1.a. Comments are requested on the merits

of including a procedure for testing the grille area on such vehicles, assuming FMVSS No. 228 were to include the entire Hood Top as the testable area.

Table XIV.1 shows a comparison of the estimated benefits in terms of ELS and monetized benefits for an FMVSS No. 228 that reflects the wording of GTR 9 (presented in the NPRM's regulatory text) and a requirement that would test the entire Hood Top. Additional details on the benefits and cost of the proposal are presented in section XIII. Under a requirement to test the entire Hood Top, both ELS and monetized benefits would be approximately 159% of that under the proposed rule (*i.e.*, the NPRM's regulatory text).

NHTSA performed a break-even analysis for this alternative. This break-even analysis considers the cost at which this regulatory alternative would be net cost-effective and net beneficial. NHTSA estimated that break-even is at \$50.48–\$62.28 per vehicle cost, discounted at 7% and 3%. NHTSA requests information on the potential costs of this alternative.

Although this alternative is estimated to be substantially more beneficial than the rule presented in the NPRM's regulatory text, in addition to a lack of information about cost, the agency believes there are unknowns related to the practicability of testing the entire Hood Top. The agency requests comment on the alternative of requiring testing of the entire Hood Top.

TABLE XIV.1—EQUIVALENT LIVES SAVED AND MONETIZED BENEFITS
[Millions]

Regulatory option	Cost		Equivalent lives saved		Cost per equivalent life saved		Monetized benefits		Net benefits	
	3%	7%	3%	7%	3%	7%	3%	7%	3%	7%
#1: Requirements are the same as the E.U. interpretation of GTR 9 regarding test area (GTR 9 Amendment 3)	\$60.43	\$48.94	32.28	26.20	\$1.87	\$1.87	\$384.51	\$312.09	\$324.08	\$263.15
#2: Proposed Rule (as presented in the NPRM's regulatory text)	60.43	48.94	54.87	44.46	1.10	1.10	653.76	529.74	593.33	480.79
#3: Requirements apply to the entire Hood Top (No HIC Unlimited Area) .....	.....	.....	87.13	70.61	.....	.....	1,038.3	841.51	.....	.....

XV. Rulemaking Analyses and Notices

Executive Order (E.O.) 12866
(Regulatory Planning and Review), E.O. 13563, E.O. 14094, and DOT Rulemaking Procedures

NHTSA has considered the impact of this rulemaking action under E.O. 12866, E.O. 13563, E.O. 14094, and the Department of Transportation's regulatory procedures. This rulemaking is "significant" under E.O. 12866, "Regulatory Planning and Review," and has been reviewed by the Office of Management and Budget. This NPRM

proposes to implement the provisions of GTR 9 into NHTSA's regulations as a Federal Motor Vehicle Safety Standard, with possible adjustments to address safety issues and a regulatory framework that are unique to the U.S. The costs, benefits, and other economic impacts of this NPRM have been discussed in sections above and are analyzed in detail in the PRIA.

Rulemaking Summary, 5 U.S.C. 553(b)(4)

As required by 5 U.S.C. 553(b)(4), a summary of this rule can be found in

the Abstract section of the Department's Unified Agenda entry for this rulemaking at <https://www.reginfo.gov/public/do/eAgendaViewRule?publd=202304&RIN=2127-AK98>.

Regulatory Flexibility Act

Pursuant to the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*, as amended by the Small Business Regulatory Enforcement Fairness Act (SBREFA) of 1996) whenever an agency is required to publish a notice of proposed rulemaking or final rule, it must prepare and make available for public comment a

regulatory flexibility analysis that describes the effect of the rule on small entities (*i.e.*, small businesses, small organizations, and small governmental jurisdictions), unless the head of an agency certifies the rule will not have a significant economic impact on a substantial number of small entities. Agencies must also provide a statement of the factual basis for this certification. (5 U.S.C. 605(b))

I certify that this proposed rule would not have a significant economic impact on a substantial number of small entities. Although NHTSA is not required to issue an initial RFA, NHTSA sets forth the initial RFA below to provide the factual basis for the certification, and as a means of seeking comment on the certification and the economic impact of the proposed rule.

An initial RFA must contain (5 U.S.C. 603):

1. A description of the reasons why action by the agency is being considered;
2. A succinct statement of the objectives of, and legal basis for a proposed or final rule;
3. A description of and, where feasible, an estimate of the number of small entities to which the proposed or final rule will apply;
4. A description of the projected reporting, record keeping and other compliance requirements of a proposed or final rule including an estimate of the classes of small entities which will be subject to the requirement and the type of professional skills necessary for preparation of the report or record;
5. An identification, to the extent practicable, of all relevant Federal rules

which may duplicate, overlap, or conflict with the proposed or final rule;

6. A description of any significant alternatives to the proposed or final rule which accomplish the stated objectives of applicable status and which minimize any significant economic impact of the rule on small entities.

An RFA is not required if the head of the agency certifies that the proposed rule will not have a significant impact on a substantial number of small entities. The head of NHTSA has made such a certification. The factual basis for the certification (5 U.S.C. 605(b)) is set forth below. Although NHTSA is not required to issue an initial RFA, we discuss below many of the issues that an initial RFA would address.

1. A Description of the Reasons Why Action by the Agency Is Being Considered

NHTSA is considering this action to improve the safety of pedestrians. In particular, this action aims to address the injury severity in regard to head injuries incurred to pedestrians as the result of being struck by a light vehicle. By setting the HIC requirement, this action ensures that passenger vehicles are designed to mitigate the risk of serious to fatal child and adult head injury in pedestrian crashes. NHTSA is also initiating this rulemaking as part of the agency's obligations under the 1998 Agreement. See section IV of this preamble.

2. A Succinct Statement of the Objectives of, and Legal Basis for the Rulemaking

NHTSA is proposing these changes under the authority of 49 U.S.C. 322,

30111, 30115, 30117, and 30666, as well as a delegation of authority at 49 CFR 1.95. The agency is authorized to issue Federal motor vehicle safety standards that meet the need for motor vehicle safety.

3. A Description of and, Where Feasible, an Estimate of the Number of Small Entities to Which the Final Rule Will Apply

The proposed rule would affect motor vehicle manufacturers and second-stage or final stage manufacturers. We conducted an analysis to identify if there are any such firms that exist that are small businesses. Business entities are defined as small businesses using the North American Industry Classification System (NAICS) code. One of the criteria for determining size, as stated in 13 CFR 121.201, is the number of employees in the firm. For establishments primarily engaged in manufacturing or assembling automobiles, light- and heavy-duty trucks, buses, motor homes, and new tires the firm must have fewer than 1,500 employees to be classified as a small business, and motor vehicle body manufacturing which must have fewer than 1,000 employees.¹⁶⁸ For alterers and final-stage manufacturers, the firm must have fewer than 500 employees to be classified as a small business.¹⁶⁹

Currently, there are at least 12 small light vehicle manufacturers in the United States.¹⁷⁰ Table XV.1 provides information about the 12 small volume domestic manufacturers in MY 2020. All are small manufacturers, having fewer than 1,500 employees.

TABLE XV.1—SMALL VOLUME VEHICLE MANUFACTURERS
[MY 2020]¹⁷¹

Manufacturer	Type of vehicles	Number of employees (appx.)	MSRP for vehicles (appx.)
Anteros Coachworks	Specialty Sports Cars	2	\$110,000.
Callaway Cars	Specialty Sports Cars	50	~\$17,000 above base (GM) vehicle price.
Carroll Shelby International	Specialty Sports Cars	170	\$86,085–\$180,995+.
Equus Automotive	Specialty Sports Cars	25	\$250,000+.
Falcon Motorsports	Specialty Sports Cars	2	\$300,000–\$400,000.
Faraday Future	Electric	350	\$225,000.
Fisker Inc	Electric	<200	\$37,499+.
Karma Automotive	Electric	750	\$135,000.
Panoz	Specialty Sports Cars	<50	\$159,900+.
Rossion Automotive	Specialty Sports Cars	70	\$80,000.
Saleen Automotive	Specialty Sports Cars	170	\$48,000–\$100,000+.

¹⁶⁸ See NAICS codes 336110 (Automobile and Light Duty Motor Vehicle Manufacturing), 336120 (Heavy Duty Truck Manufacturing), and 336211 (Motor Vehicle Body Manufacturing) https://www.sba.gov/sites/sbagov/files/2023-06/Table%20of%20Size%20Standards_Effective%20March%2017%2C%202023%20%282%29.pdf.

¹⁶⁹ See NAICS code 336211 (Motor Vehicle Body Manufacturing) https://www.sba.gov/sites/sbagov/files/2023-06/Table%20of%20Size%20Standards_Effective%20March%2017%2C%202023%20%282%29.pdf.

¹⁷⁰ Classified in NAICS under Subsector 336—Transportation Equipment Manufacturing for

Automobile and Light Duty Motor Vehicle Manufacturing (336110) and Heavy Duty Truck Manufacturing (336120). Available at: <https://www.sba.gov/document/support-table-size-standards>.

¹⁷¹ Provided to illustrate the current population of small vehicle manufacturers.

TABLE XV.1—SMALL VOLUME VEHICLE MANUFACTURERS—Continued
[MY 2020]¹⁷¹

Manufacturer	Type of vehicles	Number of employees (appx.)	MSRP for vehicles (appx.)
SSC North America	Specialty Sports Cars	9	\$2,000,000.

4. A Description of the Projected Reporting, Recordkeeping and Other Compliance Requirements of the Proposed Rule, Including an Estimate of the Classes of Small Entities Which Will Be Subject to the Requirement and the Type of Professional Skills Necessary for Preparation of the Report or Record

The proposed rule does not create any new reporting or recordkeeping requirements, nor does it affect any existing reporting or recordkeeping requirements.

Manufacturers would have to self-certify the compliance of their vehicles with the new FMVSS No. 228. Manufacturers currently self-certify the compliance of their vehicles to a host of Federal motor vehicle safety standards, many of which are much more complex than the standard proposed by this NPRM. The burden and cost of certifying to proposed FMVSS No. 228 is relatively small. The performance test is done with an impactor without crash testing the vehicles, and multiple impacts can be performed on a single hood to assess conformance. The vehicle manufacturer is not required by the FMVSS to test every point on the hood; instead, it only must ensure that the hood will meet FMVSS No. 228 when tested by NHTSA in an agency compliance test. Thus, the small manufacturer, knowing its vehicle, can identify the part of the hood least likely to meet the standard and can focus its testing there. If that part of the hood can be made to meet the standard, the small manufacturer can determine through engineering analyses and other means that other parts of the hood can meet the standard as well. This is to say, a small entity is not directed by the standard to test in any way. Small entities can easily base their certification on simple headform testing, straightforward engineering analyses, modeling, a combination of these, or other such means to certify to the proposed standard.

Although a small entity is not required by NHTSA to test to self-certify compliance with proposed FMVSS No. 228, if they wish to perform the physical tests described in the proposed standard, they could readily contract with an outside testing laboratory to

conduct the headform impact tests in the proposal. (NHTSA itself has contracted with labs for such testing in the past.) The number of tests to be performed on a particular hood to certify compliance would be at the discretion of the manufacturer. Because of the manufacturer's in-depth knowledge of its vehicle design, the symmetry of hood design and predictability of results, and the depth of engineering judgment and knowledge in this area, however, NHTSA believes it is reasonable that the number of necessary test points could be reduced to the locations with the least compliance margin. To illustrate, NHTSA in the past has assessed hood performance based on a test series of 10 impacts, at a total cost of approximately \$8,000 for the 10 impacts. Because these impacts may involve more than a single hood, we would include an additional cost for hood parts, which results in an overall estimated testing cost of \$10,000 for certification testing. This overall cost can then be amortized over the entire number of vehicles produced matching the test design. Thus, the amortized cost would not constitute a significant percentage of the relative cost of the vehicle. Comments are requested on these estimates.

As with large manufacturers, small manufacturers would self-certify compliance to FMVSS No. 228 by the same certification label now required for all applicable Federal motor vehicle safety standards. The label is placed on the vehicle, usually in the door jamb on light vehicles. Adding FMVSS No. 228 certification to the label is expected to result in minimal impact on small entities.

NHTSA does not believe the small manufacturers listed in table XV.1 of this analysis are developing hood systems and/or related hardware for installation on the vehicles they manufacture. In today's motor vehicle market, small vehicle manufacturers, who are less able than large manufacturers to take advantage of economies of scale to lower production costs, typically produce specialized, expensive vehicles and could obtain the hoods from a supplier (a large entity). Regardless of whether small manufacturers turn to a supplier, the

vehicle manufacturer would be able to certify its vehicles to FMVSS No. 228 through the use of energy-absorbing structures and strategic layout of hard engine components vis-a-vis the hood surface; designing and manufacturing a compliant hood is relatively uncomplicated.

Furthermore, there are a significant number of final-stage manufacturers and alterers (several hundred) that could be impacted by the proposed rule. These manufacturers buy incomplete vehicles from the first-stage vehicle manufacturers or complete vehicles that they alter before first sale, respectively. Many of these vehicles are van conversions, but there are a variety of vehicles affected. These final-stage manufacturers would likely meet the standard by passing on the costs of compliance by the first-stage vehicle manufacturer to the consumer. Alterers would likely refrain from modifying the hood, which allows them to pass on the compliance costs by the original manufacturer of the vehicle to the consumer. Thus, while there are a substantial number of final stage manufacturers and alterers potentially impacted by the proposed rule, we do not believe the proposed rule will have a significant economic impact on the entities. Either a pass-through certification process will apply to these manufacturers, or they will do the work themselves to certify the vehicle.

NHTSA does not believe that the potential costs of any necessary hood design would have significant impacts on a substantial number of small entities. In considering potential costs associated with redesigning hoods, we first note that this potential one-time cost would be spread out on a per-vehicle basis, with costs shared across model years of a given generation. Furthermore, as the majority of the small entities identified also sell vehicles in the EU,¹⁷² much of the burden and associated cost of redesigning hoods would already be

¹⁷² At least seven of the 12 small entities identified also sold vehicles in the EU. For those who may not sell vehicles in the EU, the average vehicle sales prices was approximately \$587,000 and would likely require a special order for purchase.

incurred to meet the standards already in place in the EU.

NHTSA considers in this paragraph how such costs may impact these small entities. It is assumed that any incremental costs incurred to meet the requirements specified in the proposed rule would be passed on to consumers and, therefore, potentially impact demand. The vehicles produced by manufacturers listed in the table can roughly be grouped into three classes: (1) luxury/ultra-luxury vehicles; (2) alternative electric vehicles; and (3) modified vehicles from other manufacturers. Luxury/ultra-luxury vehicles are considered to be Veblen goods. Veblen goods are those in which demand increases as price increases. Therefore, any potential incremental costs would not have negative impacts on the demand for these particular vehicles. Additionally, as all three categories of the vehicles manufactured by these small entities are specialty vehicles, demand for these vehicles would be inelastic due to a lack of substitutes. That is, it is expected that consumers who seek out these specific vehicles would not be impacted by potential price changes as a result of manufacturers passing costs on to consumers.

5. An Identification, to the Extent Practicable, of All Relevant Federal Rules Which May Duplicate, Overlap, or Conflict With The Proposed Rule

We know of no Federal rules which duplicate, overlap, or conflict with this proposed rule.

6. Each RFA Shall Also Contain a Description of Any Significant Alternatives to the Proposed Rule Which Accomplish the Stated Objectives of Applicable Statutes and Which Minimize any Significant Economic Impact of the Proposal on Small Entities

In addition to the requirements included in this NPRM, NHTSA considered a less stringent regulatory alternative in which the requirements specified in the proposed rule would match the E.U. interpretation of GTR 9 and a more stringent alternative in which the requirements specified in the proposed rule would be applicable to the entire Hood Top, *i.e.*, the Test Area would encompass the entire Hood Top. When comparing the less stringent regulatory alternative to the proposed rule, NHTSA determined that the costs would be very similar, and due to data limitations, assumed the costs to be the same. The proposed rule, however, provides more benefits relative to the less stringent regulatory alternative.

While the more stringent regulatory alternative would offer greater overall benefits, we were unable to estimate the cost for the more stringent regulatory alternative due to data limitations. Overall, the less stringent regulatory alternative and proposed rule are only associated with fuel economy costs incurred over the life span of the vehicles impacted. Due to uncertainty about the feasibility and costs associated with the more stringent regulatory alternative, NHTSA was not able to assess the potential impacts of that regulatory alternative on small entities. While costs could increase with the more stringent regulatory alternative, it is not NHTSA's preferred alternative. If the agency decides the alternative should be further pursued, the agency will consider the impacts to small entities when determining whether to finalize the more stringent regulatory alternative.

We have identified no meaningful alternatives that both: (1) do not rely on the establishment of a HIC requirement; and (2) are expected to achieve improvements in pedestrian safety consistent with those expected under the proposed rule. However, in recognition of manufacturing differences between large manufacturers and these specific types of small manufacturers, NHTSA is proposing to provide final-stage manufacturers and alterers an additional year of lead time for manufacturer certifications of compliance.¹⁷³ NHTSA anticipates that hood components and designs meeting FMVSS No. 228 may be developed by vehicle designers and suppliers and integrated into the fleets of larger vehicle manufacturers first, before these small manufacturers. This NPRM recognizes this and proposes to provide final-stage manufacturers and alterers more lead time. As designers and suppliers may prioritize meeting the demands of larger manufacturers, this additional lead time will allow small manufacturers to work with designers and suppliers without any stoppage in production. Although, as discussed above, we do not project the proposed rule to have a significant economic impact on a substantial number of small entities, the additional lead time would provide flexibility to further minimize any impacts. The NPRM does not provide additional lead time for other small manufacturers such as listed in table XV.1 who manufacture complete vehicles because the latter have the engineering resources to certify compliance in the same time frame as large manufacturers. Such small

manufacturers perform or control much of the design and development of the vehicles they produce unlike typical final-stage manufacturers and alterers. With their engineering resources and control over the manufacturing processes, those small manufacturers have the ability to consider the proposed FMVSS No. 228 requirements and modify the hood as needed, like other manufacturers.

National Environmental Policy Act

NHTSA has analyzed this rulemaking for the purposes of the National Environmental Policy Act and determined that it will not have any significant impact on the quality of the human environment.

Executive Order 13132 (Federalism)

NHTSA has examined this proposed rule pursuant to Executive Order 13132 (64 FR 43255, August 10, 1999) and concluded that no additional consultation with States, local governments or their representatives is mandated beyond the rulemaking process. The agency has concluded that the rulemaking will not have sufficient federalism implications to warrant consultation with State and local officials or the preparation of a federalism summary impact statement. The proposed rule 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."

NHTSA rules can preempt in two ways. First, the National Traffic and Motor Vehicle Safety Act contains an express preemption provision: When a motor vehicle safety standard is in effect under this chapter, a State or a political subdivision of a State may prescribe or continue in effect a standard applicable to the same aspect of performance of a motor vehicle or motor vehicle equipment only if the standard is identical to the standard prescribed under this chapter. 49 U.S.C. 30103(b)(1). It is this statutory command by Congress that preempts any non-identical State legislative and administrative law addressing the same aspect of performance.

The express preemption provision described above is subject to a savings clause under which "[c]ompliance with a motor vehicle safety standard prescribed under this chapter does not exempt a person from liability at common law." 49 U.S.C. 30103(e). Pursuant to this provision, State common law tort causes of action against motor vehicle manufacturers

¹⁷³ This approach accords with 49 CFR 571.8(b).

that might otherwise be preempted by the express preemption provision are generally preserved.

However, the Supreme Court has recognized the possibility, in some instances, of implied preemption of such State common law tort causes of action by virtue of NHTSA's rules, even if not expressly preempted. This second way that NHTSA rules can preempt is dependent upon there being an actual conflict between an FMVSS and the higher standard that would effectively be imposed on motor vehicle manufacturers if someone obtained a State common law tort judgment against the manufacturer, notwithstanding the manufacturer's compliance with the NHTSA standard. Because most NHTSA standards established by an FMVSS are minimum standards, a State common law tort cause of action that seeks to impose a higher standard on motor vehicle manufacturers will generally not be preempted. However, if and when such a conflict does exist—for example, when the standard at issue is both a minimum and a maximum standard—the State common law tort cause of action is impliedly preempted. See *Geier v. American Honda Motor Co.*, 529 U.S. 861 (2000).

Pursuant to Executive Orders 13132 and 12988, NHTSA has considered whether this rulemaking could or should preempt State common law causes of action. The agency's ability to announce its conclusion regarding the preemptive effect of one of its rules reduces the likelihood that preemption will be an issue in any subsequent tort litigation. To this end, the agency has examined the nature (e.g., the language and structure of the regulatory text) and objectives of this proposed rule and finds that it, like many NHTSA rules, would prescribe only a minimum safety standard. As such, NHTSA does not intend this rulemaking to preempt state tort law that would effectively impose a higher standard on motor vehicle manufacturers than that established by the rule. Establishment of a higher standard by means of State tort law will not conflict with the minimum standard adopted here. Without any conflict, there could not be any implied preemption of a State common law tort cause of action.

Civil Justice Reform

Section 3(b) of Executive Order 12988, "Civil Justice Reform" (61 FR 4729, February 7, 1996) requires that, when promulgating a new regulation, Executive agencies make every reasonable effort to ensure that the regulation: (1) Clearly specifies any preemptive effect; (2) clearly specifies

any effect on existing Federal law or regulation; (3) provides a clear legal standard for affected conduct, while promoting simplification and burden reduction; (4) clearly specifies the retroactive effect, if any; (5) adequately defines key terms, either explicitly or by reference to other regulations or statutes that explicitly define those items; and (6) addresses other important issues affecting clarity and general draftsmanship of regulations under any guidelines issued by the Attorney General. This document is consistent with that requirement.

Pursuant to this Order, NHTSA notes as follows. The preemptive effect of this proposed rule is discussed above. NHTSA notes further that there is no requirement that individuals submit a petition for reconsideration or pursue other administrative proceeding before they may file suit in court.

Paperwork Reduction Act (PRA)

Under the PRA of 1995, a person is not required to respond to a collection of information by a Federal agency unless the collection displays a valid OMB control number. The agency has analyzed the proposed standard and determined that there are no reporting requirements that require an OMB control number. The proposed regulatory text would require that information must be made available under the agency enforcement authority provided in 49 U.S.C. 30166.

National Technology Transfer and Advancement Act

Section 12(d) of the National Technology Transfer and Advancement Act (NTTAA) requires NHTSA to evaluate and use existing voluntary consensus standards in its regulatory activities unless doing so would be inconsistent with applicable law (e.g., the statutory provisions regarding NHTSA's vehicle safety authority) or otherwise impractical.

Voluntary consensus standards are technical standards developed or adopted by voluntary consensus standards bodies. Technical standards are defined by the NTTAA as "performance-based or design-specific technical specification and related management systems practices." They pertain to "products and processes, such as size, strength, or technical performance of a product, process or material." Examples of organizations generally regarded as voluntary consensus standards bodies include the American Society for Testing and Materials (ASTM), the Society of Automotive Engineers (SAE), and the American National Standards Institute

(ANSI). If NHTSA does not use available and potentially applicable voluntary consensus standards, we are required by the Act to provide Congress, through OMB, an explanation of the reasons for not using such standards.

This proposal to adopt GTR 9 is consistent with the goals of the NTTAA. This NPRM proposes to adopt a global consensus standard. The GTR was developed by a global regulatory body and is designed to increase global harmonization of differing vehicle standards. The GTR leverages the expertise of governments in developing a vehicle standard to reduce the risk of pedestrian head injury in impacts. NHTSA's consideration of GTR 9 accords with the principles of NTTAA as NHTSA's consideration of an established, proven regulation has reduced the need for NHTSA to expend significant agency resources on the same safety need addressed by GTR 9. This NPRM explains the reasons the FMVSS under consideration differs in some respects from GTR 9, and why NHTSA is considering additional changes to GTR 9 for the final rule. NHTSA will consider the comments to the NPRM and other information in drafting a final rule. If differences remain between the final rule and the GTR, the agency will explain in the final rule NHTSA's reasons for deciding such differences are warranted, consistent with the NTTAA.

Unfunded Mandates Reform Act

Section 202 of the Unfunded Mandates Reform Act of 1995 (UMRA), Public Law 104–4, requires Federal agencies to prepare a written assessment of the costs, benefits, and other effects of proposed or final rules that include a Federal mandate likely to result in the expenditure by State, local, or tribal governments, in the aggregate, or by the private sector, of more than \$100 million (adjusted for inflation with base year of 1995) in any one year. Adjusting this amount by the implicit gross domestic product price deflator for the year 2021 results in \$178 million (2021 index value of 270.97/1995 index value of 152.40 = 1.78¹⁷⁴). This proposed rule would not result in a cost of \$178 million or more in any one year to either State, local, or tribal governments, in the aggregate, or the private sector. Thus, this proposed rule is not subject to the requirements of sections 202 of the UMRA.

¹⁷⁴ Consumer Price Index Data from 1913 to 2023 (usinflationcalculator.com)

Incorporation by Reference

Under regulations issued by the Office of the Federal Register (1 CFR 51.5(a)), an agency must summarize in the preamble of a proposed or final rule the material it incorporates by reference and discuss the ways the material is reasonably available to interested parties or how the agency worked to make materials available to interested parties.

NHTSA proposes to incorporate by reference SAE Recommended Practice J211-1, “Instrumentation for Impact Test—Part 1—Electronic Instrumentation,” revised August 2022 (SAE J211/1). Previous versions of this SAE standard are incorporated in 49 CFR 571.5(l)(2) through (5). The SAE J211/1 standard provides guidelines and recommendations for techniques of measurements used in impact tests to achieve uniformity in instrumentation practice and in reporting results. Signals from impact tests have to be filtered following the standard’s guidelines to eliminate noise from sensor signals. Following J211/1 guidelines provides a basis for meaningful comparisons of test results from different sources. The SAE material is available for review at NHTSA and is available from SAE International.

Severability

The issue of severability of FMVSSs is addressed in 49 CFR 571.9. It provides that if any FMVSS or its application to any person or circumstance is held invalid, the remainder of the part and the application of that standard to other persons or circumstances is unaffected. NHTSA seeks comment on the issue of severability.

Regulation Identifier Number

The DOT assigns a regulation identifier number (RIN) to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. You may use the RIN contained in the heading at the beginning of this document to find this action in the Unified Agenda.

Plain Language

Executive Order 12866 requires each agency to write all rules in plain language. Application of the principles of plain language includes consideration of the following questions:

- Have we organized the material to suit the public’s needs?
- Are the requirements in the rule clearly stated?
- Does the rule contain technical language or jargon that isn’t clear?

- Would a different format (grouping and order of sections, use of headings, paragraphing) make the rule easier to understand?

- Would more (but shorter) sections be better?
- Could we improve clarity by adding tables, lists, or diagrams?
- What else could we do to make the rule easier to understand?

If you have any responses to these questions, please write to us with your views.

XVI. Public Participation

How long do I have to submit comments?

Please see **DATES** section at the beginning of this document.

How do I prepare and submit comments?

- Your comments must be submitted in writing.
- To ensure that your comments are correctly filed in the Docket, please include the Docket Number shown at the beginning of this document in your comments.
- Your comments must not be more than 15 pages long. (49 CFR 553.21). We established this limit to encourage you to write your primary comments in a concise fashion. However, you may attach necessary additional documents to your comments. There is no limit on the length of the attachments.

- If you are submitting comments electronically as a PDF (Adobe) File, NHTSA asks that the documents be submitted using the Optical Character Recognition (OCR) process, thus allowing NHTSA to search and copy certain portions of your submissions. Comments may be submitted to the docket electronically by logging onto the Docket Management System website at <http://www.regulations.gov>. Follow the online instructions for submitting comments.

- Please note that pursuant to the Data Quality Act, in order for substantive data to be relied upon and used by the agency, it must meet the information quality standards set forth in the OMB and DOT Data Quality Act guidelines. Accordingly, we encourage you to consult the guidelines in preparing your comments. OMB’s guidelines may be accessed at <https://www.govinfo.gov/content/pkg/FR-2002-02-22/pdf/R2-59.pdf>. DOT’s guidelines may be accessed at <https://www.transportation.gov/dot-information-dissemination-quality-guidelines>.

Tips for Preparing Your Comments

When submitting comments, please remember to:

- Identify the rulemaking by docket number and other identifying information (subject heading, **Federal Register** date, and page number).
- Explain why you agree or disagree, suggest alternatives, and substitute language for your requested changes.
- Describe any assumptions and provide any technical information and/or data that you used.
- If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.
- Provide specific examples to illustrate your concerns and suggest alternatives.
- Explain your views as clearly as possible, avoiding the use of profanity or personal threats.
- Make sure to submit your comments by the comment period deadline identified in the **DATES** section above.

How can I be sure that my comments were received?

If you wish Docket Management to notify you upon its receipt of your comments, enclose a self-addressed, stamped postcard in the envelope containing your comments. Upon receiving your comments, Docket Management will return the postcard by mail.

How do I submit confidential business information?

If you wish to submit any information under a claim of confidentiality, you should submit three copies of your complete submission, including the information you claim to be confidential business information, to the Chief Counsel, NHTSA, at the address given above under **FOR FURTHER INFORMATION CONTACT**. In addition, you should submit two copies, from which you have deleted the claimed confidential business information, to Docket Management at the address given above under **ADDRESSES**. When you send a comment containing information claimed to be confidential business information, you should include a cover letter setting forth the information specified in our confidential business information regulation. (49 CFR part 512). To facilitate social distancing during COVID-19, NHTSA is temporarily accepting confidential business information electronically. Please see <https://www.nhtsa.gov/coronavirus/submission-confidential-business-information> for details.

Will the Agency consider late comments?

We will consider all comments that Docket Management receives before the close of business on the comment closing date indicated above under **DATES**. To the extent possible, we will also consider comments that Docket Management receives after that date. If Docket Management receives a comment too late for us to consider in developing the final rule, we will consider that comment as an informal suggestion for future rulemaking action.

How can I read the comments submitted by other people?

You may read the comments received by Docket Management at the address given above under **ADDRESSES**. The hours of the Docket are indicated above in the same location. You may also see the comments on the internet. To read the comments on the internet, go to <https://www.regulations.gov>. Follow the online instructions for accessing the dockets.

Please note that, even after the comment closing date, we will continue to file relevant information in the Docket as it becomes available. Further, some people may submit late comments. Accordingly, we recommend that you periodically check the Docket for new material.

Potential Equity or Climate Change Impacts

The DOT recognizes that climate variability and change pose potential threats to U.S. transportation systems. In addition, ensuring equity and accessibility for every member of the traveling public is one of the Department's highest priorities. NHTSA requests comment on any potential climate change or equity impact of this proposed rule.

Privacy Act

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its decision-making process. DOT posts these comments, without edit, including any personal information the commenter provides, to www.regulations.gov, as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at www.transportation.gov/privacy and <https://www.transportation.gov/individuals/privacy/privacy-act-system-records-notices>. To facilitate comment tracking and response, the agency encourages commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not

commenters identify themselves, all timely comments will be fully considered.

List of Subjects in 49 CFR Part 571

Imports, Motor vehicle safety, Reporting and recordkeeping requirements, Tires.

In consideration of the foregoing, NHTSA proposes to amend 49 CFR part 571 as set forth below.

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

■ 1. The authority citation for part 571 continues to read as follows:

Authority: 49 U.S.C. 322, 30111, 30115, 30117 and 30166; delegation of authority at 49 CFR 1.95.

■ 2. Section 571.5 paragraph (1) is amended by redesignating paragraphs (6) through (51) as paragraphs (7) through (52) and adding new paragraph (6) to read as follows:

§ 571.5 Matter incorporated by reference.

* * * * *

(1) * * * * *

(6) SAE Recommended Practice J211-1 AUG2022, "Instrumentation for Impact Test—Part 1—Electronic Instrumentation," revised August 2022, into § 571.228.

* * * * *

■ 3. Section 571.228 is added to read as follows:

§ 571.228 Standard No. 228; Pedestrian head protection.

S1. *Scope*. This standard establishes performance requirements for vehicle hoods to protect pedestrians against head injury.

S2. *Purpose*. The purpose of this standard is to reduce the risk of injury to pedestrians in the event of a collision.

S3. *Application*. This standard applies to passenger cars and to multipurpose passenger vehicles, trucks, and buses with a GVWR of 4,536 kg or less, except for multipurpose passenger vehicles, trucks, and buses where the distance, measured longitudinally on a horizontal plane, between the transverse centerline of the front axle and the seating reference point of the driver's seat is less than 1000 mm. This standard also applies to any bidirectional vehicles within the subset of vehicles described in this paragraph.

S4. *Definitions*. (All references below are to this Standard No. 228, 49 CFR 571.228, unless otherwise specified.)

Adult Headform Test Area means the area specified in S6.5.4.

Bidirectional vehicle means a vehicle that is intended to operate at similar

speeds and with similar maneuverability in both directions of the vehicle longitudinal axis.

Child Headform Test Area means the area of the vehicle hood specified in S6.5.3.

Combined Child and Adult Headform Test Area means the areas of the Child Headform Test Area and Adult Headform Test Area together. If the Adult Headform Test Area does not exist, the Child Headform Test Area represents the Combined Child and Adult Headform Test Area.

Corner reference point of the Child Headform Test Area means the intersection of the Child Headform Test Area (6.5.3) front border (HIC Unlimited Margin of the Leading Edge Reference Line (S6.4.2) and the side border (HIC Unlimited Margin of the Side Reference Line (S6.4.3)). Where multiple intersections occur, the most outboard intersection is the corner reference point of the Child Headform Test Area and constitutes the endpoint of the Child Headform Test Area front border and side border.

Corner reference point of the Hood Area means the intersection of the Hood Area (6.5.2) front border (Leading Edge Reference Line (S6.3.2) or the WAD1000 line (S6.3.1)) and the side border (Side Reference Line (S6.3.3)). Where multiple intersections occur, the most outboard intersection defines the corner reference point of the Hood Area and constitutes the endpoint of the Hood Area front border and the side border.

Corner reference point of the Hood Top means the intersection of the Hood Top (6.5.1) front border (Leading Edge Reference Line (S6.3.2)) and the side border (Side Reference Line (S6.3.3)). Where multiple intersections occur, the most outboard intersection defines the corner reference point of the Hood Top and constitutes the endpoint of the Hood Top front border and the side border.

Front means the leading portion of the vehicle during typical operation, except for non-bidirectional vehicles that are operating in a reverse gear intended for vehicles maneuvering in small areas.

Ground reference plane means a horizontal plane that passes through the lowest points of contact for all tires of the vehicle.

Headform means a device specified in S8 and is the moving mass that strikes the vehicle.

Head Injury Criterion (HIC) means an injury severity score that is computed from accelerometer time histories using the following formula:

$$\text{HIC} = \left[\frac{1}{t_2 - t_1} \int_{t_1}^{t_2} a \, dt \right]^{2.5} (t_2 - t_1)$$

Where:

a is the resultant acceleration measured in units of gravity “g” (1 g = 9.81 m/s²);
 t_1 and t_2 are the two time instants during the impact expressed in seconds, defining an interval between the beginning and the end of the recording period for which the value of HIC is a maximum ($t_2 - t_1 \leq 15$ ms)

HIC Unlimited Area means the area that shares an outer boundary with the Hood Top and whose inner boundary is the HIC Unlimited Margin. (See figure 7.)

HIC Unlimited Margin means the inner boundary of the HIC Unlimited Area. It is the same as the outer boundary of the Combined Child and Adult Headform Test Areas. (See figure 7.)

HIC1000 Area means the area within the Child Headform Test Area and Adult Headform Test Area with a minimum area as specified in S5.2 and where the HIC value must not exceed 1,000, as specified in S5.1(a).

HIC1700 Area means the area with borders as specified in S5.5 and where the HIC value must not exceed 1,700, as specified in S5.1(b).

Hood Area means the area enclosed by the borders specified in S6.5.2 that provides the basis for the amount of area in the Child Headform Test Area and the Adult Headform Test Area, which must be HIC1000 Area, as specified by S5.2.

Hood Top means the area enclosed by the borders specified in S6.5.1 and consisting of the HIC Unlimited Area, Child Headform Test Area and Adult Headform Test Area.

Impact point(s) means the point(s) on the vehicle where the initial contact with the headform occurs (point A in figure 1, provided for illustration purposes). It is permissible to have multiple simultaneous points of initial contact resulting from a headform launch. HIC value requirements for multiple simultaneous points of initial contact are specified in S5.3.

Non-contactable surfaces means areas within the Hood Top that cannot be contacted by the headform due to the geometry of the hood, such as a depression in the hood that the headform bridges across.

Wrap Around Distance (WAD) means a distance measured from the ground reference plane to a point on the vehicle, by the use of a non-stretch flexible tape or graduated wire, with one

end held perpendicular to the ground reference plane while the tape or wire is maintained in the vehicle vertical longitudinal plane and wrapped around the vehicle front end. As specified in S6.3.1, this procedure results in identified WAD lines by using wires of different lengths, e.g., a wire of 1,000 ± 1 mm is used to identify a line at 1,000 mm from the ground reference plane. The naming conventions are to follow “WAD” with the length of the wire used for the measurement, and to refer to WAD [wire length] to refer to the line drawn by using the wire and the WAD procedure.

S5 Performance and other requirements.

S5.1 Headform impact requirements.

(a) When tested in accordance with the procedures of S6 under the conditions of S7, subject to the limits of S5.2, when any part of a vehicle within the Child Headform Test Area or Adult Headform Test Area is impacted by the headform described in S8, HIC shall not exceed 1,000 (HIC1000).

(b) The HIC in the remaining Child or Adult Headform Test Areas shall not exceed 1,700 (HIC1700), provided that the manufacturer has identified HIC1700 Area specified by S5.5(a).

S5.2 Minimum Amount of Child and Adult Headform Test Area that must conform to HIC1000.

(a) **HIC1000 Area in the Combined Child and Adult Headform Test Areas.** Calculate the numerical value of two thirds of the Hood Area (see S4 for the definition of Hood Area and S6.5.2 for its determination). At least this amount of area, if it can be placed within the boundary of the combined Child Headform Test Area (S6.5.3) and the Adult Headform Test Area (S6.5.4), must be HIC1000 Area. If the numerical value of two thirds of the Hood Area exceeds the Combined Child and Adult Headform Test Area, the entire Combined Child and Adult Headform Test Area must be HIC1000 Area.

(b) **HIC1000 Area in Child Headform Test Area.** Calculate the numerical value of one half of the Hood Area with less than WAD1700. At least this amount of area, when placed within the boundary of the Child Headform Test Area, must be HIC1000 Area.

S5.3 Multiple simultaneous impact points.

(a) If multiple simultaneous points of initial contact between the headform

and the vehicle occur in more than one area and the areas have differing HIC requirements, the more stringent requirement applies. For example, if the initial impact occurs simultaneously within a HIC1700 Area and a HIC1000 Area, the HIC1000 requirement applies. If first contact occurs simultaneously in both an Adult Headform Test Area and a Child Headform Test Area, tests with both headforms must be performed at that location.

S5.5 Border of the HIC1700 Areas in the Hood Area. Under the authority provided in 49 U.S.C. Chapter 301, 30166, vehicle manufacturers must make available to NHTSA the following information upon request.

(a) Manufacturers must identify HIC1700 Areas as described below, subject to S5.5(b). The HIC1700 Areas will be irrevocably selected prior to, or at the time of, certification of the vehicle. If no HIC1700 Area is provided by the manufacturer, NHTSA will test the Combined Child and Adult Headform Test Area as HIC1000 Area.

(1) Manufacturers must select HIC1700 Areas based on the (x,y) coordinates of their borders referenced from the intersection of WAD1000 and the longitudinal centerline of the vehicle. The number of coordinates and the spacing of the coordinates are provided at the discretion of the manufacturer, but the points must be joined by straight lines in the x-y plane when marking off the test areas of an actual vehicle.

(2) In lieu of (x,y) coordinates, the manufacturer may base the HIC1700 Area on registration marks referenced from the intersection of WAD1000 and the vehicle longitudinal centerline and may use decals or templates for this purpose.

(b)(1) When a HIC1700 Area is contiguous with the HIC Unlimited Margin as specified in S6.4, the lines identified by NHTSA in accordance with this standard will supersede any conflicting coordinates provided by the manufacturer, and will act as border lines in defining the HIC1700 Area.

(2) Each HIC1700 Area border line must be contiguous. However, the total HIC1700 Area may consist of an unlimited number of contiguous areas, provided that the vehicle meets the requirement for HIC1000 Area specified in S5.2.

S5.6 Active hoods.

(a) Under the authority provided in 49 U.S.C. 30166, upon NHTSA's request, vehicle manufacturers must make available to NHTSA information explaining the basic operational characteristics of their active hood system.

(b) Vehicles with active hoods shall meet the requirements of this standard when the hood is fully deployed. The devices to be deployed, and the minimum and maximum period of time between device deployment and impact of the headform to assure full deployment at time of impact, must be irrevocably selected by the manufacturer prior to, or at the time of, certification of the vehicle, and provided to NHTSA upon request, under the authority provided in 49 U.S.C. 30166.

(c) All reference lines, HIC Unlimited Margins, and WAD lines specified in S6.3 must be determined on the vehicle with the hood in its undeployed state. HIC1700 areas will be identified on the vehicle with the hood in its undeployed state.

(d) The impact point of the headform is determined with the hood in an undeployed position.

S5.7 Other movable components.

(a) Other than active devices specified in S5.6, any vehicle component (such as pop-up headlamps) that could change shape or position, and that have more than one fixed shape or position, must be stowed or retracted when determining the reference lines, margins, and WAD lines specified in S6.3.

(b) The impact point of the headform is determined when the active devices are in their stowed or retracted position.

S6 Test Procedures.

S6.1 Demonstrate compliance with S5.1 of this standard in accordance with the test procedures specified in this standard, under the conditions of S7, using the headforms described in S8. These procedures are used to identify the Leading Edge Reference Line, Side Reference Lines, Rear Reference Line, and the WAD lines (S6.3). These lines are used to identify Hood Area and subsequently the minimum requisite HIC1000 Area that must be provided. The lines are also used to identify HIC Unlimited Margins (S6.4) and to identify the Child Headform Test Area (S6.5.3) and the Adult Headform Test Area (S6.5.4). NHTSA may request information from the manufacturer in order to identify the HIC1700 areas (S5.5). The headform is launched at the hood (S6.6). The child headform must impact within the Child Headform Test Area and the adult headform must impact within the Adult Headform Test

Area. When a headform strikes a HIC1000 Area, the HIC measured by the headform must not exceed 1000. When it strikes a HIC 1700 area, HIC must not exceed 1700.

S6.2 [Reserved]

S6.3 *Determining reference lines on the vehicle.* Subject to S6.3.5, the reference lines are determined on the vehicle as follows.

S6.3.1 *WAD lines.* Determine WAD lines by connecting the end points of a non-stretch flexible wire as it is traversed across the front of the vehicle. During this process, the wire must remain in a vertical longitudinal vehicle plane and held taut. One end of the wire must be held at the ground reference level, vertically ± 1 degree, below the front end of the vehicle, and the other end held in contact with the hood or fender (see figure 2, provided for illustration purposes). Determine WAD lines using wires of 1000 ± 1 mm (the line is referred to as WAD1000), 1700 ± 1 mm (WAD1700) and of 2100 ± 1 mm (WAD2100).

S6.3.2 *Leading Edge Reference Line.*

(a) *Default procedure.* Determine the Leading Edge Reference Line by connecting the points of contact between a straight edge 1000 ± 1 mm long and the front surface of the vehicle as the straight edge is traversed laterally across and is in contact with the front end of the vehicle (see figure 3, provided for illustration purposes). During this process, the straight edge must be held in a vertical longitudinal vehicle plane, inclined rearwards by 40 ± 1 degree from the horizontal, and with the lower end 600 ± 5 mm above the ground reference plane. If the straight edge makes a continuous contact or makes multiple contacts on the vehicle when the straight edge is at a single lateral location, rerun the procedure with the straight edge inclined rearwards at an angle of 50 ± 1 degree from the horizontal. For the purpose of determining whether the straight edge should be held at 50 ± 1 degree from the horizontal, contacts with a straight edge will be considered continuous if the total length of contact along the straight edge is greater than 50 mm and the deviation of the contact surface from the straight edge is less than 0.5 mm. Additionally, contact points must be separated by at least 50 mm in order to be considered multiple points of contact. If this procedure results in multiple or continuous points of contact even after inclining the straight edge rearwards at an angle of 50 ± 1 degree from the horizontal, determine the Leading Edge Reference Line using the most forward contact.

(b) *Low front vehicles.* If the vehicle exterior geometry is such that the bottom end of the straight edge makes first contact with the vehicle, that contact point is used to determine the Leading Edge Reference Line at that lateral position. See figure 4, provided for illustration purposes.

(c) *High front vehicles.* If the vehicle exterior geometry is such that the top end of the straight edge makes first contact with the vehicle, then the WAD1000 line will be used as the Leading Edge Reference Line at that lateral position. If the WAD1000 line does not intersect the Side Reference Line determined in S6.3.3 such that the corner reference point of the Hood Top does not exist, connect the two lines using the following procedure.

(1) Find the corner reference point of the Hood Top, as if the Leading Edge Reference Line were determined by the top end of the straight edge, rather than WAD1000. If this point does not exist, find the corner reference point of the Hood Top, as if the Leading Edge Reference Line were determined by the straight edge held at any height.

(2) Span the distance between the corner reference point of the Hood Top and the WAD1000 line with a non-stretch flexible wire held taut in the vertical longitudinal plane.

(3) Fill the discontinuity by establishing a line created by the projection of the wire horizontally rearward onto the vehicle surface.

S6.3.3 *Side Reference Lines.* These lines are determined on the vehicle by connecting the points of contact between a straight edge 700 ± 1 mm long and the vehicle, as the straight edge is traversed fore or aft, in contact with the sides of the vehicle (see figure 5, provided for illustration purposes). During this process, the straight edge must be held in a vertical transverse vehicle plane, inclined inwards by 45 ± 1 degrees from the horizontal. If this procedure results in multiple or continuous points of contact on the vehicle when the straight edge is at a single fore-aft location, determine the Side Reference Line by using the most outboard contact.

S6.3.4 *Rear Reference Line.*

(a) *Default procedure.* This line is determined on the vehicle by connecting the most rearward points on the hood that contact a 165 ± 1 mm diameter hemisphere as it is traversed laterally across the vehicle while maintaining contact with the windshield (see figure 6, provided for illustration purposes). The wiper blades, linkages, and arms are removed during this process. If this procedure results in multiple or continuous points of contact

on the vehicle when the hemisphere is at a single lateral location, determine the Rear Reference Line by using the most rearward contact. This section is subject to S6.3.4(b).

(b) *Revision of a Rear Reference Line when not intersecting with a Side Reference Line.*

(1) Where the rear reference line and the side reference line do not intersect, the rear reference line must be extended and/or modified using a semi-circular template of radius 100 ± 1 mm. The template must be made of a thin flexible sheet material that easily bends to a single curvature in any direction. The template must resist double or complex curvature where this could result in wrinkling. The template is marked with four points "A" through "D," as shown in figure 8 (provided for illustration purpose), while the template is on a flat surface.

(2) The template must be placed on the vehicle with Corners "A" and "B" coincident with the Side Reference Line. Ensuring these two corners remain coincident with the Side Reference Line, the template must be slid progressively rearwards until the outer edge of the template makes first contact with the Rear Reference Line. Throughout the process, the template must be curved to follow, as closely as possible, the outer contour of the vehicle's hood and fender without wrinkling or folding of the template. If the first point of contact between the template and Rear Reference Line lies outside the arc identified by points "C" and "D," the Rear Reference Line is extended and/or modified to follow the circumferential arc of the template to meet the Side Reference Line, as shown in figure 9 (provided for illustration purposes).

(3) *Larger template.* If the outer edge of the template of S6.34(b)(1) cannot make contact with the Rear Reference Line while simultaneously the Side Reference Line contacts points "A" and "B," or the point at which the Rear Reference Line and template make first contact lies within the arc identified by points "C" and "D," then additional templates will be used where the radii are increased progressively in increments of 20 mm, until all the criteria of S6.3.4(b)(2) are met.

S6.3.5 *Adjustments to the procedures determining the reference lines.*

(a) *Line discontinuity.* If the Leading Edge Reference Line, Side Reference Line(s) or Rear Reference Line are discontinuous (*i.e.*, the procedure has resulted in a gap in a line), the discontinuity will be spanned by the following method. Connect the two

points separated by the discontinuity with a non-stretch flexible wire held taut. Fill the discontinuity by establishing a line created by the projection of the wire vertically downward onto the hood surface.

(b) *Hood ornaments.* If the vehicle is fitted with a badge, emblem, hood ornament, or other structure which would bend back or retract under an applied load of maximum 100 ± 5 N, apply this load while the reference lines are defined on the hood. The load must be released prior to testing with a headform.

S6.4 *HIC Unlimited Margins.*

S6.4.1 *HIC Unlimited Margin of the Rear Reference Line.* The HIC Unlimited Margin of the Rear Reference Line is the line that is forwardmost of the following two lines.

(a) The line on the vehicle determined by connecting the points of contact between a non-stretch flexible wire measuring 82.5 ± 0.5 mm long as it is traversed along the Rear Reference Line. During this process, the wire remains in a vertical longitudinal vehicle plane and held taut. One end of the wire is held in contact with the Rear Reference Line and the other end is held in contact with the vehicle at points forward of the Rear Reference Line.

(b) The WAD2100 Line.

S6.4.2 *HIC Unlimited Margin of the Leading Edge Reference Line.* The HIC Unlimited Margin of the Leading Edge Reference Line is the line that is rearmost of the following two lines.

(a) The line on the vehicle determined by connecting the points of contact between a non-stretch flexible wire measuring 82.5 ± 0.5 mm long as it is traversed along the Leading Edge Reference Line. During this process, the wire remains in a vertical longitudinal vehicle plane and held taut. One end of the wire is held in contact with the Leading Edge Reference Line and the other end is held in contact with the vehicle and points rearward of the Leading Edge Reference Line.

(b) The WAD1000 Line.

S6.4.3 *HIC Unlimited Margin of the Side Reference Lines.* This HIC Unlimited Margin is the line determined by connecting the points of contact between a non-stretch flexible wire measuring 82.5 ± 0.5 mm long as it is traversed along the Side Reference Line. During this process, the wire remains in a vertical lateral plane and held taut. One end of the wire is held in contact with the Side Reference Line and the other end held in contact with the vehicle and points inward of the Side Reference Line.

S6.5 *Hood Top, Hood Area, Child Headform Test Area and Adult*

Headform Test Area border lines and computation method. The border lines for the Hood Top, Hood Area, the Child Headform Test Area, and the Adult Headform Test Area are identified as described in this section. Computation of these areas is made on the basis of a two-dimensional projection of these areas on to a horizontal vehicle plane. These areas include those comprised of any "non-contactable surfaces" (as defined in S4) in their computation.

S6.5.1 *Hood Top.* This area is enclosed by the intersection of the following borders:

(a) *Front border:* Leading Edge Reference Line;

(b) *Side border:* Side Reference Lines.

(c) *Rear border:* Rear Reference Line.

S6.5.2 *Hood Area.* This area is enclosed by the intersection of the following borders:

(a) *Front border:* the Leading Edge Reference Line or the WAD1000 line, whichever is most rearward at the point of measurement;

(b) *Side border:* Side Reference Lines.

(c) *Rear border:* Rear Reference Line, or the WAD2100 line, whichever is most forward at the point of measurement.

S6.5.3 *Child Headform Test Area.* This area is enclosed by the intersection of the following borders:

(a) *Front border:* HIC Unlimited Margin of the Leading Edge Reference Line.

(b) *Side borders:* HIC Unlimited Margins of the Side Reference Lines.

(c) *Rear border:* WAD1700 line or the HIC Unlimited Margin of the Rear Reference Line, whichever is most forward at the point of measurement.

S6.5.4 *Adult Headform Test Area.* This area is enclosed by the intersection of the following borders:

(a) *Front border:* WAD1700 line.

(b) *Side borders:* HIC Unlimited Margins of the Side Reference Lines.

(c) *Rear border:* HIC Unlimited Margin of the Rear Reference Line.

S6.6 *Headform launch procedures.*

(a) *Propulsion of the headform.* The headform must be in free flight at the moment of impact. The headform velocity at the time of impact must be 9.7 ± 0.2 meters per second (m/s) for both the child and adult headforms.

(b) *Child headform test procedure.*

(1) At least one impact point against which the child headform contacts must be in the Child Headform Test Area.

(2) The velocity vector of the headform center of mass at impact is in a longitudinal vertical vehicle plane at an angle of $50 \pm 2^\circ$ to the horizontal directed downward and rearward.

(c) *Adult headform test procedure.*

(1) At least one impact point against which the adult headform contacts must be in the Adult Headform Test Area.

(2) The velocity vector of the headform center of mass at impact is in a longitudinal vertical vehicle plane at an angle of $65 \pm 2^\circ$ to the horizontal directed downward and rearward.

S7 General test conditions.

S7.1 Humidity and temperature. At the time of testing, the ambient air at the test site must have a relative humidity of $40 \text{ percent} \pm 30 \text{ percent}$ and a temperature of $20 \pm 4^\circ\text{C}$.

S7.2 Test site. The test site is on a ground reference plane consisting of a flat, smooth and hard surface with a grade not exceeding 1 percent.

S7.3. Vehicle preparation.

(a) *Normal ride attitude.* The vehicle is positioned on the ground reference plane, loaded to its unloaded vehicle weight, and tires inflated to the pressures listed on the vehicle's FMVSS No. 110 (49 CFR 571.110) placard. The front wheels are aligned to be parallel to the vehicle vertical longitudinal plane, the suspension set to the normal running condition as specified by the manufacturer for a speed of 40 km/hr, and the parking brake applied.

(b) *Additional mass.* Place a $75 \pm 5 \text{ kg}$ mass at each most outboard front row seat. The fore-aft position of a loaded seat must be set at the mid-track position. If there is no notch at the mid-track position, the seat is set at the notch closest to and rearward of mid-track, with respect to the direction the seat is facing. Set the seat back angle to a position between the most upright position intended for occupancy to 10 degrees rearward of that position, with respect to the direction the seat is facing.

(c) *Movable front-end vehicle components.*

(1) *Active hoods and devices.* Active hoods, external air bags, and other devices designed to protect pedestrians are deployed prior to launching the headform.

(2) *Other movable components.* Other than active devices specified in S6.3, any vehicle component (such as pop-up headlamps) that could change shape or position, and that have more than one fixed shape or position, are adjusted to any fixed shape or position prior to launching the headform.

S8. Headform specifications

(a) *Dynamic performance requirements.*

(1) *Qualification.* The headforms must meet the dynamic qualification requirements specified in S8.4.

(2) *First natural frequency.* The first natural frequency of the headforms must be over 5000 Hz.

S8.1 Construction.

(a) The child and adult headforms are made of aluminum, are of homogenous

construction and are hemispherical in shape. The headforms are schematically represented in figures 11 and 12 and detailed mechanical drawings are provided in figures 13–26. The overall diameter of the headforms are $165 \pm 1 \text{ mm}$.

(b) *Mass properties of child headform (figure 13).* The mass of the child headform is $3.5 \pm 0.07 \text{ kg}$. The moment of inertia about an axis through the center of gravity and perpendicular to the direction of impact is within the range of 0.008 to 0.012 kgm^2 . The center of gravity of the headform including instrumentation is located in the geometric center of the sphere with a tolerance of $\pm 2 \text{ mm}$.

(c) *Mass properties of adult headform (figure 20).* The mass of the adult headform is $4.5 \pm 0.1 \text{ kg}$. The moment of inertia about an axis through the center of gravity and perpendicular to the direction of impact is within the range of 0.010 to 0.013 kgm^2 . The center of gravity of the headform including instrumentation is located in the geometric center of the sphere with a tolerance of $\pm 5 \text{ mm}$.

(d) *Cover (figures 15 and 22).* The headforms are covered with a $14 \pm 0.5 \text{ mm}$ thick synthetic skin, which must cover at least half of the hemisphere.

(e) *Back plate (figures 17 and 24).* The headforms each have a rear flat face perpendicular to the direction of travel and the axis of one of the accelerometers. The flat face provides access to the accelerometers and serves as an attachment point for the propulsion system.

S8.2 Instrumentation mount. A recess within the headforms allows for mounting three uniaxial accelerometers. For each accelerometer, the seismic mass is located within $\pm 5 \text{ mm}$ of the headform's centroid as measured along its measurement axis, and within $\pm 0.5 \text{ mm}$ as measured perpendicular to its measurement axis.

S8.3 Instrumentation.

(a) Three uniaxial accelerometers are installed within the headforms. One of the accelerometers has its sensitive axis perpendicular to mounting face A (see figures 11 and 12) and its seismic mass is positioned within a cylindrical tolerance field of 1 mm radius and 20 mm length. The centerline of the tolerance field runs perpendicular to the mounting face and its mid-point coincides with the spheroidal center of the headform.

(b) The remaining accelerometers have their sensitive axes perpendicular to each other and parallel to mounting face A and their seismic masses are positioned within a spherical tolerance field of 10 mm radius. The center of the

tolerance field coincides with the spheroidal center of the headform.

(c) The accelerometers have the dimensions, response characteristics, and sensitive mass locations specified in drawing SA572–S5 (figure 27). The instrumentation response value Channel Frequency Class (CFC), as defined in SAE J211 (2022), “Instrumentation for Impact Test,” (incorporated by reference, see § 571.5), is CFC 1000.

S8.4 Qualification requirements

(a) *Peak acceleration.* For each of the three drop tests prescribed in S8, the peak resultant acceleration in the headform must be:

- (1) for the child headform, not less than 245 g and not more than 300 g;
- (2) for the adult headform, not less than 225 g and not more than 275 g.

(b) *Unimodal response.* For each of the three drop tests, the acceleration must be unimodal to the extent that oscillations occurring after the main acceleration pulse are less than ten percent (zero to peak) of the main pulse.

(c) *Off-axis sensitivity.* The lateral acceleration must not exceed 15 g (zero to peak).

S8.5 Qualification procedure

(a) *Temperature and humidity.* The headforms must have a temperature of $20 \pm 2^\circ\text{C}$. The temperature tolerances apply at a relative humidity of $40 \pm 30 \text{ percent}$ after a soak period of at least four hours prior to their application in a test.

(b) *Drop test.* (1) *Drop rig.* The headform is suspended from a drop rig as shown in figure 12 (provided for illustration purposes) and released by a means to ensure that it does not rotate during the fall. The headform is set up to strike a rigidly supported flat horizontal steel plate, over 50 mm thick and over 300 x 300 mm square with a surface finish of between 0.2 and 2.0 micrometers. The plate is ± 0.5 degrees from horizontal. The headform skin outer surface and the surface of the steel plate are cleaned with 1,1,1 trichloroethane or equivalent and allowed to dry.

(2) *Drop angle.* The headform must be oriented as shown in figure 10 (provided for illustration purposes) with the rear face of the headform at the following angles from the vertical:

- (i) 50 ± 2 degrees for the child headform;
- (ii) 65 ± 2 degrees for the adult headform.

(3) *Drop height.* The headform is dropped from a height of $376 \pm 1 \text{ mm}$.

(i) *Initial drop.* The drop is performed with the headform oriented such that the plane formed by the travel direction vector and the symmetric axis of the headform is perpendicular within ± 2

degrees to the sensitive axis of one of the accelerometers.

(ii) *Repeat drops.* The drop test is performed two additional times, with

the headform rotated 120° around its symmetrical axis after each test with a two-hour wait period between tests.

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[Figures to FMVSS No. 228, 49 CFR 571.228]

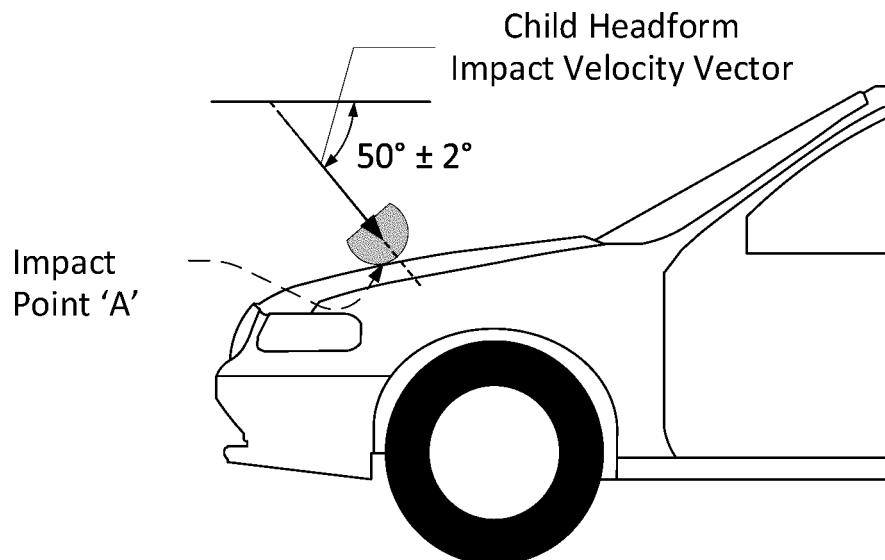


Figure 1. Impact point.
For illustration purposes only.

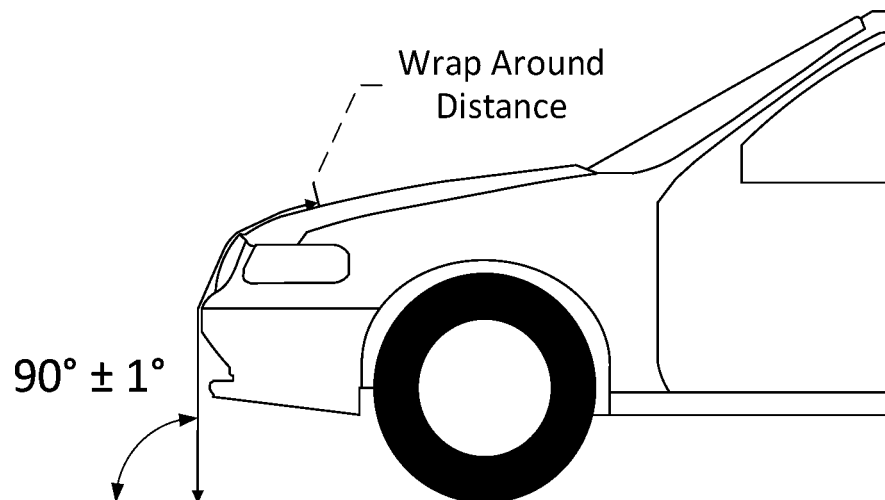


Figure 2. Wrap Around Distance measurement.
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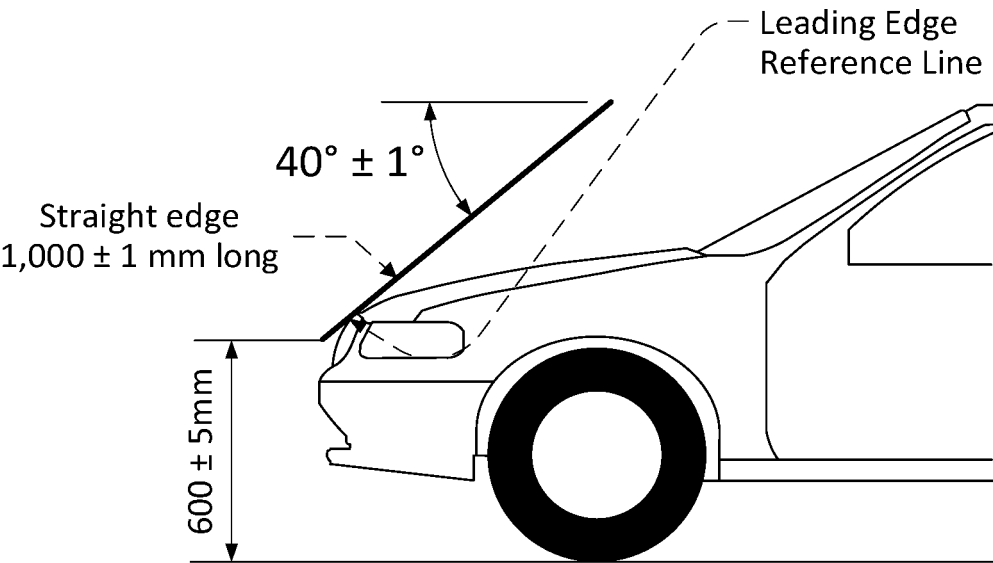


Figure 3. Leading edge reference line
For illustration purposes only.

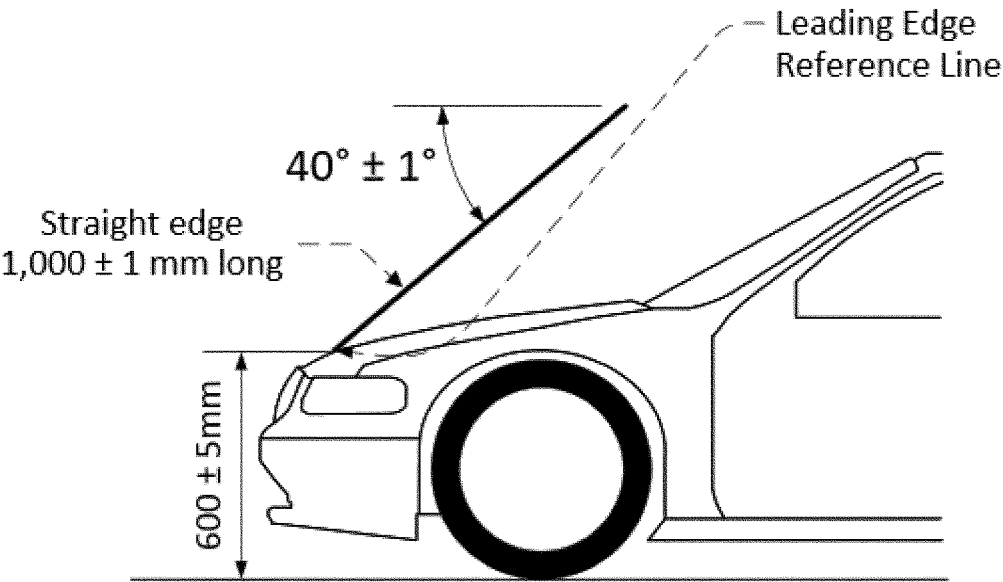


Figure 4. Leading Edge Reference Line for Low Front Vehicles.
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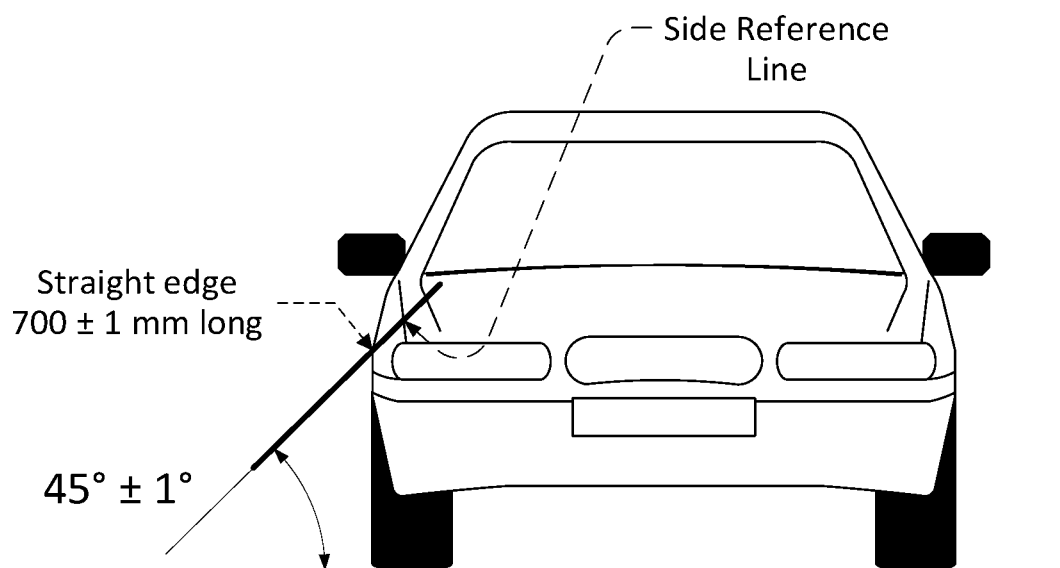


Figure 5. Side reference line.
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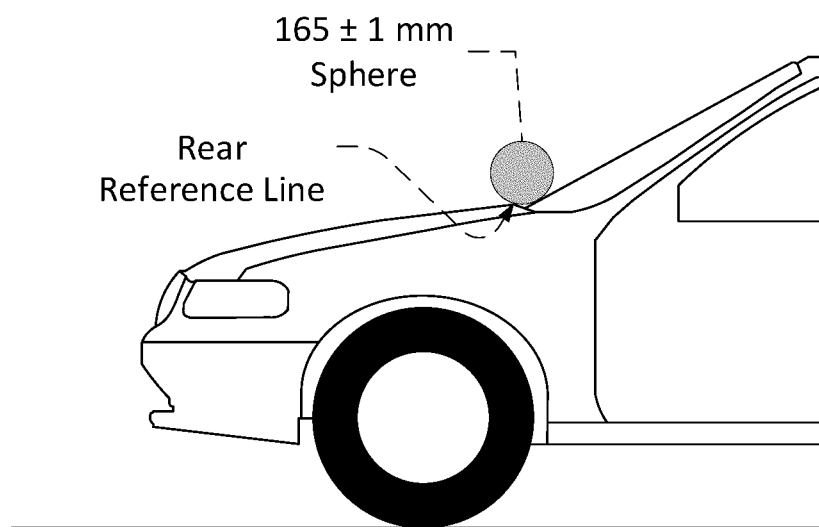


Figure 6. Rear reference line.
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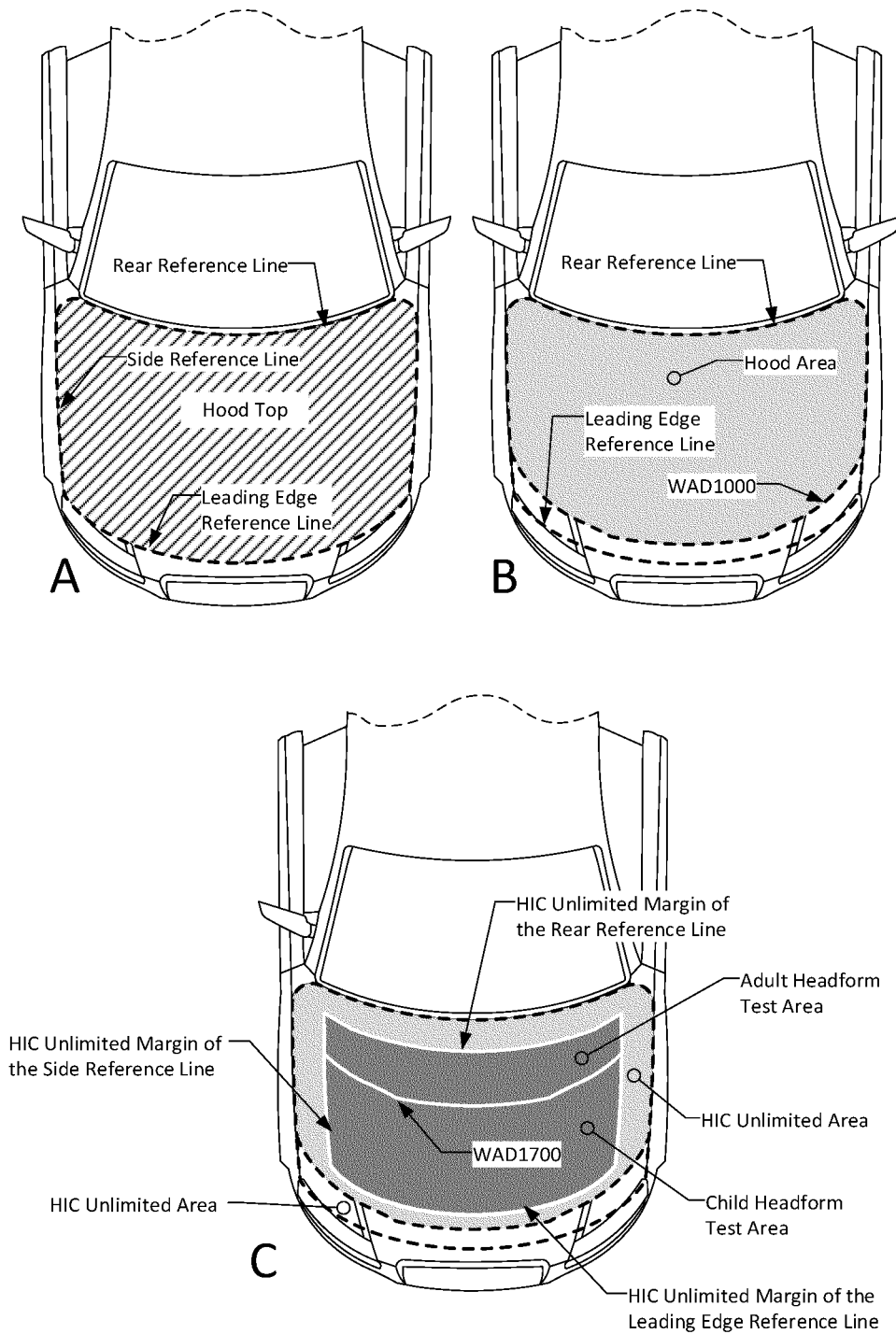


Figure 7. Example marking of reference lines for Hood Top (A), Hood Area (B), Test Areas, HIC Unlimited Areas (C), Child and Adult Headform Test Areas (C). For illustration purposes only

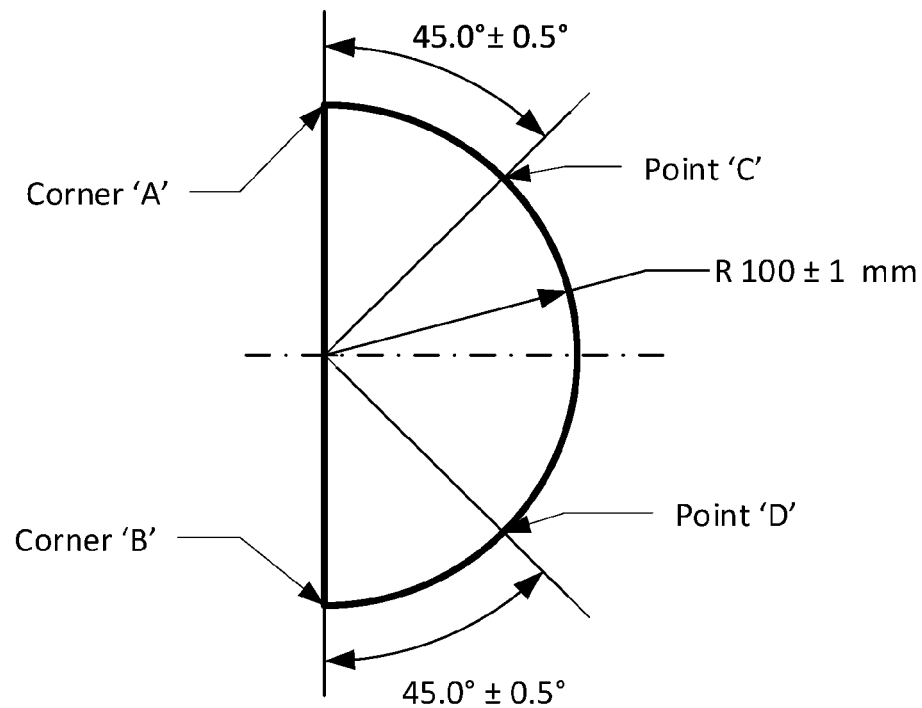


Figure 8. Template used to revise a non-intersecting rear reference line.

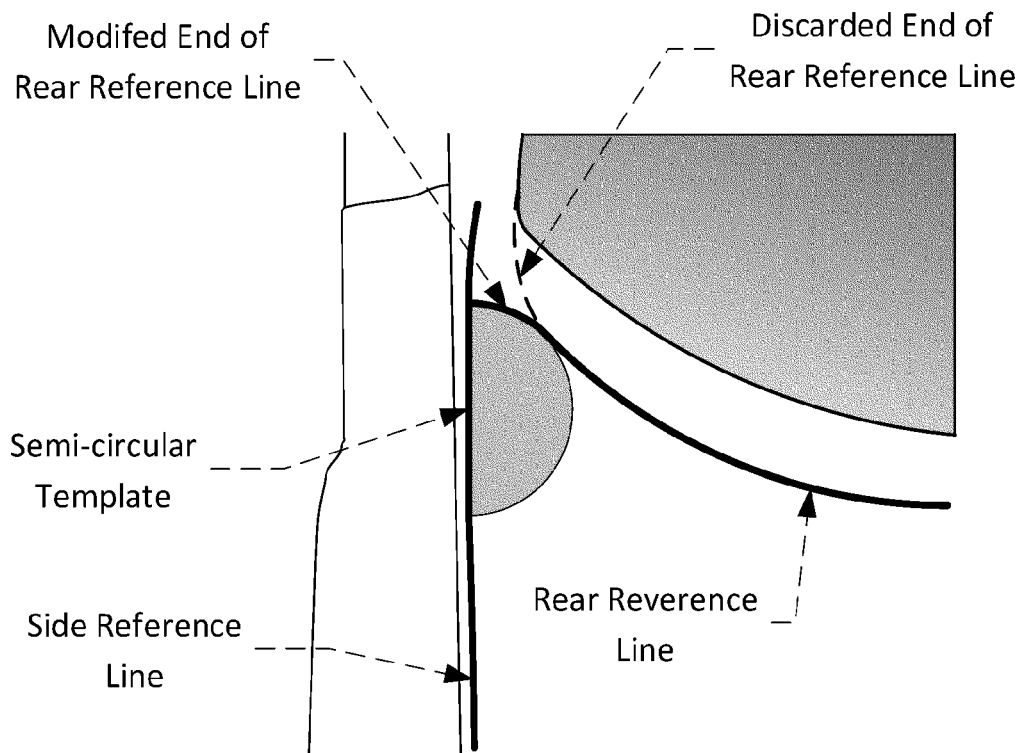


Figure 9. Marking of intersection between rear and side reference lines.
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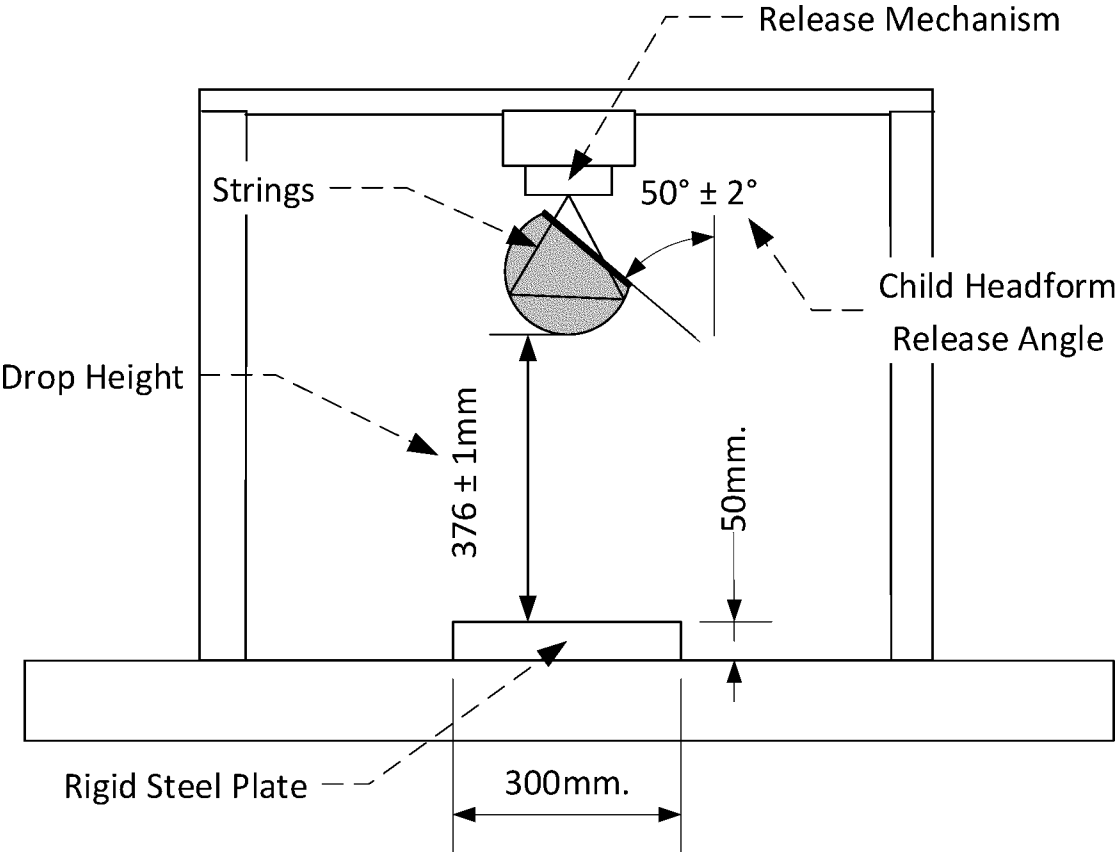


Figure 10. Test set-up for dynamic headform qualification test.
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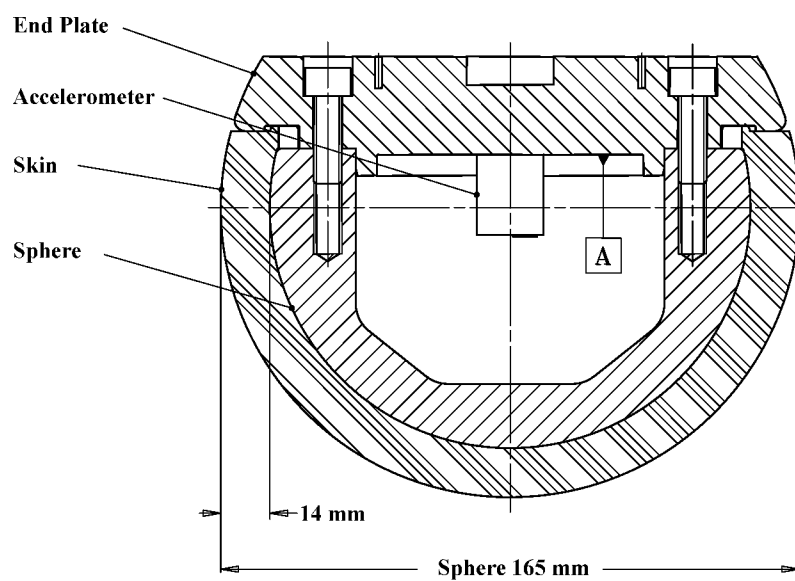


Figure 11 – Child Headform Assembly Schematic

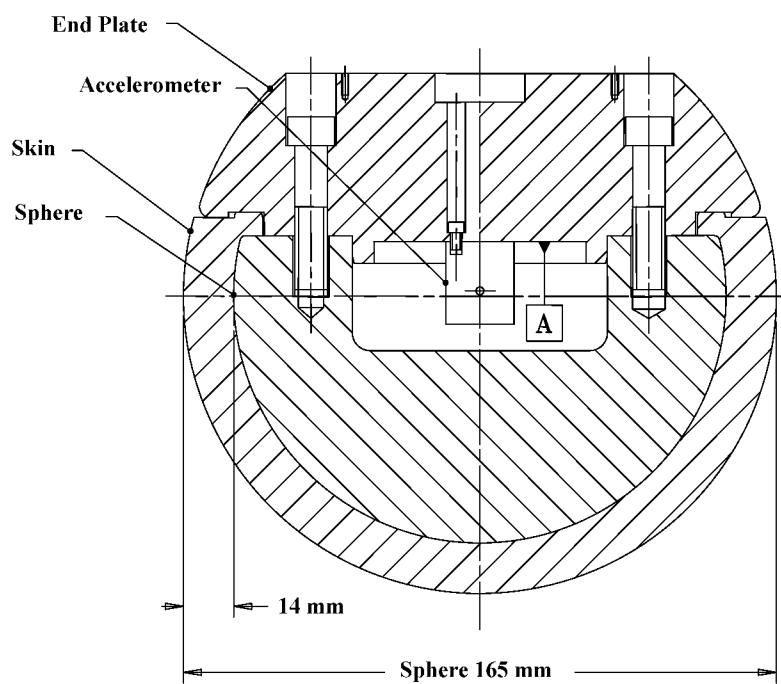


Figure 12 – Adult Headform Assembly Schematic

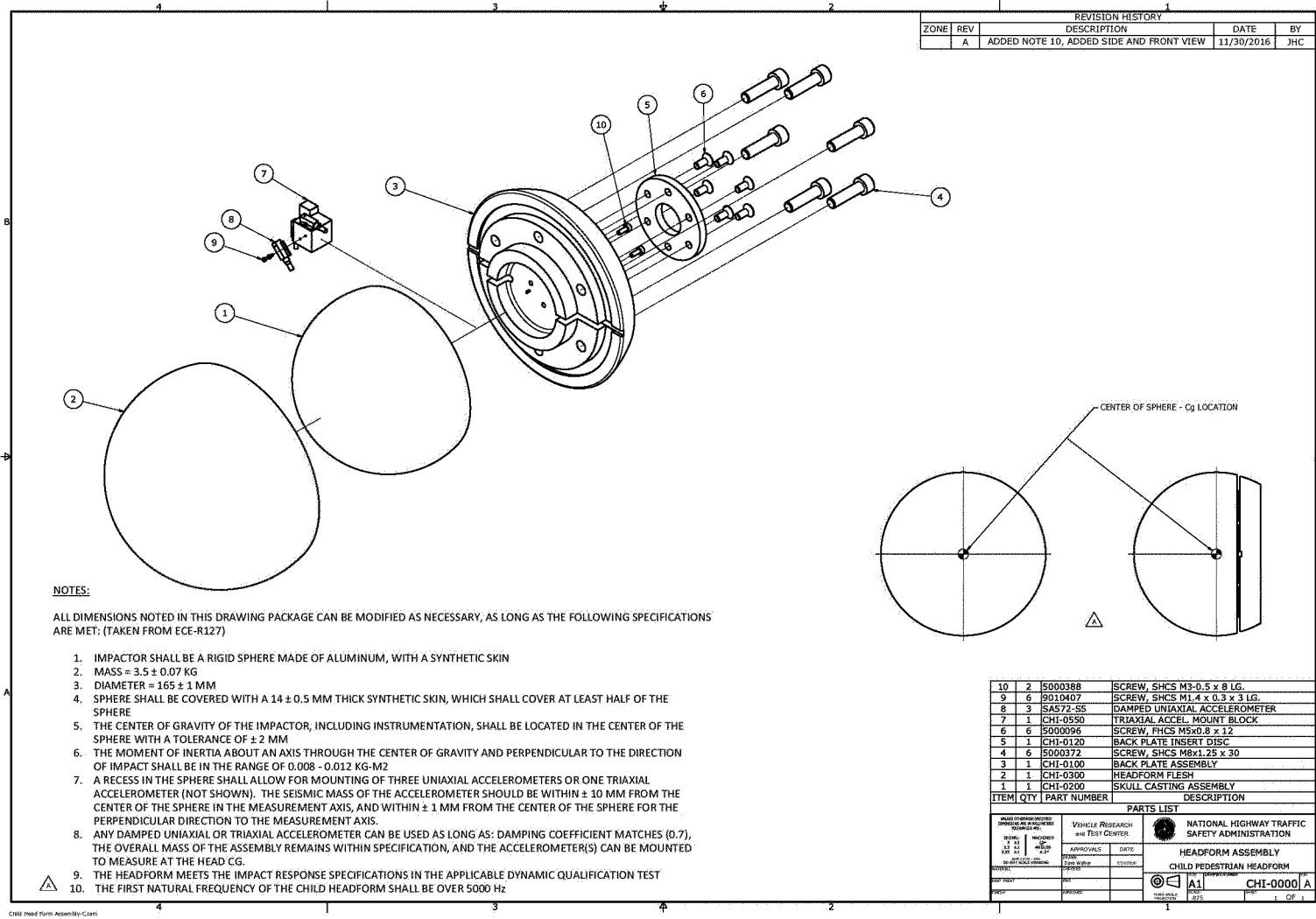


Figure 13 – Child Headform Assembly Drawing 1

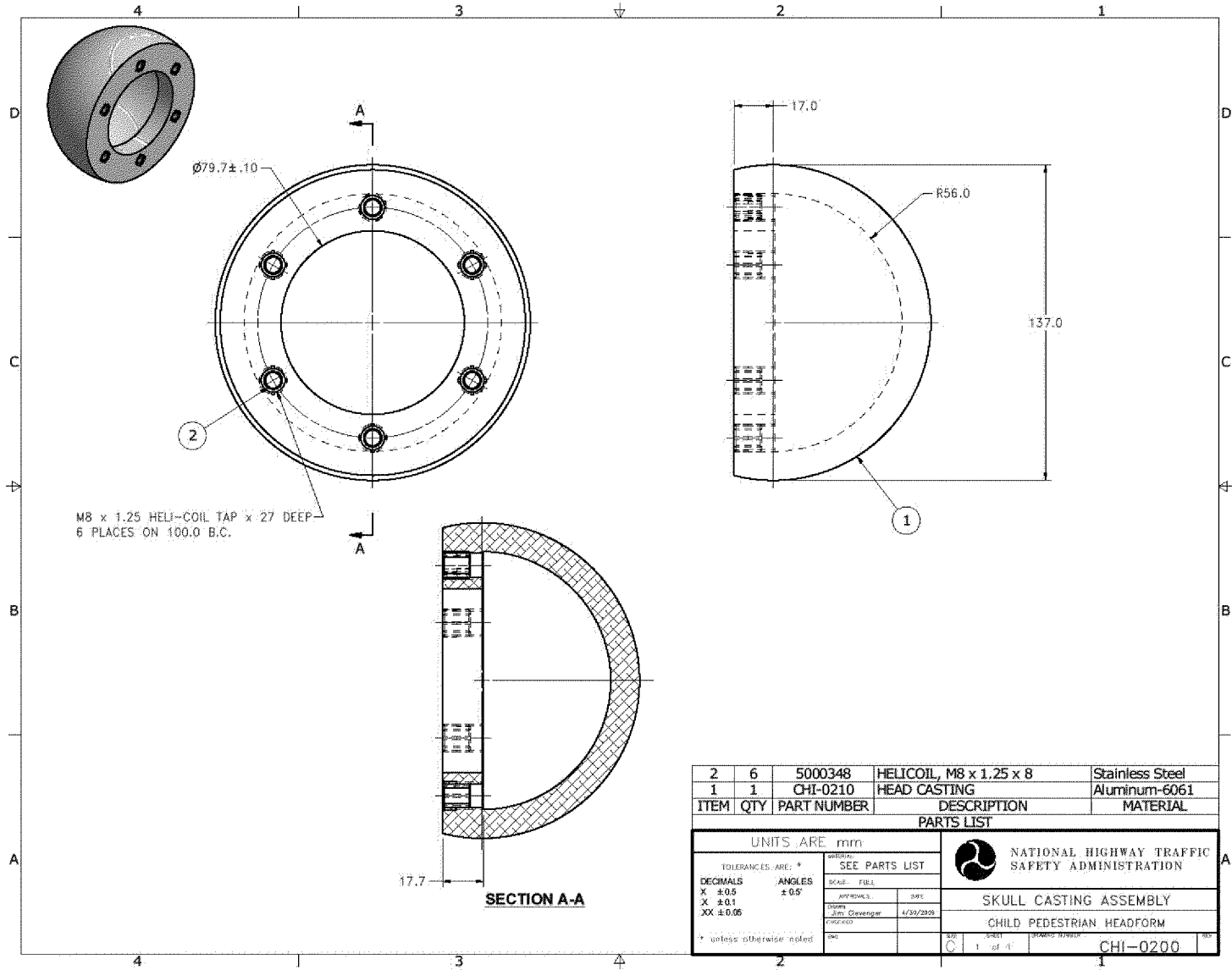


Figure 14 - Child Headform Drawing 2

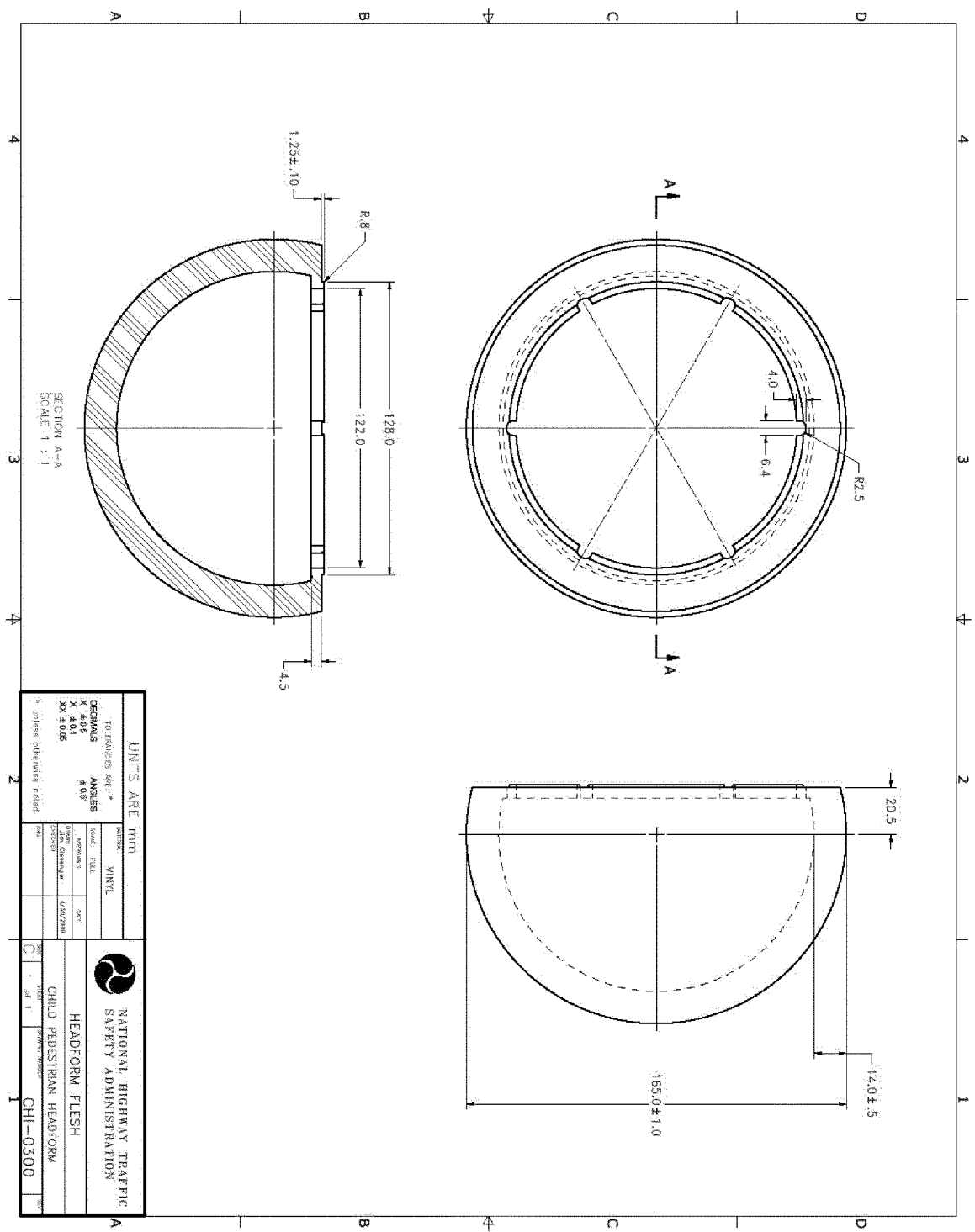


Figure 15 - Child Headform Drawing 3

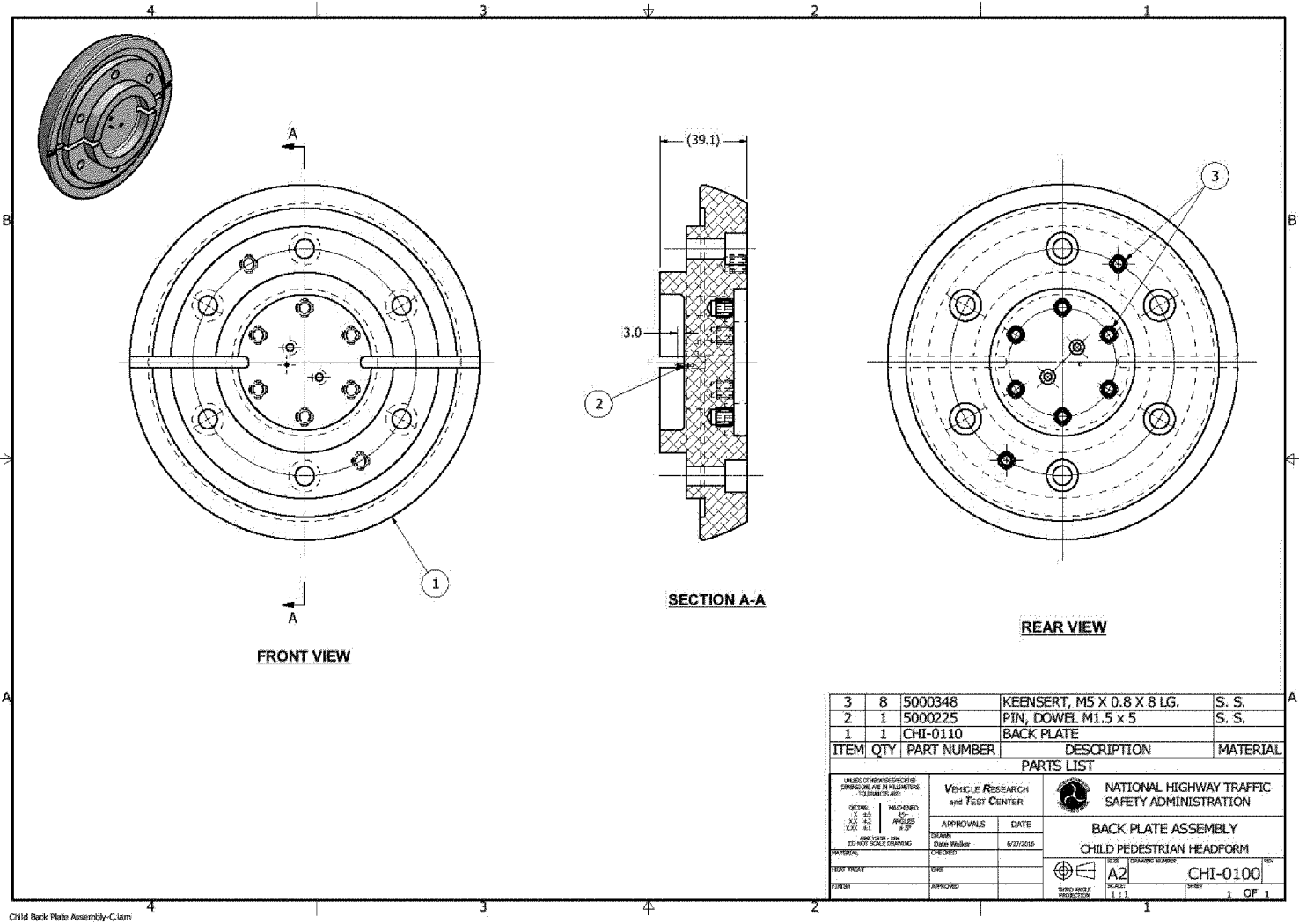


Figure 16 - Child Headform Drawing 4

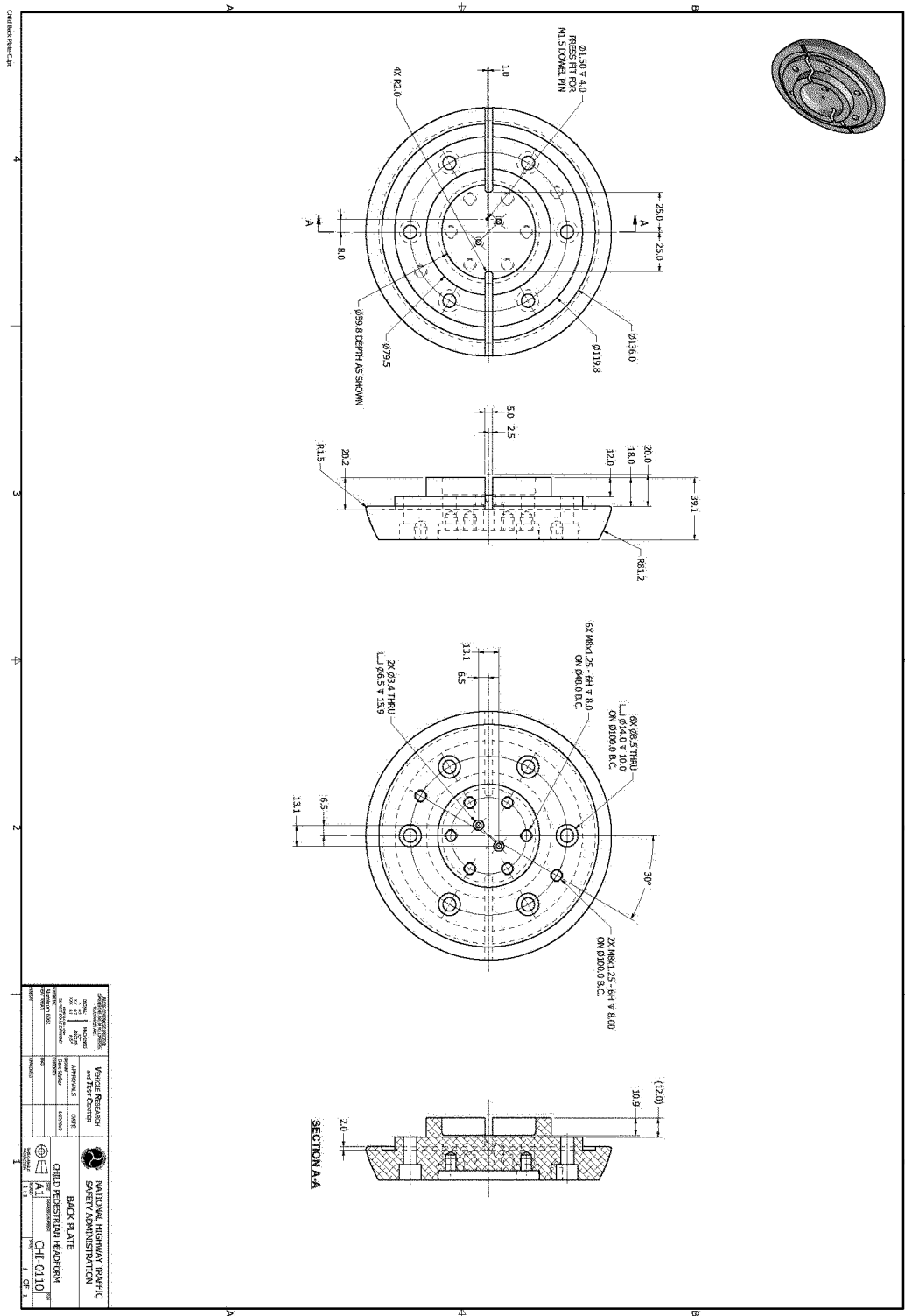


Figure 17 - Child Headform Drawing 5

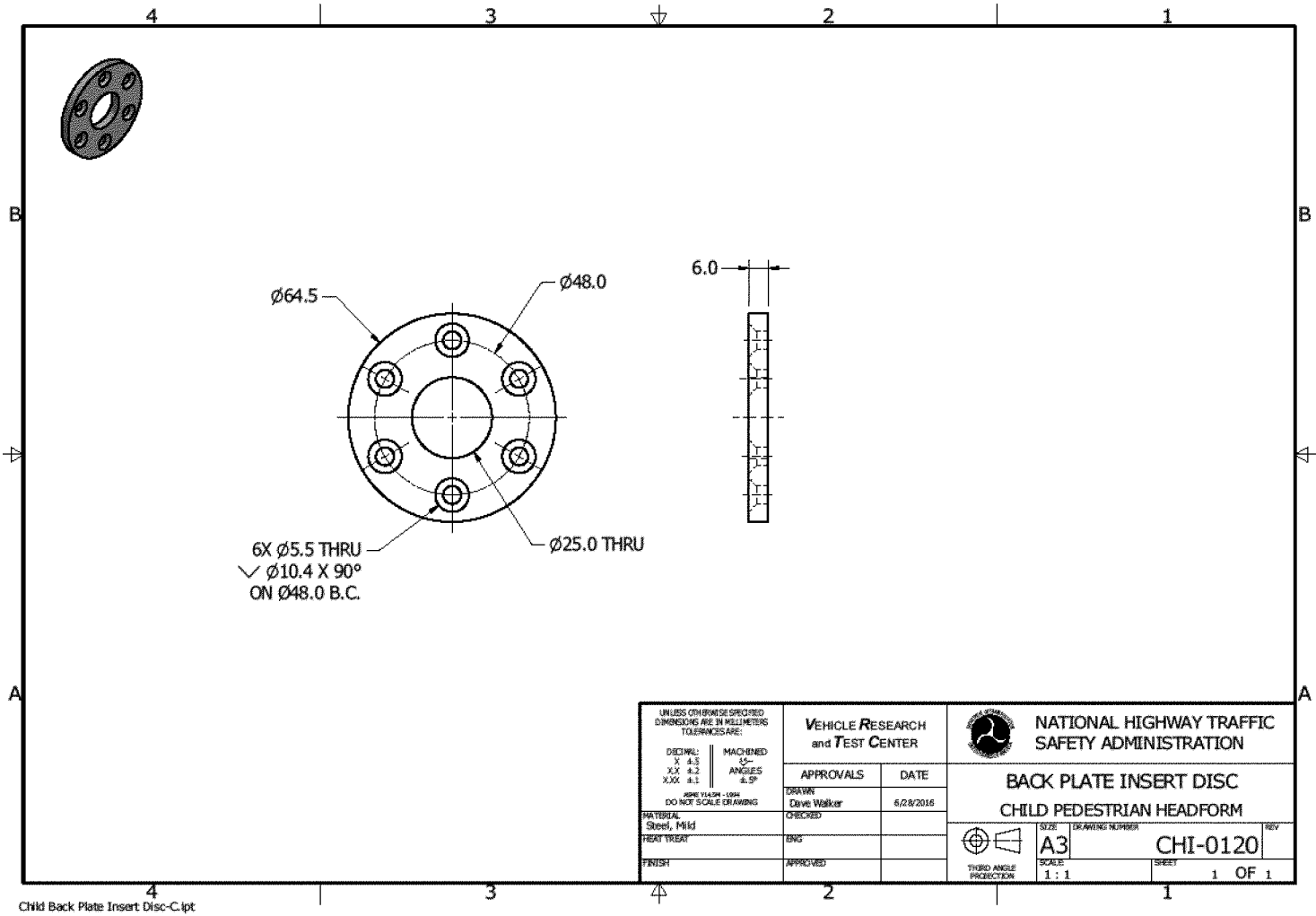


Figure 18 - Child Headform Drawing 6



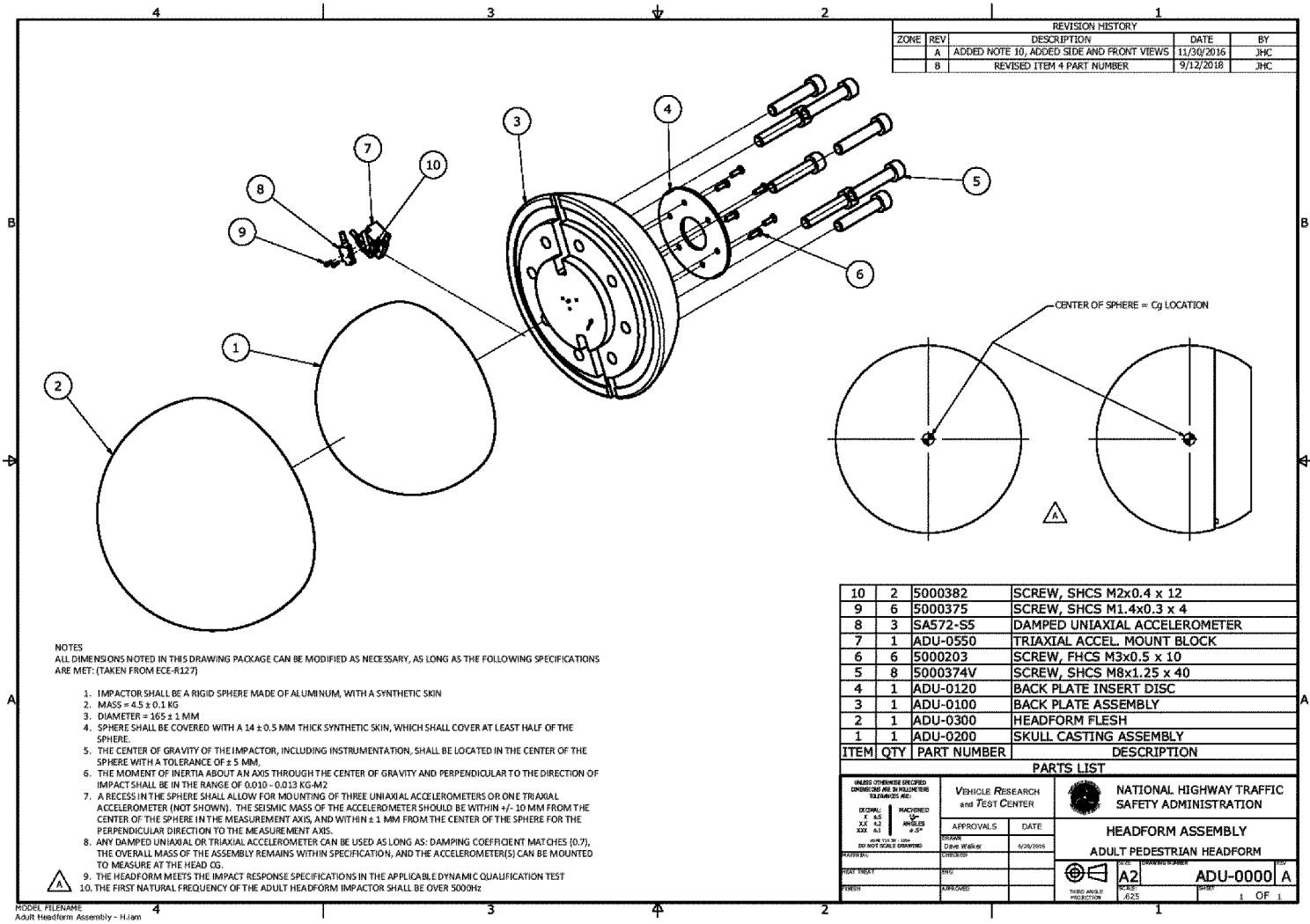
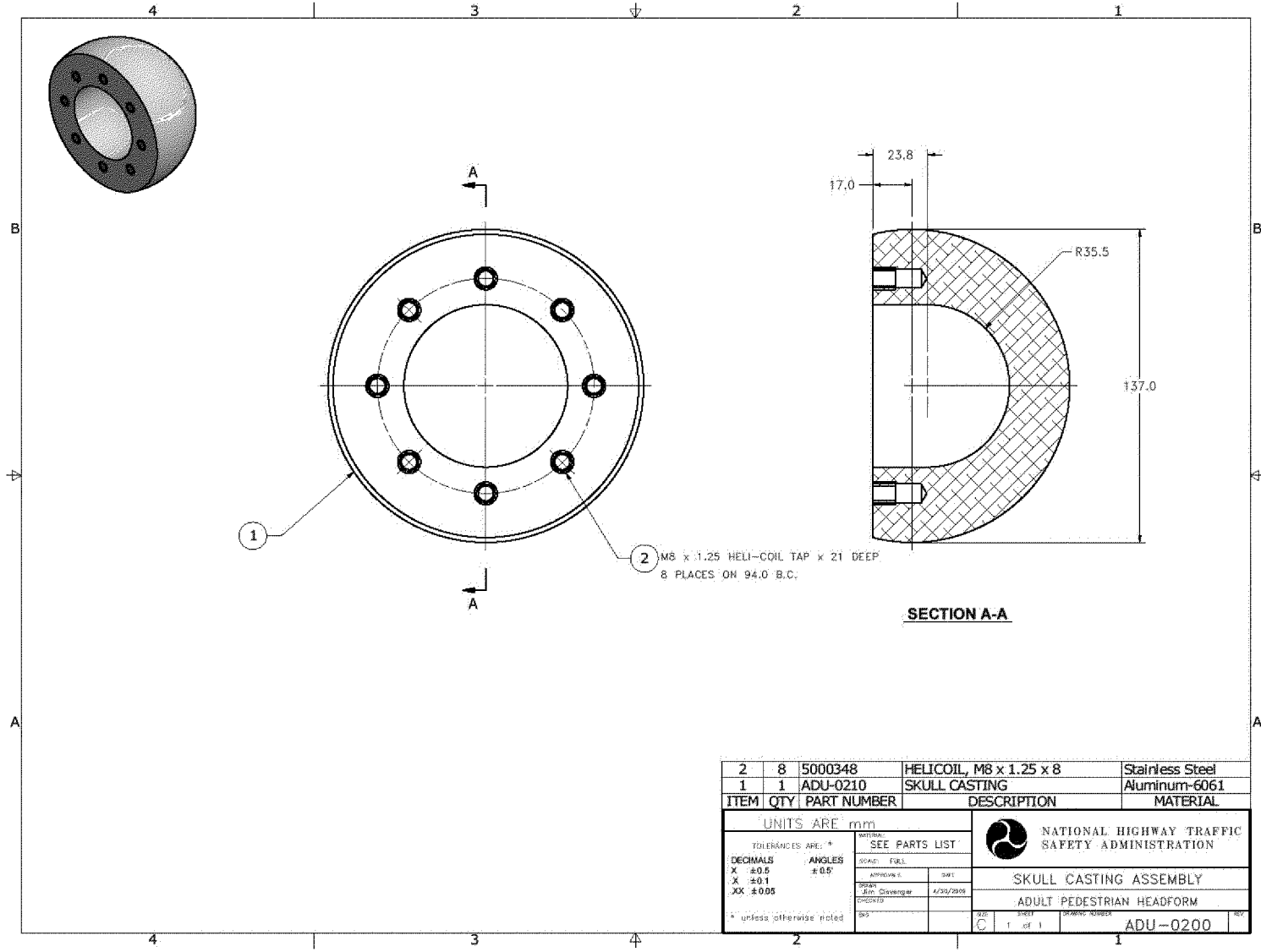


Figure 20 - Adult Headform Assembly Drawing 1



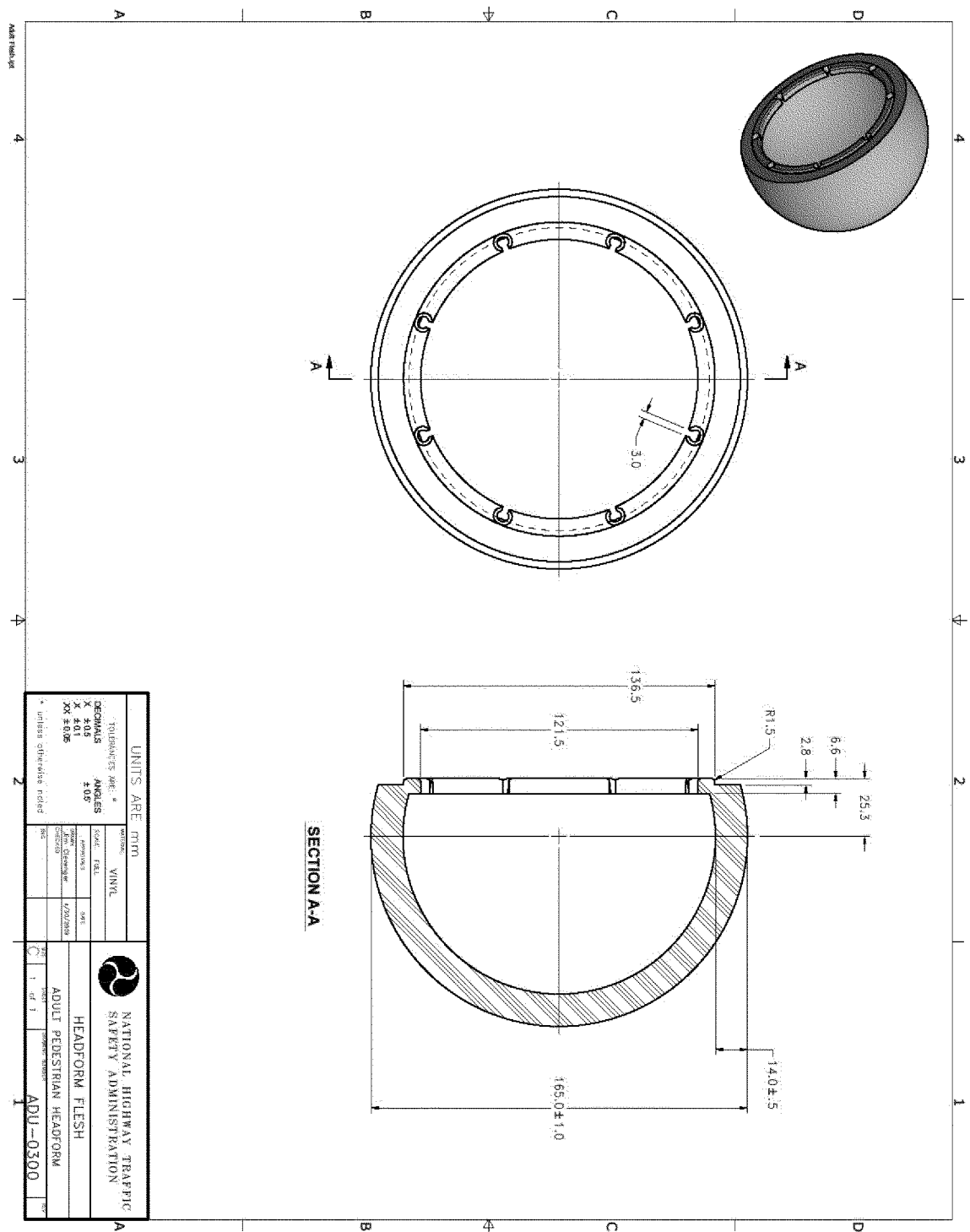


Figure 22 - Adult Headform Drawing 3



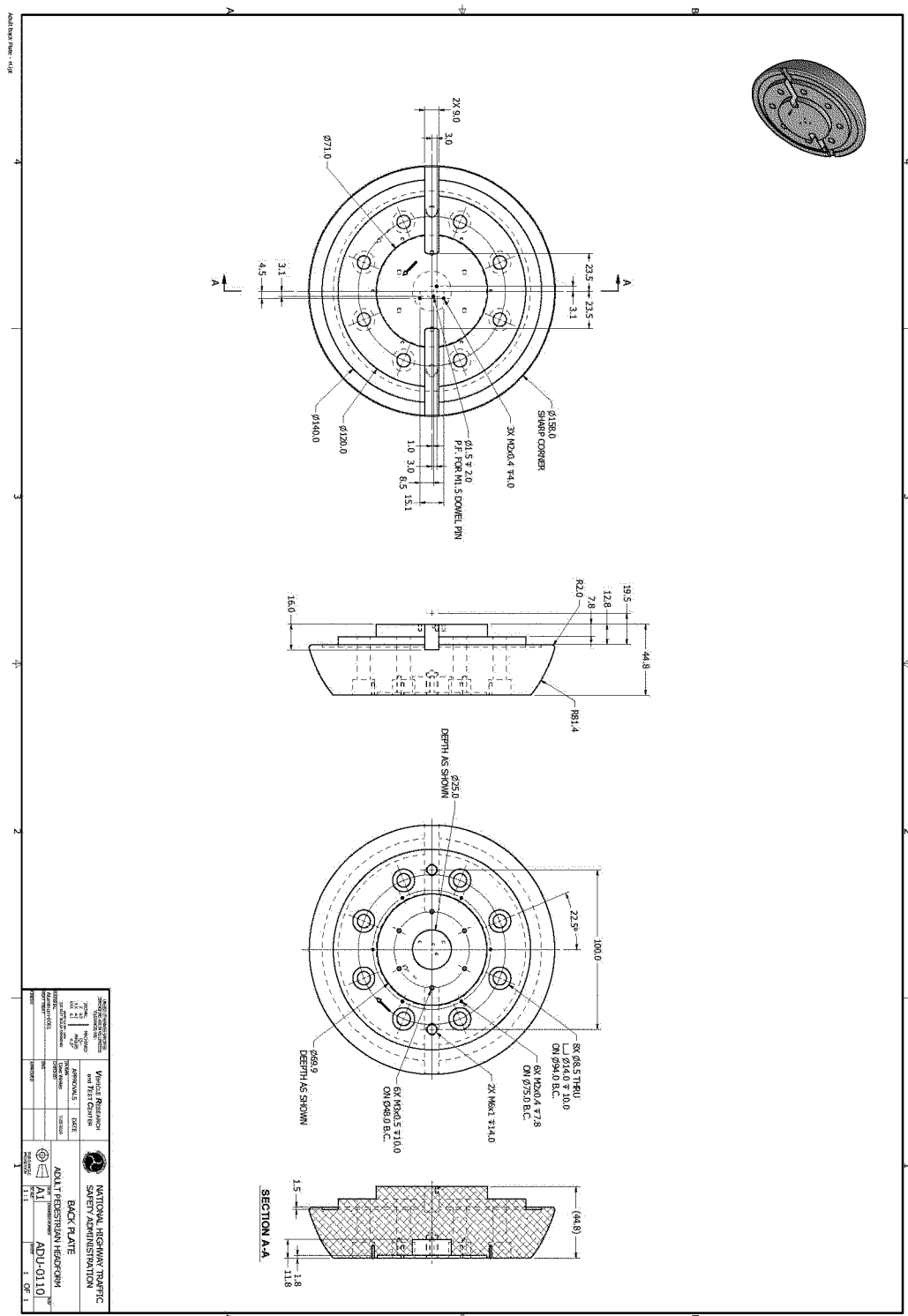


Figure 24 - Adult Headform Drawing 5

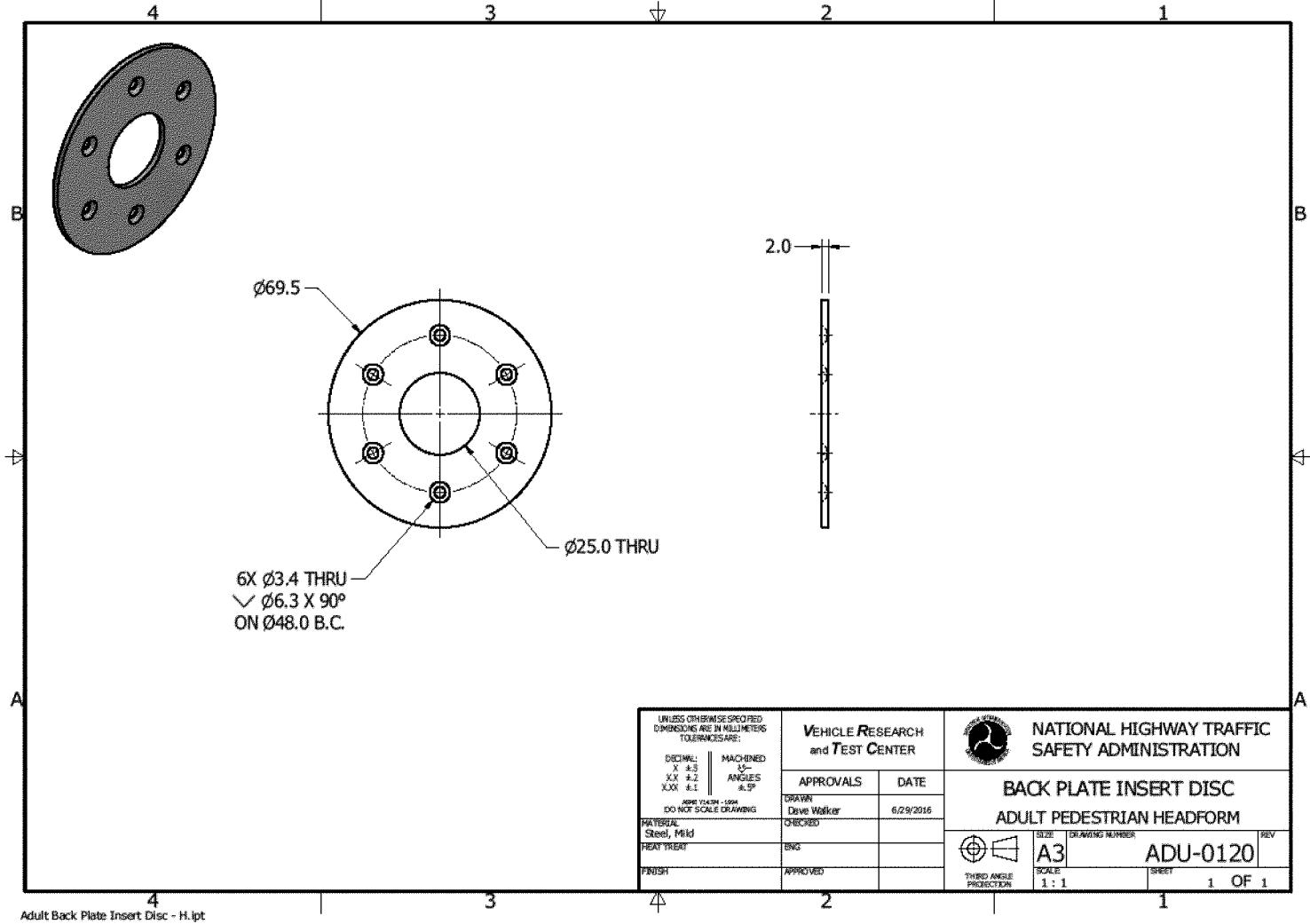


Figure 25 - Adult Headform Drawing 6

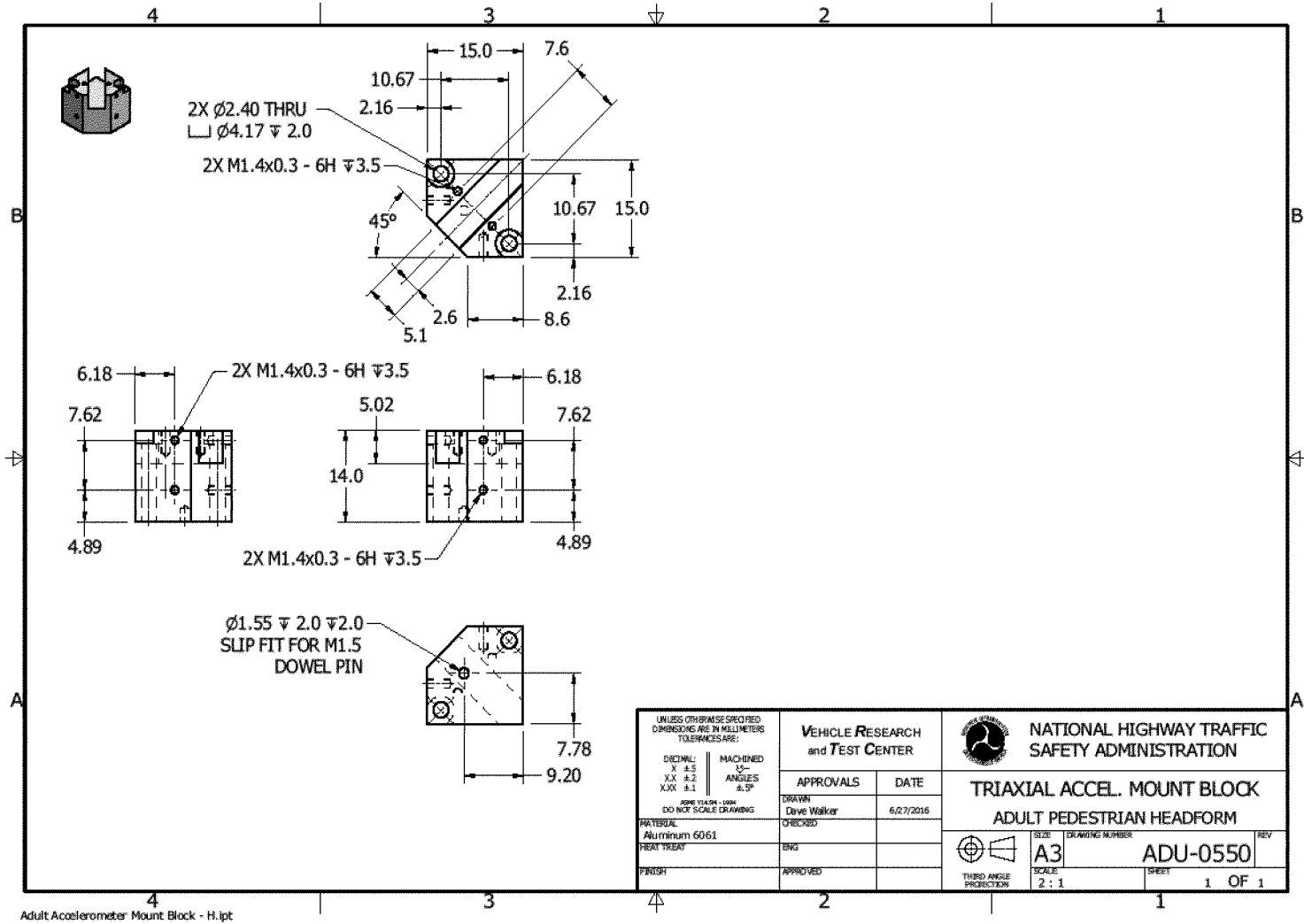


Figure 26 Adult Headform Drawing 7

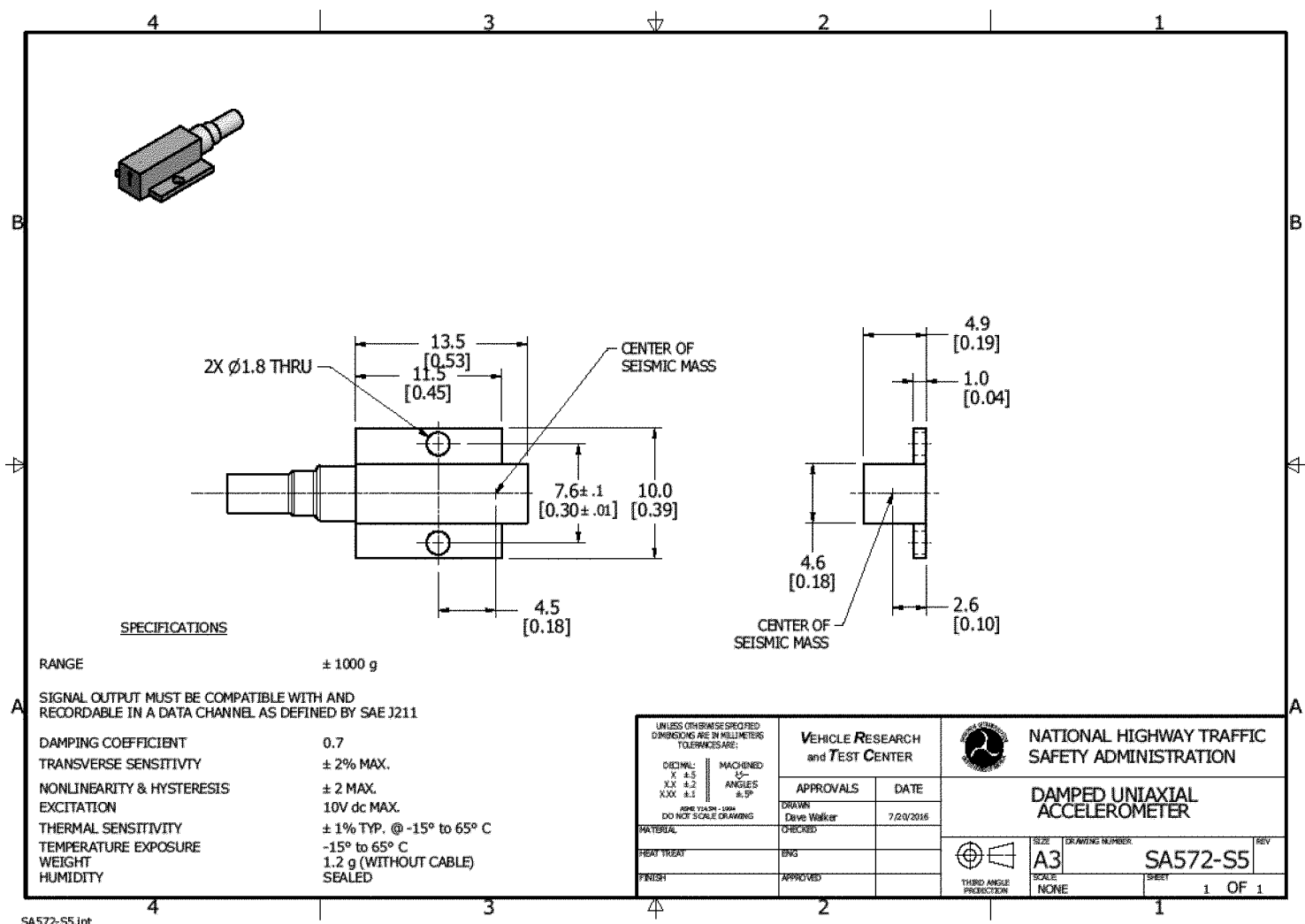


Figure 27. Uniaxial Accelerometer

Issued in Washington, DC, under authority delegated in 49 CFR 1.95 and 501.5.

Sophie Shulman,
Deputy Administrator.

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