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Contents

Federal Register

Vol. 89, No. 200

Wednesday, October 16, 2024

Agency for Healthcare Research and Quality
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 83499–83502

Agricultural Marketing Service
PROPOSED RULES
Formulas for Calculating Hourly and Unit Fees for Federal Grain Inspection Service Services; Correction, 83437

Agriculture Department
See Agricultural Marketing Service
See Forest Service
See Rural Business-Cooperative Service
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 83446–83447

Alcohol and Tobacco Tax and Trade Bureau
RULES
Establishment and Modification of Viticultural Area:
Crystal Springs of Napa Valley; Calistoga, 83431–83435

Bureau of Consumer Financial Protection
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 83467

Census Bureau
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Census Household Panel Topical 13 and Topical 14 Operations, 83455–83456

Centers for Disease Control and Prevention
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 83502–83504

Coast Guard
RULES
Drawbridge Operations:
Townsend Gut, Southport, ME, 83435–83436

Commerce Department
See Census Bureau
See Foreign-Trade Zones Board
See Industry and Security Bureau
See International Trade Administration
See National Oceanic and Atmospheric Administration

Education Department
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Impact Aid Discretionary Grant Application, 83468

Energy Department
See Federal Energy Regulatory Commission
NOTICES
Privacy Act; Systems of Records, 83468–83471

Environmental Protection Agency
NOTICES
Access by Contractor and Subcontractors to Confidential Business Information Submitted under Clean Air Act, Act to Prevent Pollution from Ships and the American Innovation and Manufacturing Act, 83494–83495
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
GreenChill Advanced Refrigeration Partnership, 83495–83496
Hearings, Meetings, Proceedings, etc.:
National Environmental Education Advisory Council, 83474
Pesticide Registration Maintenance Fee:
Product Cancellation Order for Certain Pesticide Registrations, 83474–83494

Federal Aviation Administration
RULES
Prohibition Against Certain Flights:
Baghdad Flight Information Region, 83421–83427
PROPOSED RULES
Airworthiness Directives:
Airbus Helicopters, 83437–83440
NOTICES
Environmental Assessments; Availability, etc.:
General Mitchell International Airport, Milwaukee, WI; Public Workshop, 83543–83544

Federal Deposit Insurance Corporation
NOTICES
Meetings; Sunshine Act, 83496–83497

Federal Energy Regulatory Commission
NOTICES
Combined Filings, 83471–83472
Environmental Assessments; Availability, etc.:
Idaho Power Co., 83474
Meetings; Sunshine Act, 83472–83474

Federal Highway Administration
NOTICES
Environmental Impact Statements; Availability, etc.:
I–15 Project; Farmington, UT to Salt Lake City, UT, 83544–83545

Federal Maritime Commission
NOTICES
Complaint:
TZ SSE Buyer, LLC, Complainant v. Yang Ming Marine Transport Corp., Respondent, 83497

Federal Mine Safety and Health Review Commission
NOTICES
Meetings; Sunshine Act, 83497

Federal Reserve System
NOTICES
Change in Bank Control:
Acquisitions of Shares of a Bank or Bank Holding Company, 83497–83498

Federal Transit Administration
NOTICES
Safety Advisory:
24–1; Proterra Bus/Phoenix Motorcars, 83545

Fish and Wildlife Service
NOTICES
Endangered and Threatened Species:
5-Year Status Reviews for Pacific Southwest Species, 83510–83514

Food and Drug Administration
NOTICES
Drug Products not Withdrawn from Sale for Reasons of Safety or Effectiveness:
Noxafil (Posaconazole) Delayed-Release Tablets, 100 Grams, 83504–83505

Foreign Assets Control Office
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Rough Diamonds Control Regulations, 83547–83548

Foreign-Trade Zones Board
NOTICES
Authorization of Production Activity:
Patheon Softgels, Foreign-Trade Zone 230, High Point, NC, 83456

Forest Service
NOTICES
Hearings, Meetings, Proceedings, etc.:
Davy Crockett-Sam Houston Resource Advisory Committee, 83447–83448
Wenatchee-Okanogan Resource Advisory Committee, 83448–83449

General Services Administration
NOTICES
Hearings, Meetings, Proceedings, etc.:
Federal Secure Cloud Advisory Committee, 83498–83499

Health and Human Services Department
See Agency for Healthcare Research and Quality
See Centers for Disease Control and Prevention
See Food and Drug Administration
See National Institutes of Health
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 83505–83506

Homeland Security Department
See Coast Guard
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Office of the Immigration Detention Ombudsman Intake Form, 83509–83510
Guidance:
Product Security Bad Practices, 83508–83509

Indian Affairs Bureau
NOTICES
Indian Gaming:
Approval by Operation of Law Tribal-State Class III Gaming Compact Amendment between the Stockbridge-Munsee Community and the State of Wisconsin, 83514

Industry and Security Bureau
RULES
License Exception Implemented Export Controls Eligible Items and Destinations, 83427–83428
Unverified List:
Additions and Removals, 83428–83431
NOTICES
Effectiveness of Licensing Procedures:
Export and Reexport of Agricultural Commodities to Cuba, 83456–83457
Hearings, Meetings, Proceedings, etc.:
Information Systems Technical Advisory Committee, 83457–83458

Institute of Museum and Library Services
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Public Libraries Survey Fiscal Year 2024 to Fiscal Year 2026, 83520–83521

Interior Department
See Fish and Wildlife Service
See Indian Affairs Bureau
See Land Management Bureau

Internal Revenue Service
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 83548–83549
Charter Amendments, Establishments, Renewals and Terminations:
Internal Revenue Service Advisory Council, 83548

International Trade Administration
NOTICES
Antidumping or Countervailing Duty Investigations, Orders, or Reviews:
Narrow Woven Ribbons with Woven Selvedge from the People's Republic of China, 83458

International Trade Commission
NOTICES
Complaint, 83516–83517
Investigations; Determinations, Modifications, and Rulings, etc.:
Glass Wine Bottles from China, 83515–83516

Joint Board for Enrollment of Actuaries
NOTICES
Hearings, Meetings, Proceedings, etc.:
Advisory Committee, 83517

Land Management Bureau
NOTICES
Requests for Nominations:
Resource Advisory Councils, 83514–83515

Management and Budget Office
NOTICES
Request for Information:
Executive Branch Agency Handling of Commercially Available Information Containing Personally Identifiable Information, 83517–83519

National Aeronautics and Space Administration
NOTICES
Hearings, Meetings, Proceedings, etc.:
Aerospace Safety Advisory Panel, 83519

Earth Science Advisory Committee, 83519–83520

National Foundation on the Arts and the Humanities
See Institute of Museum and Library Services

National Highway Traffic Safety Administration
NOTICES
Request for Information:
State Property Damage Only Data Collection Practices, 83545–83547

National Institutes of Health
NOTICES
Hearings, Meetings, Proceedings, etc.:
Center for Scientific Review, 83506–83507
National Institute of Allergy and Infectious Diseases, 83507–83508
National Institute on Drug Abuse, 83508

National Oceanic and Atmospheric Administration
RULES
Chumash Heritage National Marine Sanctuary, 83554–83600
PROPOSED RULES
Fisheries of the Northeastern United States:
2025 Specifications for the Summer Flounder, Scup, Black Sea Bass, and Bluefish Fisheries, 83440–83445
NOTICES
Taking or Importing of Marine Mammals:
Geophysical Surveys Related to Oil and Gas Activities in the Gulf of Mexico, 83464–83466
Pacific Gas and Electric Sediment Remediation Project, San Francisco Bay, 83459–83464

National Science Foundation
NOTICES
Meetings; Sunshine Act, 83521

National Transportation Safety Board
NOTICES
Performance Review Board Members, 83521

Nuclear Regulatory Commission
NOTICES
Environmental Assessments; Availability, etc.:
General Electric Hitachi; Vallecitos Boiling Water Reactor Developmental Power Reactor; Finding of No Significant Impact, 83521–83523

Personnel Management Office
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Leadership Assessment Surveys, 83523–83524

Rural Business-Cooperative Service
NOTICES
Funding Opportunity:
Rural Energy for America Program for Fiscal Years 2025, 2026, and 2027, 83449–83455

Securities and Exchange Commission
NOTICES
Self-Regulatory Organizations; Proposed Rule Changes:
MEMX, LLC, 83535–83541
Miami International Securities Exchange, LLC, 83529–83535
New York Stock Exchange LLC, 83527–83529
The Nasdaq Stock Market, LLC, 83524–83527

Small Business Administration
NOTICES
Disaster Declaration:
San Carlos Apache Tribe, 83542
San Carlos Apache Tribe; Public Assistance Only, 83542
South Carolina, 83541
South Carolina; Public Assistance Only, 83542–83543
Tennessee; Public Assistance Only, 83541

Surface Transportation Board
NOTICES
Exemption:
Trackage Rights; Norfolk Southern Railway Co., CSXT Transportation, Inc., 83543

Transportation Department
See Federal Aviation Administration
See Federal Highway Administration
See Federal Transit Administration
See National Highway Traffic Safety Administration

Treasury Department
See Alcohol and Tobacco Tax and Trade Bureau
See Foreign Assets Control Office
See Internal Revenue Service
NOTICES
Performance Review Board Members, 83549–83551

U.S. International Development Finance Corporation
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 83467–83468

Veterans Affairs Department
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Veterans Child Care Assistance Program, 83551–83552

Separate Parts In This Issue

Part II
Commerce Department, National Oceanic and Atmospheric Administration, 83554–83600

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

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CFR PARTS AFFECTED IN THIS ISSUE

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

7 CFR
Proposed Rules:
800.....83437

14 CFR
91.....83421
Proposed Rules:
39.....83437

15 CFR
740.....83427
744.....83428
922.....83554

27 CFR
9.....83431

33 CFR
117.....83435

50 CFR
Proposed Rules:
648.....83440

Rules and Regulations

Federal Register
Vol. 89, No. 200
Wednesday, October 16, 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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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 91

[Docket No.: FAA–2018–0927; Amdt. No. 91–353C]

RIN 2120–AL97

Extension of the Prohibition Against Certain Flights in the Baghdad Flight Information Region (FIR) (ORBB)

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

ACTION: Final rule.

SUMMARY: This action extends the prohibition against certain flight operations in the Baghdad Flight Information Region (FIR) (ORBB) at altitudes below Flight Level (FL) 320 by all: U.S. air carriers; U.S. commercial operators; persons exercising the privileges of an airman certificate issued by the FAA, except when such persons are operating U.S.-registered aircraft for a foreign air carrier; and operators of U.S.-registered civil aircraft, except when the operator of such aircraft is a foreign air carrier, for an additional three years, from October 26, 2024, to October 26, 2027. The FAA finds this action necessary to address the unacceptable level of risk to the safety of U.S. civil aviation operations in the Baghdad FIR (ORBB) at altitudes below FL320 from Iranian-aligned militia groups' (IAMGs') activities and third-party military operations that are not likely to be effectively deconflicted with civil aviation. The FAA also republishes the approval process and exemption information for this Special Federal Aviation Regulation (SFAR), consistent with other recently published flight prohibition SFARs.

DATES: This final rule is effective October 16, 2024.

FOR FURTHER INFORMATION CONTACT: Bill Petrak, Flight Standards Service, through the Washington Operations Center, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone (202) 267–3203; email *9-FAA-OverseasFlightProhibitions@faa.gov.*

SUPPLEMENTARY INFORMATION:

I. Executive Summary

This action extends the expiration date of SFAR No. 77, title 14 Code of Federal Regulations (14 CFR) 91.1605, from October 26, 2024, to October 26, 2027. SFAR No. 77, § 91.1605, prohibits certain flight operations in the Baghdad FIR (ORBB) at altitudes below FL320 by all: U.S. air carriers; U.S. commercial operators; persons exercising the privileges of an airman certificate issued by the FAA, except when such persons are operating U.S.-registered aircraft for a foreign air carrier; and operators of U.S.-registered civil aircraft, except when the operator of such aircraft is a foreign air carrier. The FAA finds this action necessary to address significant, unacceptable safety-of-flight risks to U.S. civil aviation in the Baghdad FIR (ORBB) at altitudes below FL320 due to IAMGs' activities and third-party military operations that are not likely to be effectively deconflicted with civil aviation. Consistent with other recently published flight prohibition SFARs, this action also republishes the approval process and exemption information for this flight prohibition SFAR.

II. Authority and Good Cause

A. Authority

The FAA is responsible for the safety of flight in the U.S. and for the safety of U.S. civil operators, U.S.-registered civil aircraft, and U.S.-certificated airmen throughout the world. Sections 106(f) and (g) of title 49, U.S. Code (U.S.C.), subtitle I, establish the FAA Administrator's authority to issue rules on aviation safety. Subtitle VII of title 49, Aviation Programs, describes in more detail the scope of the agency's authority. Section 40101(d)(1) provides that the Administrator shall consider in the public interest, among other matters, assigning, maintaining, and enhancing safety and security as the highest priorities in air commerce. Section 40105(b)(1)(A) requires the Administrator to exercise this authority consistently with the obligations of the U.S. Government under international agreements.

The FAA is promulgating this rule under the authority described in 49 U.S.C. 44701, General requirements. Under that section, the FAA is charged broadly with promoting safe flight of civil aircraft in air commerce by prescribing, among other things, regulations and minimum standards for practices, methods, and procedures that the Administrator finds necessary for safety in air commerce and national security.

This regulation is within the scope of the FAA's authority because it continues to prohibit the persons described in paragraph (a) of SFAR No. 77, § 91.1605, from conducting flight operations in the Baghdad FIR (ORBB) at altitudes below FL320 due to the continuing hazards to the safety of U.S. civil flight operations, as described in the preamble to this final rule.

B. Good Cause for Immediate Adoption

Section 553(b)(B) of title 5, U.S. Code, authorizes agencies to dispense with notice and comment procedures for rules when the agency for ''good cause'' finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Also, section 553(d) permits agencies, upon a finding of good cause, to issue rules with an effective date less than 30 days from the date of publication. In this instance, the FAA finds good cause to forgo notice and comment and the delayed effective date because they would be impracticable and contrary to the public interest.

Providing notice and the opportunity for the public to comment here would be impracticable. The FAA's flight prohibitions, and any amendments thereto, need to include appropriate boundaries that reflect the agency's current understanding of the risk environment for U.S. civil aviation. This allows the FAA to protect the safety of U.S. operators' aircraft and the lives of their passengers and crews without over-restricting or under-restricting U.S. operators' routing options. However, the risk environment for U.S. civil aviation in airspace managed by other countries with respect to safety of flight is fluid in circumstances involving fighting, violent extremist and militant activity, or periods of heightened tensions, particularly where weapons capable of targeting or otherwise negatively affecting U.S. civil aviation are or may

be present. This fluidity, and the potential for rapid changes in the risks to U.S. civil aviation, significantly limits how far in advance of a new or amended flight prohibition the FAA can usefully assess the risk environment. The delay that would be occasioned by providing an opportunity to comment on this action would significantly increase the risk that the resulting final action would not accurately reflect the current risks to U.S. civil aviation associated with the situation and thus would not establish boundaries for the flight prohibition commensurate with those risks.

While the FAA sought and responded to public comments, the boundaries of the area in which unacceptable risks to the safety of U.S. civil aviation existed might change due to: evolving military or political circumstances; violent extremist and militant group activity; the introduction, removal, or repositioning of more advanced anti-aircraft weapon systems; or other factors. As a result, if the situation improved while the FAA sought and responded to public comments, the rule the FAA finalized might be over-restrictive, unnecessarily limiting U.S. operators' routing options and potentially causing them to incur unnecessary additional fuel and operations-related costs, as well as potentially causing passengers to incur unnecessarily some costs attributed to their time. Conversely, if the situation deteriorated while the FAA sought and responded to public comments, the rule the FAA finalized might be under-restrictive, allowing U.S. civil aviation to continue operating in areas where unacceptable risks to their safety had developed. Such an outcome would endanger the safety of these aircraft, as well as their passengers and crews, exposing them to unacceptable risks of death, injury, and property damage that could occur if a U.S. operator's aircraft were shot down (or otherwise damaged) while operating in the Baghdad FIR (ORBB) at altitudes below FL320.

Alternatively, if the FAA made changes to the area in which U.S. civil aviation operations would be prohibited between a notice of proposed rulemaking and a final rule due to changed conditions, the version of the rule the public commented on would no longer reflect the FAA's current assessment of the risk environment for U.S. civil aviation.

In addition, seeking comment would be contrary to the public interest because some of the rational basis for the rulemaking is based upon classified information and controlled unclassified information not authorized for public release. In order to meaningfully provide comment on a proposal, the public would need access to the basis for the agency's decision-making, which the FAA cannot provide. Disclosing classified information or controlled unclassified information not authorized for public release in order to seek meaningful comment on the proposal would harm the public interest. Accordingly, the FAA meaningfully seeking comment on the proposal is contrary to the public interest.

Therefore, providing notice and the opportunity for comment would be impracticable as it would hinder the FAA's ability to maintain appropriate flight prohibitions based on up-to-date risk assessments of the risks to the safety of U.S. civil aviation operations in airspace managed by other countries. It would also be contrary to the public interest, as the FAA cannot protect classified information and controlled unclassified information not authorized for public release and meaningfully seek public comment.

For the same reasons discussed above, the potential safety impacts and the need for prompt action on up-to-date information that is not public would make delaying the effective date impracticable and contrary to the public interest.

Accordingly, the FAA finds good cause exists to forgo notice and comment and any delay in the effective date for this rule.

III. Background

On October 26, 2018, the FAA published a final rule in the **Federal Register** reissuing, with amendments to reflect then-current conditions in Iraq, SFAR No. 77, § 91.1605.[1] That rule prohibited certain flight operations in the Baghdad FIR (ORBB) at altitudes below FL260. On October 16, 2020, the FAA again extended and amended SFAR No. 77, § 91.1605, amending the flight prohibition from altitudes below FL260 to altitudes below FL320, based on an assessment of the then-current aviation safety risks.[2] In its 2022 final rule extending the prohibition against certain flights in the Baghdad FIR (ORBB) at altitudes below FL320,[3] the FAA assessed the situation in the Baghdad FIR (ORBB) at altitudes below FL320 continued to present an unacceptable risk to the safety of U.S. civil aviation. IAMGs had publicly threatened to attack coalition forces remaining in Iraq after December 31, 2020, and continued to demonstrate their capability and intent to attack U.S. and international interests in Iraq, as well as selected Iraqi government targets. That final rule described in more detail a series of attacks and attempted attacks against locations in Iraq, including but not limited to U.S. interests co-located with Baghdad International Airport (ORBI).

IAMGs also had access to unmanned aircraft systems (UAS) and anti-aircraft capable weapons systems, including the Iranian-produced 358 loitering hybrid surface-to-air missile (SAM) system, which presented inadvertent risks to the safety of U.S. civil aviation operations in the Baghdad FIR (ORBB) at altitudes below FL320 and at potentially targeted airports. IAMGs likely lacked the ability to conduct effective target identification and airspace de-confliction, increasing the risk of an accidental shootdown of a civil aircraft due to misidentification or miscalculation.

In addition, at the time of the 2022 final rule, the FAA remained concerned about cross-border military activity. Both Iran and Türkiye previously had conducted various no-notice cross-border operations striking targets in northern Iraq using a variety of weapons, including short-range ballistic missiles, rockets, and weaponized UAS. In general, unannounced third-party cross-border operations in the Baghdad FIR (ORBB) presented a low altitude safety-of-flight risk for aircraft flying in the vicinity of the targeted location(s) and for aircraft on the ground at airports co-located with, or in close proximity to, the intended targets. These activities also posed an airspace de-confliction challenge. Additionally, there continued to be an inadvertent risk to civil aviation operations in the Baghdad FIR (ORBB) from global positioning system (GPS) jammers.

IV. Discussion of the Final Rule

The FAA continues to assess the situation in the Baghdad FIR (ORBB) at altitudes below FL320 as presenting an unacceptable risk to the safety of U.S. civil aviation. The security environment in Iraq remains challenging due to the resumption of IAMGs' attack operations against U.S. and coalition forces in the region and attempted long-range attacks on Israeli interests originating from or transiting the Baghdad FIR (ORBB) since the October 2023 start of the Israel-Gaza conflict. In addition to the increased IAMG attack operations, third-party military forces have conducted

[1] *Prohibition Against Certain Flights in the Baghdad Flight Information Region (FIR) (ORBB)* final rule, 83 FR 53985 (Oct. 26, 2018).

[2] *Prohibition Against Certain Flights in the Baghdad Flight Information Region (FIR)* final rule, 85 FR 65686, (Oct. 16, 2020).

[3] *Extension of the Prohibition Against Certain Flights in the Baghdad Flight Information Region (FIR) (ORBB)* final rule, 87 FR 57384 (Sep. 20, 2022).

operations striking targets in northern Iraq, as well as launching weapons transiting the Baghdad FIR (ORBB) enroute to targets across the region as Iran-Israel tensions spiked in 2024.

Following the October 2023 start of the Israel-Gaza conflict, IAMGs operating from Iraq have launched numerous attacks targeting U.S. and coalition forces located across the region using a variety of weapons, from indirect fire weapons to weaponized UAS. Such attacks pose risks to civil aviation operations during low altitude phases of flight and to aircraft and infrastructure at targeted installations often collocated at airports or airfields in Iraq. IAMGs have also claimed responsibility for numerous attacks against Israel, launching missiles and weaponized UAS from Iraq, underscoring continued safety-of-flight risk concerns in the Baghdad FIR (ORBB) at altitudes below FL320.

Furthermore, IAMGs maintain access to a variety of anti-aircraft weapons systems, including man-portable air defense systems (MANPADS) and Iranian-produced loitering SAM systems. IAMGs claimed to have downed a U.S.-operated MQ–9 surveillance platform in mid-January 2024, likely using an Iranian-provided advanced anti-aircraft weapons system. This incident highlights potential non-state actor use of an advanced anti-aircraft weapons system, likely without full access to a complete airspace picture. This likely lack of a complete airspace picture—including civil aviation operations transiting north-south along heavily traveled international air routes over eastern Iraq—coupled with likely insufficient training on an advanced anti-aircraft weapons system, demonstrates the potential for significant inadvertent risk concerns for U.S. civil aviation operations in the Baghdad FIR (ORBB) at altitudes below FL320.

Since the 2022 extension of the SFAR, uncoordinated and often unannounced third-party military operations into Iraq or transiting the Baghdad FIR (ORBB) have also continued, including Turkish counter-Kurdistan Workers' Party (PKK) opposition operations in northern Iraq incorporating a variety of weapons systems. Recent negotiations between the Turkish and Iraqi governments may also pave the way for expanded Turkish military operations into northern Iraq. In January 2024, Iran launched attacks from western Iran on targets in northern Iraq and launched attacks transiting the Baghdad FIR (ORBB) enroute to targets in Syria. Prior to the Iranian cross-border operations, there was no NOTAM issued advising operators of the potential risks to civil aviation associated with the weapons activity, nor did Iraq issue a NOTAM during the Iranian weapons activity. In mid-April 2024, Iran launched hundreds of cruise and ballistic missiles and one-way attack UAS during a massive attempted retaliatory strike on Israel, with some of the launched weapons transiting the Baghdad FIR (ORBB) while enroute to the intended targets in Israel. The FAA acknowledges Iraq issued a NOTAM prior to the Iranian attempted strikes on Israel, mitigating the risks to civil aviation operations in that particular instance. However, Iraq has not consistently issued NOTAMs for previous third-party operations into the Baghdad FIR (ORBB). Furthermore, images posted to social media later in April appeared to show debris discovered south of Baghdad, possibly associated with an alleged Israeli counterstrike on Iran and underscoring the multifaceted risks of cross-border military operations to civil aviation operations in the Baghdad FIR (ORBB) at altitudes below FL320.

Therefore, as a result of the significant, continuing, unacceptable risks to the safety of U.S. civil aviation operations in the Baghdad FIR (ORBB) at altitudes below FL320, the FAA extends the expiration date of SFAR No. 77, § 91.1605, from October 26, 2024, until October 26, 2027.

Further amendments to SFAR No. 77, § 91.1605, might be appropriate if the risk to U.S. civil aviation safety and security changes. In this regard, the FAA will continue to monitor the situation and evaluate the extent to which persons described in paragraph (a) of this rule might be able to operate safely in the Baghdad FIR (ORBB) at altitudes below FL320.

The FAA also republishes the details concerning the approval and exemption processes in Sections V and VI of this preamble, consistent with other recently published flight prohibition SFARs, to enable interested persons to refer to this final rule for comprehensive information about requesting relief from the FAA from the provisions of SFAR No. 77, § 91.1605.

V. Approval Process Based on a Request From a Department, Agency, or Instrumentality of the United States Government

A. Approval Process Based on an Authorization Request From a Department, Agency, or Instrumentality of the United States Government

In some instances, U.S. Government departments, agencies, or instrumentalities may need to engage U.S. civil aviation to support their activities in the Baghdad FIR (ORBB) at altitudes below FL320. If a department, agency, or instrumentality of the U.S. Government determines that it has a critical need to engage any person described in paragraph (a) of SFAR No. 77, § 91.1605, including a U.S. air carrier or commercial operator, to transport civilian or military passengers or cargo or conduct other operations in the Baghdad FIR (ORBB) at altitudes below FL320, that department, agency, or instrumentality may request the FAA to approve persons described in paragraph (a) of SFAR No. 77, § 91.1605, to conduct such operations.

The requesting U.S. Government department, agency, or instrumentality must submit the request for approval to the FAA's Associate Administrator for Aviation Safety in a letter signed by an appropriate senior official of the requesting department, agency, or instrumentality.[4] The FAA will not accept or consider requests for approval from anyone other than the requesting U.S. Government department, agency, or instrumentality. In addition, the senior official signing the letter requesting FAA approval must be sufficiently positioned within the requesting department, agency, or instrumentality to demonstrate that the organization's senior leadership supports the request for approval and is committed to taking all necessary steps to minimize aviation safety and security risks to the proposed flights. The senior official must also be in a position to: (1) attest to the accuracy of all representations made to the FAA in the request for approval, and (2) ensure that any support from the requesting U.S. Government department, agency, or instrumentality described in the request for approval is in fact brought to bear and is maintained over time. Unless justified by exigent circumstances, requesting U.S. Government departments, agencies, or instrumentalities must submit requests for approval to the FAA no less than 30 calendar days before the date on which the requesting department, agency, or instrumentality wishes the operator(s) to commence the proposed operation(s).

The requestor must send the request to the Associate Administrator for Aviation Safety, Federal Aviation Administration, 800 Independence

[4] This approval procedure applies to U.S. Government departments, agencies, or instrumentalities; it does not apply to the public. The FAA describes this procedure in the interest of providing transparency with respect to the FAA's process for interacting with U.S. Government departments, agencies, or instrumentalities that seek to engage U.S. civil aviation to operate in the area in which this SFAR would prohibit their operations in the absence of specific FAA approval.

Avenue SW, Washington, DC 20591. Electronic submissions are acceptable, and the requesting entity may request that the FAA notify it electronically as to whether the FAA grants the request for approval. If a requestor wishes to make an electronic submission to the FAA, the requestor should contact the Washington Operations Center by telephone at (202) 267–3203 or by email at *9-FAA-OverseasFlightProhibitions@faa.gov* for submission instructions. The requestor must not submit its letter requesting FAA approval or related supporting documentation to the Washington Operations Center. Rather, the Washington Operations Center will refer the requestor to an appropriate staff member of the Flight Standards Service for further assistance.

A single letter may request approval from the FAA for multiple persons described in SFAR No. 77, § 91.1605, or for multiple flight operations. To the extent known, the letter must identify the person(s) the requester expects the SFAR to cover on whose behalf the U.S. Government department, agency, or instrumentality seeks FAA approval, and it must describe—

- The proposed operation(s), including the nature of the mission being supported;
- The service the person(s) covered by the SFAR will provide;
- To the extent known, the specific locations in the Baghdad FIR (ORBB) at altitudes below FL320 where the proposed operation(s) will occur, including, but not limited to, the flight path and altitude of the aircraft while it is operating in the Baghdad FIR (ORBB) at altitudes below FL320 and the airports, airfields, or landing zones at which the aircraft will take off and land; and
- The method by which the requesting department, agency, or instrumentality will provide, or how the operator will otherwise obtain, current threat information and an explanation of how the operator will integrate this information into all phases of the proposed operations (*i.e.,* the pre-mission planning and briefing, in-flight, and post-flight phases).

The request for approval must also include a list of operators with whom the U.S. Government department, agency, or instrumentality requesting FAA approval has a current contract(s), grant(s), or cooperative agreement(s) (or its prime contractor has a subcontract(s)) for specific flight operations in the Baghdad FIR (ORBB) at altitudes below FL320. The requestor may identify additional operators to the FAA at any time after the FAA issues its approval. Neither the operators listed in the original request, nor any operators the requestor subsequently seeks to add to the approval, may commence operations under the approval until the FAA issues them an Operations Specification (OpSpec) or Letter of Authorization (LOA), as appropriate, for operations in the Baghdad FIR (ORBB) at altitudes below FL320. The approval conditions discussed below apply to all operators. Requestors should contact the Washington Operations Center by telephone at (202) 267–3203 or by email at *9-FAA-OverseasFlightProhibitions@faa.gov* for instructions on how to submit the names of additional operators the requestor wishes to add to an existing approval to the FAA. The requestor must not submit the names of additional operators it wishes to add to an existing approval to the Washington Operations Center. Rather, the Washington Operations Center will refer the requestor to an appropriate staff member of the Flight Standards Service for further assistance.

If an approval request includes classified information or controlled unclassified information not authorized for public release, requestors may contact the Washington Operations Center for instructions on submitting it to the FAA. The Washington Operations Center's contact information appears in the **FOR FURTHER INFORMATION CONTACT** section of this final rule.

FAA approval of an operation under SFAR No. 77, § 91.1605, does not relieve persons subject to this SFAR of the responsibility to comply with all other applicable FAA rules and regulations. Operators of civil aircraft must comply with the conditions of their certificates, OpSpecs, and LOAs, as applicable. Operators must also comply with all rules and regulations of other U.S. Government departments, agencies, or instrumentalities that may apply to the proposed operation(s), including, but not limited to, regulations issued by the Transportation Security Administration.

B. Approval Conditions

If the FAA approves the request, the FAA's Aviation Safety organization will send an approval letter to the requesting U.S. Government department, agency, or instrumentality informing it that the FAA's approval is subject to all of the following conditions:

(1) The approval will stipulate those procedures and conditions that limit, to the greatest degree possible, the risk to the operator while still allowing the operator to achieve its operational objectives.

(2) Before any approval takes effect, the operator must submit to the FAA:

(a) A written release of the U.S. Government from all damages, claims, and liabilities, including without limitation legal fees and expenses, relating to any event arising out of or related to the approved operations in the Baghdad FIR (ORBB) at altitudes below FL320; and

(b) The operator's written agreement to indemnify the U.S. Government with respect to any and all third-party damages, claims, and liabilities, including without limitation legal fees and expenses, relating to any event arising out of or related to the approved operations in the Baghdad FIR (ORBB) at altitudes below FL320.

(3) Other conditions the FAA may specify, including those the FAA might impose in OpSpecs or LOAs, as applicable.

The release and agreement to indemnify do not preclude an operator from raising a claim under an applicable non-premium war risk insurance policy the FAA issues under chapter 443 of title 49, U.S. Code.

If the FAA approves the proposed operation(s), the FAA will issue an OpSpec or LOA, as applicable, to the operator(s) identified in the original request and any operators the requestor subsequently adds to the approval, authorizing them to conduct the approved operation(s). In addition, as stated in paragraph (3) of this section V.B., the FAA notes that it may include additional conditions beyond those contained in the approval letter in any OpSpec or LOA associated with a particular operator operating under this approval, as necessary in the interests of aviation safety. U.S. Government departments, agencies, and instrumentalities requesting FAA approval on behalf of entities with which they have a contract or subcontract, grant, or cooperative agreement should request a copy of the relevant OpSpec or LOA directly from the entity with which they have any of the foregoing types of arrangements, if desired.

VI. Information Regarding Petitions for Exemption

Any operations not conducted under an approval the FAA issues through the approval process set forth previously may only occur in accordance with an exemption from SFAR No. 77, § 91.1605. A petition for exemption must comply with 14 CFR part 11. The FAA will consider whether exceptional circumstances exist beyond those described in the approval process in the previous section. To determine whether a petition for exemption from the prohibition this SFAR establishes

fulfills the standards described in 14 CFR 11.81, the FAA consistently finds necessary the following information:

- The proposed operation(s), including the nature of the operation;
- The service the person(s) covered by the SFAR will provide;
- The specific locations in the Baghdad FIR (ORBB) at altitudes below FL320 where the proposed operation(s) will occur, including, but not limited to, the flight path and altitude of the aircraft while it is operating in the Baghdad FIR (ORBB) at altitudes below FL320 and the airports, airfields, or landing zones at which the aircraft will take off and land;
- The method by which the operator will obtain current threat information and an explanation of how the operator will integrate this information into all phases of its proposed operations (*i.e.,* the pre-mission planning and briefing, in-flight, and post-flight phases); and
- The plans and procedures the operator will use to minimize the risks, identified in this preamble, to the proposed operations to support the relief sought and demonstrate that granting such relief would not adversely affect safety or would provide a level of safety at least equal to that provided by this SFAR. The FAA has found comprehensive, organized plans and procedures of this nature to be helpful in facilitating the agency's safety evaluation of petitions for exemption from flight prohibition SFARs.

The FAA includes, as a condition of each such exemption it issues, a release and agreement to indemnify, as described previously.

The FAA recognizes that, with the support of the U.S. Government, the governments of other countries could plan operations that may be affected by SFAR No. 77, § 91.1605. While the FAA will not permit these operations through the approval process, the FAA will consider exemption requests for such operations on an expedited basis and in accordance with the order of preference set forth in paragraph (c) of SFAR No. 77, § 91.1605.

If a petition for exemption includes information that is sensitive for security reasons or proprietary information, requestors may contact the Washington Operations Center for instructions on submitting it to the FAA. The Washington Operations Center's contact information is listed in the **FOR FURTHER INFORMATION CONTACT** section of this final rule. Requestors must not submit their petitions for exemption or related supporting documentation to the Washington Operations Center. Rather, the Washington Operations Center will refer the requestor to the appropriate staff member of the Flight Standards Service or the Office of Rulemaking for further assistance.

VII. Severability

Congress authorized the FAA by statute to promote safe flight of civil aircraft in air commerce by prescribing, among other things, regulations and minimum standards for practices, methods, and procedures the Administrator finds necessary for safety in air commerce and national security. 49 U.S.C. 44701. Consistent with that mandate, the FAA is prohibiting certain persons from conducting flight operations in the Baghdad FIR (ORBB) at altitudes below FL320 due to the continuing hazards to the safety of U.S. civil flight operations. The purpose of this rule is to operate holistically in addressing a range of hazards and needs in the Baghdad FIR (ORBB) at altitudes below FL320. However, the FAA recognizes that certain provisions focus on unique factors. Therefore, the FAA finds that the various provisions of this final rule are severable and able to operate functionally if severed from each other. In the event a court were to invalidate one or more of this final rule's unique provisions, the remaining provisions should stand, thus allowing the FAA to continue to fulfill its Congressionally authorized role of promoting safe flight of civil aircraft in air commerce.

VIII. Regulatory Notices and Analyses

Federal agencies consider the impacts of regulatory actions under a variety of executive orders and other requirements. First, Executive Orders 12866, 13563, and 14094, direct that each Federal agency shall propose or adopt a regulation only upon a reasoned determination that the benefits of the intended regulation justify its costs. Second, the Regulatory Flexibility Act of 1980 (Pub. L. 96–354), as codified in 5 U.S.C. 603 *et seq.,* requires agencies to analyze the economic impact of regulatory changes on small entities. Third, the Trade Agreements Act of 1979 (Pub. L. 96–39), as codified in 19 U.S.C. Chapter 13, prohibits agencies from setting standards that create unnecessary obstacles to the foreign commerce of the United States. In developing U.S. standards, the Trade Agreements Act requires agencies to consider international standards and, where appropriate, that they be the basis of U.S. standards. Fourth, the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4), as codified in 2 U.S.C. Chapter 25, requires 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 $100 million or more annually (adjusted for inflation with base year of 1995). This portion of the preamble summarizes the FAA's analysis of the economic impacts of this final rule.

In conducting these analyses, the FAA has determined this final rule has benefits that justify its costs. This rule is a significant regulatory action, as defined in section 3(f) of Executive Order 12866 as amended by Executive Order 14094. As 5 U.S.C. 553 does not require notice and comment for this final rule, 5 U.S.C. 603 and 604 do not require regulatory flexibility analyses regarding impacts on small entities. This rule will not create unnecessary obstacles to the foreign commerce of the United States. This rule will not impose an unfunded mandate on State, local, or Tribal governments, or on the private sector, by exceeding the threshold identified previously.

A. Regulatory Evaluation

This rule continues to prohibit U.S. civil flights in the Baghdad FIR (ORBB) at altitudes below FL320 due to the significant hazards to U.S. civil aviation described in this preamble. The alternative flight routes result in some additional fuel and operations costs to the operators, as well as some costs attributed to passenger time. Accordingly, the incremental costs of the extension of this flight prohibition SFAR are minimal. By prohibiting unsafe flights, the benefits of this rule will exceed the minimal flight deviation costs. Therefore, the FAA finds that the incremental costs of extending SFAR No. 77, 14 CFR 91.1605, will be minimal and are exceeded by the benefits of avoided risks of deaths, injuries, and property damage that could occur if a U.S. operator's aircraft were shot down (or otherwise damaged) while operating in the Baghdad FIR (ORBB) at altitudes below FL320.

B. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA), in 5 U.S.C. 603, requires an agency to prepare an initial regulatory flexibility analysis describing impacts on small entities whenever 5 U.S.C. 553 or any other law requires an agency to publish a general notice of proposed rulemaking for any proposed rule. Similarly, 5 U.S.C. 604 requires an agency to prepare a final regulatory flexibility analysis when an agency issues a final rule under 5 U.S.C. 553 after that section or any other law requires publication of a general notice of proposed rulemaking.

The FAA concludes good cause exists to forgo notice and comment and to not delay the effective date for this rule. As 5 U.S.C. 553 does not require notice and comment in this situation, 5 U.S.C. 603 and 604 similarly do not require regulatory flexibility analyses.

C. International Trade Impact Assessment

The Trade Agreements Act of 1979 (Pub. L. 96–39) 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 this Act, 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 effect of this final rule and determined that its purpose is to protect the safety of U.S. civil aviation from risks to their operations in the Baghdad FIR (ORBB) at altitudes below FL320, a location outside the U.S. Therefore, the rule complies with the Trade Agreements Act of 1979.

D. Unfunded Mandates Assessment

Title II of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4) requires each Federal agency to prepare a written statement assessing the effects of any Federal mandate in a proposed or final agency rule that may result in an expenditure of $100 million or more (in 1995 dollars) in any one year by State, local, and Tribal governments, in the aggregate, or by the private sector; such a mandate is deemed to be a ''significant regulatory action.'' The FAA currently uses an inflation-adjusted value of $183 million in lieu of $100 million.

This final rule does not contain such a mandate. Therefore, the requirements of Title II of the Act do not apply.

E. Paperwork Reduction Act

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

F. International Compatibility and Cooperation

In keeping with U.S. obligations under the Convention on International Civil Aviation, the FAA's policy is to conform to International Civil Aviation Organization (ICAO) Standards and Recommended Practices to the maximum extent practicable. The FAA has determined no ICAO Standards and Recommended Practices correspond to this regulation. The FAA finds this action is fully consistent with the obligations under 49 U.S.C. 40105(b)(1)(A) to ensure the FAA exercises its duties consistently with the obligations of the United States under international agreements.

While the FAA's flight prohibition does not apply to foreign air carriers, DOT codeshare authorizations prohibit foreign air carriers from carrying a U.S. codeshare partner's code on a flight segment that operates in airspace for which the FAA has issued a flight prohibition for U.S. civil aviation. In addition, foreign air carriers and other foreign operators may choose to avoid, or be advised or directed by their civil aviation authorities to avoid, airspace for which the FAA has issued a flight prohibition for U.S. civil aviation.

G. Environmental Analysis

The FAA has analyzed this action under Executive Order 12114, Environmental Effects Abroad of Major Federal Actions, and DOT Order 5610.1C, Paragraph 16. Executive Order 12114 requires the FAA to be informed of environmental considerations and take those considerations into account when making decisions on major Federal actions that could have environmental impacts anywhere beyond the borders of the United States. The FAA has determined this action is exempt pursuant to Section 2–5(a)(i) of Executive Order 12114 because it does not have the potential for a significant effect on the environment outside the United States.

In accordance with FAA Order 1050.1F, Environmental Impacts: Policies and Procedures, paragraph 8–6(c), the FAA has prepared a memorandum for the record stating the reason(s) for this determination and has placed it in the docket for this rulemaking.

IX. Executive Order Determinations

A. Executive Order 13132, Federalism

The FAA has analyzed this rule under the principles and criteria of Executive Order 13132. The agency has determined 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. Therefore, this rule will not have federalism implications.

B. Executive Order 13211, Regulations that Significantly Affect Energy Supply, Distribution, or Use

The FAA analyzed this rule under Executive Order 13211. The agency has determined it is not a ''significant energy action'' under the executive order and will not be likely to have a significant adverse effect on the supply, distribution, or use of energy.

C. Executive Order 13609, Promoting International Regulatory Cooperation

Executive Order 13609 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.

X. Additional Information

A. Electronic Access

Except for classified and controlled unclassified material not authorized for public release, all documents the FAA considered in developing this rule, including economic analyses and technical reports, may be accessed from the internet through the docket for this rulemaking.

Those documents may be viewed online at *https://www.regulations.gov* using the docket number listed above. A copy of this 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 *https://www.federalregister.gov* and the Government Publishing Office's website at *https://www.govinfo.gov.* A copy may also be found on the FAA's Regulations and Policies website at *https://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.

B. Small Business Regulatory Enforcement Fairness Act

The Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA) (Pub. L. 104–121) (set forth as a note to 5 U.S.C. 601) requires 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 persons listed under the FOR FURTHER INFORMATION CONTACT heading at the beginning of the preamble. To find out more about SBREFA on the internet, visit *http://www.faa.gov/regulations_policies/rulemaking/sbre_act/.*

List of Subjects in 14 CFR Part 91

Air traffic control, Aircraft, Airmen, Airports, Aviation safety, Freight, Iraq.

The Amendment

In consideration of the foregoing, the Federal Aviation Administration amends chapter I of title 14, Code of Federal Regulations, as follows:

PART 91—GENERAL OPERATING AND FLIGHT RULES

■ 1. The authority citation for part 91 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g), 40101, 40103, 40105, 40113, 40120, 44101, 44111, 44701, 44704, 44709, 44711, 44712, 44715, 44716, 44717, 44722, 46306, 46315, 46316, 46504, 46506–46507, 47122, 47508, 47528–47531, 47534, Pub. L. 114–190, 130 Stat. 615 (49 U.S.C. 44703 note); articles 12 and 29 of the Convention on International Civil Aviation (61 Stat. 1180), (126 Stat. 11).

■ 2. Amend § 91.1605 by revising paragraph (e) to read as follows:

§ 91.1605 Special Federal Aviation Regulation No. 77—Prohibition Against Certain Flights in the Baghdad Flight Information Region (FIR) (ORBB).

* * * * *

(e) *Expiration.* This SFAR will remain in effect until October 26, 2027. The FAA may amend, rescind, or extend this SFAR, as necessary.

Issued in Washington, DC, under the authority of 49 U.S.C. 106(f), 40101(d)(1), 40105(b)(1)(A), and 44701(a)(5).

Michael Gordon Whitaker,

Administrator.

[FR Doc. 2024–23785 Filed 10–15–24; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

15 CFR Part 740

[Docket No. 240917–0241]

RIN 0694–AJ89

Updated License Exception Implemented Export Controls (IEC) Eligible Items and Destinations

AGENCY: Bureau of Industry and Security, Department of Commerce.

ACTION: Final rule.

SUMMARY: This rule revises the version date for the License Exception Implemented Export Controls (IEC) table posted on the Bureau of Industry and Security (BIS) website and replaces the long URL address for the table to a shorter and simpler URL address. BIS posted an updated table on September 17, 2024, that updated the eligible countries for License Exception IEC by adding Denmark, Finland, and Japan to appropriate items in the table.

DATES: This rule is effective October 16, 2024. The incorporation by reference of certain material listed in the rule is approved by the Director of the Federal Register as of October 16, 2024.

FOR FURTHER INFORMATION CONTACT: Office of National Security Controls, phone: 202–482–0092; email: *LicenseExceptionIEC@bis.doc.*

SUPPLEMENTARY INFORMATION:

Background

On August 27, 2024, the Office of the Federal Register approved an Incorporation By Reference (IBR) request submitted by BIS to post a table entitled ''License Exception Implemented Export Controls (IEC) eligible items and destinations'' on BIS' website. The table includes items and countries eligible for License Exception IEC, see § 740.24 of the EAR.

On September 5, 2024, BIS posted on its website updates to that table. The updates included changing the last modified date from ''August 27, 2024'' to ''September 5, 2024''; changing the eligibility date for all the rows from ''August 27, 2024'' to ''September 6, 2024'' (which was the date of publication for the rule entitled ''Commerce Control List Additions and Revisions; Implementation of Controls on Advanced Technologies Consistent with Controls Implemented by International Partners,'' RIN 0694–AJ60 (89 FR 72926)); and correcting the misspelling of ''eligibility'' in the table title.

On September 17, 2024, BIS posted on its website an update to the table that added Denmark, Finland to the table, and modified the entries for Japan on the table for appropriate item eligibility to match the implementation by these countries.

Finally, this rule revises paragraph (c) of § 740.24 by revising the last modified date to September 17, 2024, and changing the URL to a simpler address of *www.bis.gov/IEC.*

Export Control Reform Act of 2018

On August 13, 2018, the President signed into law the John S. McCain National Defense Authorization Act for Fiscal Year 2019, which included the Export Control Reform Act of 2018 (ECRA) (codified, as amended, at 50 U.S.C. 4801–4852). ECRA provides the legal basis for BIS's principal authorities and serves as the authority under which BIS issues this rule. In particular, and as noted elsewhere, Section 1753 of ECRA (50 U.S.C. 4812) authorizes the regulation of exports, reexports, and transfers (in-country) of items subject to U.S. jurisdiction. Further, Section 1754(a)(1)–(16) of ECRA (50 U.S.C. 4813(a)(1)–(16)) authorizes, inter alia, the establishment of a list of controlled items; the prohibition of unauthorized exports, reexports, and transfers (in-country) of controlled items; the requirement of licenses or other authorizations for exports, reexports, and transfers (in-country) of controlled items; apprising the public of changes in policy, regulations, and procedures; and any other action necessary to carry out ECRA that is not otherwise prohibited by law. Pursuant to Section 1762(a) of ECRA (50 U.S.C. 4821(a)), these changes can be imposed in a final rule without prior notice and comment.

Rulemaking Requirements

1. Executive Orders 12866, 13563, and 14094 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects and distributive impacts and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits and of reducing costs, harmonizing rules, and promoting flexibility. This final rule has not been designated a significant regulatory action under section 3(f) of Executive Order 12866, as amended by Executive Order 14094.

2. Notwithstanding any other provision of law, no person is required to respond to, nor shall any person be

subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) (PRA), unless that collection of information displays a currently valid Office of Management and Budget (OMB) Control Number. Although this rule makes important changes to the EAR for items controlled for national security reasons, the overall decreases in burdens and costs associated with the following information collections due to this rule are estimated to decrease the number of submissions by 50, which will not require revision of the current approved estimated time burdens for completing related submissions described below.

• 0694–0088, ''Simplified Network Application Processing System,'' which carries a burden- hour estimate of 29.6 minutes for a manual or electronic submission;

• 0694–0137 ''License Exceptions and Exclusions,'' which carries a burden-hour estimate average of 1.5 hours per submission (Note: submissions for License Exceptions are rarely required);

• 0694–0096 ''Five Year Records Retention Period,'' which carries a burden-hour estimate of less than 1 minute; and

• 0607–0152 ''Automated Export System (AES) Program,'' which carries a burden-hour estimate of 3 minutes per electronic submission.

Additional information regarding these collections of information—including all background materials—can be found at *https://www.reginfo.gov/public/do/PRAMain* and using the search function to enter either the title of the collection or the OMB Control Number.

3. This rule does not contain policies with federalism implications as that term is defined in Executive Order 13132.

4. Pursuant to section 1762 of ECRA (50 U.S.C. 4821), this action is exempt from the Administrative Procedure Act (APA) (5 U.S.C. 553) requirements for notice of proposed rulemaking, opportunity for public participation and delay in effective date.

5. Because a notice of proposed rulemaking and an opportunity for public comment are not required to be given for this rule by 5 U.S.C. 553, or by any other law, the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.,* are not applicable. Accordingly, no regulatory flexibility analysis is required, and none has been prepared.

List of Subjects for 15 CFR Parts 740

Administrative practice and procedure, Exports, Incorporation by reference, Reporting and recordkeeping.

Accordingly, part 740 of the Export Administration Regulations (15 CFR parts 730 through 774) is amended as follows:

PART 740—LICENSE EXCEPTIONS

■ 1. The authority citation for part 740 continues to read as follows:

Authority: 50 U.S.C. 4801–4852; 50 U.S.C. 4601 *et seq.;* 50 U.S.C. 1701 *et seq.;* 22 U.S.C. 7201 *et seq.;* E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783.

■ 2. Section 740.24 is amended by revising paragraph (c) to read as follows:

§ 740.24 Implemented Export Controls (IEC).

* * * * *

(c) *Incorporation by reference. License Exception Implemented Export Controls (IEC) Eligible Items and Destinations,* last modified September 17, 2024, is incorporated by reference into this section with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. This material is available for inspection at the BIS and at the National Archives and Records Administration (NARA). Contact BIS at: BIS Office of National Security Controls, phone: 202–482–0092; email: *LicenseExceptionIEC@bis.doc*; website: *www.bis.gov.* For information on the availability of this material at NARA, visit *www.archives.gov/federal-register/cfr/ibr-locations* or email *fr.inspection@nara.gov.* The material may be obtained from BIS and is available for inspection on the BIS website at *www.bis.gov/IEC.*

Thea D. Rozman Kendler,

Assistant Secretary for Export Administration.

[FR Doc. 2024–23814 Filed 10–15–24; 8:45 am]

BILLING CODE 3510–33–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

15 CFR Part 744

[Docket No. 241004–0262]

RIN 0694–AJ91

Revisions to the Unverified List

AGENCY: Bureau of Industry and Security, Department of Commerce.

ACTION: Final rule.

SUMMARY: The Bureau of Industry and Security (BIS) is amending the Export Administration Regulations (EAR) by adding eight persons to the Unverified List (UVL). Of the eight persons being added, three are under the destination of China, People's Republic of (China); two are under the destination of Germany; one is under the destination of Pakistan; and two are under the destination of Türkiye. BIS is also amending the EAR by removing two persons from the UVL. Of the two persons being removed, one is under the destination of Saudi Arabia, and the other is under the destination of China.

DATES: This rule is effective October 16, 2024.

FOR FURTHER INFORMATION CONTACT: Deniz Muslu, Director, Office of Enforcement Analysis, Phone: (202) 482–4255, Email: *UVLrequest@bis.doc.gov.*

SUPPLEMENTARY INFORMATION:

Background

The Unverified List (UVL), found in supplement no. 6 to part 744 of the EAR (15 CFR parts 730–774), contains the names and addresses of foreign persons who are or have been parties to a transaction, as described in § 748.5 of the EAR, involving the export, reexport, or transfer (in-country) of items subject to the EAR. These foreign persons are added to the UVL because BIS or federal officials acting on BIS's behalf were unable to verify their *bona fides* (*i.e.,* legitimacy and reliability relating to the end use and end user of items subject to the EAR) through the completion of an end-use check. Sometimes these checks, such as a pre-license check (PLC) or a post-shipment verification (PSV), cannot be completed satisfactorily for reasons outside the U.S. Government's control.

There are any number of reasons why these checks cannot be completed to the satisfaction of the U.S. Government. The reasons include, but are not limited to: (1) reasons unrelated to the cooperation of the foreign party subject to the end-use check (*e.g.,* BIS sometimes initiates end-use checks but is unable to complete them because the foreign party cannot be found at the address indicated on the associated export documents and BIS cannot contact the party by telephone or email); (2) reasons related to a lack of cooperation by a host government that fails to schedule and facilitate the completion of an end-use check (*e.g.,* a host government agencies' lack of responses to requests to conduct end-use checks, actions preventing the scheduling of such checks, or refusals to schedule checks in a timely manner); or (3) when, during the end-use check, a recipient of items subject to the EAR is

unable to produce the items that are the subject of the end-use check for visual inspection or provide sufficient documentation or other evidence to confirm the disposition of the items.

BIS's inability to confirm the *bona fides* of foreign persons subject to end-use checks raises concerns about the suitability of such persons as participants in future exports, reexports, or transfers (in-country) of items subject to the EAR; an inability to confirm *bona fides* also indicates a risk that such items may be diverted to prohibited end uses and/or end users. Under such circumstances, there may not be sufficient information to add the foreign person at issue to the Entity List (supplement no. 4 to part 744 of the EAR). Therefore, BIS may add the foreign person to the UVL.

As provided in § 740.2(a)(17) of the EAR, the use of license exceptions for exports, reexports, and transfers (in-country) involving a party or parties to the transaction who are listed on the UVL is suspended. Additionally, under § 744.15(b) of the EAR, there is a requirement for exporters, reexporters, and transferors to obtain (and maintain a record of) a UVL statement from a party or parties to a transaction who are listed on the UVL before proceeding with exports, reexports, and transfers (in-country) to such persons, when the items to be exported, reexported or transferred (in-country) are not subject to a license requirement. Finally, pursuant to § 758.1(b)(8), Electronic Export Information (EEI) must be filed in the Automated Export System (AES) for all exports of tangible items subject to the EAR where parties to the transaction, as described in § 748.5(d) through (f), are listed on the UVL.

Requests for the removal of a UVL entry must be made in accordance with § 744.15(d) of the EAR. Decisions regarding the removal or modification of UVL entry will be made by the Deputy Assistant Secretary for Export Enforcement, based on a demonstration by the listed person of their *bona fides.* As provided in § 744.15(c)(2) of the EAR, BIS will remove a person from the UVL when BIS is able to verify the *bona fides* of the listed person.

Additions to the UVL

This rule adds eight persons to the UVL by amending supplement no. 6 to part 744 of the EAR to include their names and addresses. BIS is adding these persons pursuant to § 744.15(c) of the EAR. This final rule implements the decision to add the following eight persons located in the following destinations to the UVL: Hengye Technology Co., Ltd.; Skytop Electronics Ltd.; and YXS Technology Co., Ltd., under the destination of China; Arabian Aviation Trade Group and Tiptrans Limited, under the destination of Germany; Marshal Traders, under the destination of Pakistan; and Pegasus Technic Services and Vast Polymers, Ambalaj Sanayi Ve Ticaret Limited Sirketi, under the destination of Türkiye.

Removals From the UVL

This rule removes two persons from the UVL because BIS was able to verify their *bona fides.* This rule removes the following two persons located in the following destinations from the UVL: Shengwei Technology Co., Ltd., under the destination of China; and Al Gihaz Co., Ltd. for Contracting and Trading, under the destination of Saudi Arabia. BIS is removing these persons pursuant to § 744.15(c)(2) of the EAR.

Export Control Reform Act of 2018

On August 13, 2018, the President signed into law the John S. McCain National Defense Authorization Act for Fiscal Year 2019, which included the Export Control Reform Act of 2018 (ECRA), 50 U.S.C. 4801–4852. ECRA provides the legal basis for BIS's principal authorities and serves as the authority under which BIS issues this final rule. In particular, section 1753 of ECRA (50 U.S.C. 4812) authorizes the regulation of exports, reexports, and transfers (in-country) of items subject to U.S. jurisdiction. Further, section 1754(a)(1)–(16) of ECRA (50 U.S.C. 4813(a)(1)–(16)) authorizes, inter alia, requiring measures for compliance with the export controls established under ECRA; requiring and obtaining such information from U.S. persons and foreign persons as is necessary to carry out ECRA; apprising the public of changes in policy, regulations, and procedures; and any other action necessary to carry out ECRA that is not otherwise prohibited by law. Pursuant to section 1762(a) of ECRA (50 U.S.C. 4821(a)), these changes can be imposed in a final rule without prior notice and comment.

Savings Clause

Shipments (1) that are removed from license exception eligibility or that are now subject to requirements in § 744.15 of the EAR as a result of this regulatory action; (2) that were eligible for export, reexport, or transfer (in-country) without a license before this regulatory action; and (3) that were on dock for loading, on lighter, laden aboard an exporting carrier, or enroute aboard a carrier to a port of export, on October 16, 2024, pursuant to actual orders, may proceed to that UVL listed person under the previous license exception eligibility or without a license and pursuant to the export clearance requirements set forth in part 758 of the EAR that applied prior to this person being listed on the UVL, so long as the items have been exported from the United States, reexported or transferred (in-country) before November 15, 2024. Any such items not actually exported, reexported or transferred (in-country) before midnight on November 15, 2024 are subject to the requirements in § 744.15 of the EAR in accordance with this rule.

Executive Order Requirements

Executive Orders 13563 and 12866 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distribute impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This final rule is not a ''significant regulatory action'' under Executive Order 12866.

This rule does not contain policies with federalism implications as that term is defined under Executive Order 13132.

Paperwork Reduction Act Requirements

Notwithstanding any other provision of law, no person is required to respond to, nor is subject to a penalty for failure to comply with, a collection of information, subject to the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) (PRA), unless that collection of information displays a currently valid Office of Management and Budget (OMB) Control Number.

The UVL additions contain collections of information approved by OMB under the following control numbers:

- OMB Control Number 0694–0088—Simple Network Application Process and Multipurpose Application Form
- OMB Control Number 0694–0122—Miscellaneous Licensing Responsibilities and Enforcement
- OMB Control Number 0694–0134—Entity List and Unverified List Requests,
- OMB Control Number 0694–0137—License Exemptions and Exclusions.

BIS believes that the overall increases in burdens and costs will be minimal

and will fall within the already approved amounts for these existing collections. Additional information regarding these collections of information—including all background materials—can be found at *https://www.reginfo.gov/public/do/PRAMain* by using the search function to enter either the title of the collection or the OMB Control Number.

Administrative Procedure Act and Regulatory Flexibility Act Requirements

Pursuant to section 1762 of ECRA (50 U.S.C. 4821), this action is exempt from the Administrative Procedure Act (5 U.S.C. 553) requirements for notice of proposed rulemaking and opportunity for public participation.

Further, no other law requires notice of proposed rulemaking or opportunity for public comment for this final rule. Because a notice of proposed rulemaking and an opportunity for public comment are not required under the Administrative Procedure Act or by any other law, the analytical requirements of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) are not applicable.

List of Subjects in 15 CFR Part 744

Exports, Reporting and recordkeeping requirements, Terrorism.

Accordingly, part 744 of the Export Administration Regulations (15 CFR parts 730 through 774) is amended as follows:

PART 744—CONTROL POLICY: END-USER AND END-USE BASED

■ 1. The authority citation for 15 CFR part 744 is revised to read as follows:

Authority: 50 U.S.C. 4801–4852; 50 U.S.C. 4601 *et seq.;* 50 U.S.C. 1701 *et seq.;* 22 U.S.C. 3201 *et seq.;* 42 U.S.C. 2139a; 22 U.S.C. 7201 *et seq.;* 22 U.S.C. 7210; E.O. 12058, 43 FR 20947, 3 CFR, 1978 Comp., p. 179; E.O. 12851, 58 FR 33181, 3 CFR, 1993 Comp., p. 608; E.O. 12938, 59 FR 59099, 3 CFR, 1994 Comp., p. 950; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13099, 63 FR 45167, 3 CFR, 1998 Comp., p. 208; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; E.O. 13224, 66 FR 49079, 3 CFR, 2001 Comp., p. 786; Notice of September 18, 2024, 89 FR 77011 (September 23, 2024).

■ 2. Supplement no. 6 to part 744 is amended:

■ a. Under CHINA, PEOPLE'S REPUBLIC OF, by:

■ i. Adding the entry, in alphabetical order, for ''Hengye Technology Co., Ltd.;''

■ ii. Removing the entry for ''Shengwei Technology Co., Ltd.;'' *and*

■ iii. Adding the entries, in alphabetical order, for ''Skytop Electronics Ltd.'' *and* ''YXS Technology Co., Ltd.;''

■ b. Under GERMANY, by adding entries, in alphabetical order, for ''Arabian Aviation Trade Group'' *and* ''Tiptrans Limited;''

■ c. Under PAKISTAN, by adding an entry, in alphabetical order, for ''Marshal Traders;''

■ d. Removing the entry for SAUDI ARABIA; *and*

■ e. Under TÜRKIYE, by adding an entry, in alphabetical order, for ''Pegasus Technic Services'' *and* ''Vast Polymers, Ambalaj Sanayi Ve Ticaret Limited Sirketi.''

The additions read as follows:

Supplement No. 6 to Part 744—Unverified List

* * * * *

Country	Listed person and address	**Federal Register** citation
*	* * * *	* *
CHINA, PEOPLES REPUBLIC OF.	* * * *	* *
	Hengye Technology Co., Ltd., 1602 Zhonghang Road, Dingcheng International Building, Futian District, Shenzhen, Guangdong, China.	89 FR [INSERT **FEDERAL REGISTER** PAGE NUMBER], October 16, 2024.
	* * * *	* *
	Skytop Electronics Ltd., Room 619, Park Fook Industrial Building, 615–617 Tai Nan West Street, Cheung Sha Wan, Kowloon, Hong Kong; *and* 7/F, MW Tower, 111 Bonham Strand, Sheung Wan, Hong Kong.	89 FR [INSERT **FEDERAL REGISTER** PAGE NUMBER], October 16, 2024.
	* * * *	* *
	YXS Technology Co., Ltd., Room 608, 6/F, West Tower, Fiyta Building, Huaqian North Street, Futian District, Shenzhen, Guangdong, China.	89 FR [INSERT **FEDERAL REGISTER** PAGE NUMBER], October 16, 2024.
	* * * *	* *
*	* * * *	* *
GERMANY	Arabian Aviation Trade Group, a.k.a. AAT, Wassmanstrasse 16, D30459 Hannover, Germany.	89 FR [INSERT **FEDERAL REGISTER** PAGE NUMBER], October 16, 2024.
	* * * *	* *
	Tiptrans Limited, Hauptstrasse 22, D02727 Neugersdorg, Germany	89 FR [INSERT **FEDERAL REGISTER** PAGE NUMBER], October 16, 2024.
	* * * *	* *
*	* * * *	* *
PAKISTAN	* * * *	* *
	Marshal Traders, Office-5, 41st Street, Block-H Soan Garden, Islamabad, Pakistan; *and* Magnum Arcade, Apt #207, 2nd Floor North Strip Federation Markaz, Islamabad, Pakistan.	89 FR [INSERT **FEDERAL REGISTER** PAGE NUMBER], October 16, 2024.
	* * * *	* *
TÜRKIYE	* * * *	* *
	Pegasus Technic Services, a.k.a. Pegasus Teknik Servis and Air Technic Services, OBA Mah. Karakuslar Sk. Berfin Sitesi, B Blok No: 2B No: 2 Alanya, Antalya, Türkiye.	89 FR [INSERT **FEDERAL REGISTER** PAGE NUMBER], October 16, 2024.
	* * * *	* *

Country	Listed person and address	Federal Register citation
	Vast Polymers, Ambalaj Sanayi Ve Ticaret Limited Sirketi, a.k.a. Novaroll, Atakoy 7–8–9–10, Kisim Mah. Cobancesme, E–5 Yan Yol Cad. A No: 22/1 Ic Kapi: 164 Bakirkoy, Istanbul, Türkiye.	89 FR [INSERT **FEDERAL REGISTER** PAGE NUMBER], October 16, 2024.
*	* * * * * * *	

Matthew S. Borman,

Principal Deputy Assistant Secretary for Strategic Trade and Technology Security.

[FR Doc. 2024–23638 Filed 10–15–24; 8:45 am]

BILLING CODE 3510–33–P

DEPARTMENT OF THE TREASURY

Alcohol and Tobacco Tax and Trade Bureau

27 CFR Part 9

[Docket No. TTB–2023–0002; T.D. TTB–197; Ref: Notice No. 221]

RIN 1513–AC78

Establishment of the Crystal Springs of Napa Valley Viticultural Area; Modification of the Calistoga Viticultural Area

AGENCY: Alcohol and Tobacco Tax and Trade Bureau, Treasury.

ACTION: Final rule; Treasury decision.

SUMMARY: The Alcohol and Tobacco Tax and Trade Bureau (TTB) establishes the approximately 4,000-acre ''Crystal Springs of Napa Valley'' American viticultural area (AVA) in Napa County, California. The newly-established AVA is located entirely within the existing North Coast and Napa Valley viticultural areas. TTB also is modifying the existing Calistoga AVA in response to comments received during the comment period. TTB designates viticultural areas to allow vintners to better describe the origin of their wines and to allow consumers to better identify wines they may purchase.

DATES: This final rule is effective November 15, 2024.

FOR FURTHER INFORMATION CONTACT: Karen A. Thornton, Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, 1310 G Street NW, Box 12, Washington, DC 20005; phone 202–453–1039, ext. 175.

SUPPLEMENTARY INFORMATION:

Background on Viticultural Areas

TTB Authority

Section 105(e) of the Federal Alcohol Administration Act (FAA Act), 27 U.S.C. 205(e), authorizes the Secretary of the Treasury to prescribe regulations for the labeling of wine, distilled spirits, and malt beverages. The FAA Act provides that these regulations should, among other things, prohibit consumer deception and the use of misleading statements on labels, and ensure that labels provide the consumer with adequate information as to the identity and quality of the product. The Alcohol and Tobacco Tax and Trade Bureau (TTB) administers the FAA Act pursuant to section 1111(d) of the Homeland Security Act of 2002, codified at 6 U.S.C. 531(d). The Secretary has delegated the functions and duties in the administration and enforcement of these provisions to the TTB Administrator through Treasury Order 120–01.

Part 4 of the TTB regulations (27 CFR part 4) authorizes TTB to establish definitive viticultural areas and regulate the use of their names as appellations of origin on wine labels and in wine advertisements. Part 9 of the TTB regulations (27 CFR part 9) sets forth standards for the preparation and submission to TTB of petitions for the establishment or modification of American viticultural areas (AVAs) and lists the approved AVAs.

Definition

Section 4.25(e)(1)(i) of the TTB regulations (27 CFR 4.25(e)(1)(i)) defines a viticultural area for American wine as a delimited grape-growing region having distinguishing features as described in part 9 of the regulations and, once approved, a name and a delineated boundary codified in part 9 of the regulations. These designations allow vintners and consumers to attribute a given quality, reputation, or other characteristic of a wine made from grapes grown in an area to the wine's geographic origin. The establishment of AVAs allows vintners to describe more accurately the origin of their wines to consumers and helps consumers to identify wines they may purchase. Establishment of an AVA is neither an approval nor an endorsement by TTB of the wine produced in that area.

Requirements

Section 4.25(e)(2) of the TTB regulations (27 CFR 4.25(e)(2)) outlines the procedure for proposing an AVA and allows any interested party to petition TTB to establish a grape-growing region as an AVA. Section 9.12 of the TTB regulations (27 CFR 9.12) prescribes standards for petitions to establish or modify AVAs. Petitions to establish an AVA must include the following:

- Evidence that the area within the proposed AVA boundary is nationally or locally known by the AVA name specified in the petition;
- An explanation of the basis for defining the boundary of the proposed AVA;
- A narrative description of the features of the proposed AVA affecting viticulture, such as climate, geology, soils, physical features, and elevation, that make the proposed AVA distinctive and distinguish it from adjacent areas outside the proposed AVA;
- If the proposed AVA is to be established within, or overlapping, an existing AVA, an explanation that both identifies the attributes of the proposed AVA that are consistent with the existing AVA and explains how the proposed AVA is sufficiently distinct from the existing AVA and therefore appropriate for separate recognition;
- The appropriate United States Geological Survey (USGS) map(s) showing the location of the proposed AVA, with the boundary of the proposed AVA clearly drawn thereon; and
- A detailed narrative description of the proposed AVA boundary based on USGS map markings.

Crystal Springs of Napa Valley Petition

TTB received a petition from Steven Burgess, president of Burgess Cellars, Inc., proposing to establish the ''Crystal Springs of Napa Valley'' AVA. Mr. Burgess submitted the petition on behalf of local vineyard owners and winemakers. The proposed AVA is located in Napa County, California, and lies entirely within the established North Coast (27 CFR 9.30) and Napa Valley (27 CFR 9.23) AVAs. Within the proposed AVA, there are approximately 30 commercial vineyards covering a total of approximately 230 acres. The distinguishing feature of the proposed Crystal Springs of Napa Valley AVA is its topography.

The petition describes the proposed AVA as an ''all hillside'' region with no

flat areas along the western face of the Vaca Range. Slope angles range from 15 to 40 percent within the proposed AVA and are generally west-to-southwesterly facing. According to the petition, west- and southwesterly-facing slopes receive larger amounts of solar radiation than north- and east-facing slopes. The higher solar radiation amounts can allow grapes to easily mature each growing season. Elevations in the proposed AVA range from 400 to 1,400 feet. According to the petition, the reason for limiting the proposed AVA to this range of elevations is that the 400-foot contour generally marks the transition point between the foothills of the Vaca Range and the floor of the Napa Valley. The lower foothills and valley floor are more susceptible to frosts than the elevations within the proposed AVA and, therefore, are more likely to need frost protection equipment in the vineyards. Additionally, the 1,400-foot contour along the northern boundary of the proposed AVA coincides with the southern boundary of the established Howell Mountain AVA (27 CFR 9.94). According to the petition, elevations over 1,400 feet are also more susceptible to frosts due to adiabatic cooling, also known as elevation cooling.

To the north of the proposed AVA, the elevations rise up to 2,200 feet within the established Howell Mountain AVA. The topography of the Howell Mountain AVA contains hillsides, like the proposed Crystal Springs of Napa Valley AVA, but also has a rolling, plateau-like feature at the summit. The region to the east of the proposed AVA has elevations like those of the proposed AVA, but the slopes have a more easterly to northeasterly exposure. South and west of the proposed AVA are the established St. Helena (27 CFR 9.149) and Calistoga (27 CFR 9.209) AVAs, which have lower elevations and include the flat lands along the floor of the Napa Valley. The petition describes slope angles within the established St. Helena AVA as mostly less than 5 percent, while the established Calistoga AVA is described as having ''a multitude of * * * slopes, from steep mountains to benchlands to fans, to flat valley floors to riparian habitats.''

Notice of Proposed Rulemaking and Comments Received

TTB published Notice No. 221 in the **Federal Register** on March 2, 2023 (88 FR 13072), proposing to establish the Crystal Springs of Napa Valley AVA. In the notice, TTB summarized the evidence from the petition regarding the name, boundary, and distinguishing feature of the proposed AVA. The notice also included the information from the petition comparing the distinguishing feature of the proposed AVA to the surrounding areas. For a detailed description of the evidence and for a detailed comparison of the proposed AVA to the surrounding areas, see Notice No. 221.

In Notice No. 221, TTB solicited comments on the accuracy of the name, boundary, and other required information submitted in support of the petition. In addition, given the proposed Crystal Springs of Napa Valley AVA's location within the North Coast and Napa Valley AVAs, TTB solicited comments on whether the evidence submitted in the petition sufficiently differentiates it from the established AVAs. TTB also requested comments on whether the features of the proposed AVA are so distinguishable from the established AVAs that the proposed AVA should no longer be part of one or the other, or both of, the established AVAs. The comment period originally closed May 1, 2023. TTB extended the comment period for an additional 60 days, until June 30, 2023, because of a request submitted during the comment period (comment 6). See Notice No. 221A, which published in the **Federal Register** on May 2, 2023 (88 FR 27420).

TTB received 15 comments in response to Notices No. 221 and 221A. However, one comment was submitted in duplicate, so only 14 comments are posted to the public docket. One comment (comment 6) requested a 90-day extension of the comment period. In response to the request, the petitioner submitted a comment (comment 8) expressing his opposition to a comment period extension. In Notice No. 221A, TTB agreed to extend the comment period for an additional 60 days.

Eight comments (comments 4, 5, 7, 9, 11, 12, 13, and 14) expressed support for the proposed AVA. Three of those comments (comments 4, 7, and 9) support the proposed AVA without suggesting any additional changes. Three of the supporting comments (comments 5, 11, 13, and 14) express support for the proposed AVA if certain changes to the boundary are made. These proposed changes, and TTB's response to the requests, are discussed later in this document. The original petitioner submitted a comment (comment 12) agreeing to the proposed boundary changes.

One comment (comment 1) does not specifically support or oppose the proposed AVA but instead expresses concern that an AVA designation would provide tax breaks for vineyard owners and other landowners within the area. The commenter also expressed concern that property taxes on other property owners in Napa County outside of the proposed AVA would increase to make up for the loss of tax revenue that tax breaks would cause. In response, the petitioner submitted a comment (comment 2) stating that California does not provide tax breaks for properties within an AVA. The comment goes on to say that ''property in California is subject to Proposition 13 which establishes a base year assessed value upon purchase or new construction,'' and the establishment of an AVA would not impact a property's ''factored base year assessed value''.

Property taxes and tax assessments are local matters and are outside TTB's authority and the scope of this proposed rulemaking document. TTB's establishment of an AVA through the federal rulemaking process does not in itself have a tax effect.

Comment 3 also does not specifically express support for or opposition to the proposed AVA. The comment includes a link to a newspaper article about the proposed Crystal Springs of Napa Valley AVA. The commenter notes that the article's writer frequently refers to the proposed AVA simply as ''Crystal Springs,'' and appears to be concerned that truncating the name could lead to confusion. Instead, the commenter states that the writer ''missed the opportunity to explain how an AVA that technically mentions another AVA in its name as Crystal Springs of Napa Valley might, does not lead to brand confusion.'' In Notice No. 221, TTB proposed that the name ''Crystal Springs of Napa Valley'' be recognized as a name of viticultural significance. As TTB stated in that notice, TTB is not proposing to make ''Crystal Springs'' standing alone a term of viticultural significance, due to the number of other locations in the United States. that are known simply as ''Crystal Springs.'' Therefore, in this final rule, TTB is finalizing its proposal that only the full AVA name may appear as an appellation of origin on wine labels.

One commenter (comment 10) claims to be the ''real owner of Chrystal [sic] Springs of Napa Valley'' but provided no explanation or supporting information. TTB notes that designation of an AVA does not confer or change ownership of property within the AVA, and that there is no ''owner'' of an AVA. Establishment of an AVA simply permits winemakers to provide additional information to consumers about the origin of the grapes used to make their wine, and providing that information is voluntary. Any winemaker may label their wines with the AVA name as an appellation of

origin if the wines meet the regulatory requirements for use of the AVA name. Furthermore, TTB notes that the Bureau has not identified any labels that use the name ''Crystal (or ''Chrystal'') Springs of Napa Valley.'' Therefore, TTB does not believe that establishment of the ''Crystal Springs of Napa Valley'' AVA will affect any wine industry member's use of their business name on their wine label, nor did any commenter indicate that establishing the AVA would have that affect.

Comment 13, submitted by Napa Valley Vintners (NVV), proposes several changes to the boundary of the proposed Crystal Springs of Napa Valley AVA. The first change would remove a partial overlap with the established St. Helena AVA. As originally proposed, the southernmost portion of the Crystal Springs of Napa Valley AVA boundary, which follows the 400-foot elevation contour, would partially overlap the St. Helena AVA. To remove the overlap, NVV suggests following the 400-foot elevation contour to the point where it meets the St. Helena city limits, which forms the boundary of the St. Helena AVA, and then following the city limits until they again intersect the 400-foot elevation. NVV notes that the St. Helena city limits are not shown on the 2015 USGS St. Helena quadrangle map the petitioner used to draw the proposed AVA boundary. Instead, NVV recommends using the version of the map that was used to create the St. Helena AVA boundary, which is the 1960 (revised 1993) version. Appellation St. Helena and the Crystal Springs of Napa Valley AVA petitioner both submitted comments supporting the proposed boundary change (comments 5 and 12, respectively). TTB agrees with the comments and is amending the proposed boundary to eliminate the partial overlap with the established St. Helena AVA and to utilize the version of the USGS map that shows the St. Helena city limits.

In comment 13, NVV also requested substituting the 1960 (revised 1993) version of the St. Helena quadrangle map for the 2015 version to avoid the appearance of a second partial overlap with the St. Helena AVA. NVV notes that the 1960 version of the map shows the 400-foot elevation contour extending into the Bell Canyon reservoir, while the 2015 version stops the elevation contour at the reservoir's dam. The NVV states that, as a result, the proposed Crystal Springs of Napa Valley's use of the 400-foot elevation contour for its boundary gives the appearance of a partial overlap with the St. Helena AVA at the reservoir. TTB notes that although the use of different versions of the map gives the appearance of a partial overlap, such an overlap does not actually exist because both the St. Helena AVA boundary description and the proposed AVA boundary description follow the 400-foot elevation contour. As such, even though the 2015 version of the map does not show the contour extending into the reservoir, the contour still exists, and the boundaries of both AVAs still follow it. As discussed earlier, TTB has agreed to adopt the older version of the map for the Crystal Springs of Napa Valley AVA boundary description in order to use the St. Helena city limits to remove another partial overlap. Adopting the older map will also eliminate any confusion about the location of the St. Helena and proposed Crystal Springs of Napa Valley AVAs' boundaries near the Bell Canyon reservoir.

Calistoga AVA Boundary Modification Comments

One comment (comment 11) requested a change to the proposed AVA boundary to fully include a vineyard, which is currently split between the proposed AVA and the established Calistoga AVA (27 CFR 9.209). The vineyard, known as the Crystal Springs Vineyard, sits along North Fork of Crystal Springs Road between the northwestern portion of the proposed AVA and the eastern portion of the Calistoga AVA. Approximately 11 acres of the vineyard are within the Calistoga AVA, and the remaining 6 acres are within the proposed Crystal Springs of Napa Valley AVA. The comment points out that the vineyard's name shows a current association with the proposed ''Crystal Springs of Napa Valley'' name. The comment also states that elevations within the vineyard are between 500 and 1,200 feet, which is within the range of elevations in the proposed AVA and higher than the floor of the Calistoga Valley, and it has a similar climate and hillside topography and soils as the proposed AVA.

The NVV comment (comment 13) also requests this boundary change and includes a letter from the Calistoga Wine Growers organization that supports the change. The NVV comment also suggests replacing the 2015 USGS Calistoga quadrangle map used to draw the proposed AVA with the 1997 version used to draw the original Calistoga AVA, to ensure that the proposed revisions to both boundaries refer to the same marked features and will align with the other maps used to make the remainder of the Calistoga AVA boundary. The proposed Crystal Springs of Napa Valley AVA petitioner also submitted a comment (comment 12) expressing support for these changes.

After reviewing the comments and related documents, TTB is making this change to the boundaries of the Calistoga AVA and the proposed Crystal Springs of Napa Valley AVA so that the Crystal Springs Vineyard is located entirely within the Crystal Springs of Napa Valley AVA.

TTB Determination

After careful review of the petition and the comments received in response to Notice No. 221, TTB finds that the evidence provided by the petitioner supports establishing the Crystal Springs of Napa Valley AVA with the boundary modifications requested in the comments. Accordingly, under the authority of the FAA Act, section 1111(d) of the Homeland Security Act of 2002, and parts 4 and 9 of the TTB regulations, TTB establishes the ''Crystal Springs of Napa Valley'' AVA in Napa County, California, effective 30 days from the publication date of this document. TTB is also modifying the boundary of the established Calistoga AVA, as requested during the comment period, effective 30 days from the publication of this document.

TTB has also determined that the Crystal Springs of Napa Valley AVA will remain part of the established North Coast and Napa Valley AVAs. As discussed in Notice No. 221, the Crystal Springs of Napa Valley AVA shares some broad characteristics with the established AVAs. For example, the proposed AVA is comprised of hillside slopes, which also occur in the North Coast and Napa Valley AVAs, and it also has a marine-influenced climate. However, the proposed AVA lacks flat valleys, which are common in both the North Coast and Napa Valley AVAs, and it is not as influenced by the ocean as the more coastal regions of the North Coast AVA.

Boundary Description

See the narrative description of the boundary of the Crystal Springs of Napa Valley AVA and the modified Calistoga AVA boundary in the regulatory text published at the end of this final rule.

Maps

The petitioners provided the required maps, and they are listed below in the regulatory text. The Crystal Springs of Napa Valley AVA boundary and the modified Calistoga AVA boundary may also be viewed on the AVA Map Explorer on the TTB website, at *https://www.ttb.gov/wine/ava-map-explorer.*

Impact on Current Wine Labels

Part 4 of the TTB regulations prohibits any label reference on a wine that indicates or implies an origin other than the wine's true place of origin. For a wine to be labeled with an AVA name or with a brand name that includes an AVA name, at least 85 percent of the wine must be derived from grapes grown within the area represented by that name, and the wine must meet the other conditions listed in 27 CFR 4.25(e)(3). If the wine is not eligible for labeling with an AVA name and that name appears in the brand name, then the label is not in compliance and the bottler must change the brand name and obtain approval of a new label. Similarly, if the AVA name appears in another reference on the label in a misleading manner, the bottler would have to obtain approval of a new label. Different rules apply if a wine has a brand name containing an AVA name that was used as a brand name on a label approved before July 7, 1986. See 27 CFR 4.39(i)(2) for details.

With the establishment of the Crystal Springs of Napa Valley AVA, its name, ''Crystal Springs of Napa Valley,'' will be recognized as a name of viticultural significance under § 4.39(i)(3) of the TTB regulations (27 CFR 4.39(i)(3)). The text of the regulation clarifies this point. Consequently, wine bottlers using the name ''Crystal Springs of Napa Valley'' in a brand name, including a trademark, or in another label reference as to the origin of the wine, will have to ensure that the product is eligible to use the AVA name as an appellation of origin. TTB is not designating ''Crystal Springs,'' standing alone, as a term of viticultural significance due to the number of locations in the United States and elsewhere known as ''Crystal Springs.''

The establishment of the Crystal Springs of Napa Valley AVA will not affect the existing North Coast or Napa Valley AVAs, and any bottlers using ''North Coast'' or ''Napa Valley'' as an appellation of origin or in a brand name for wines made from grapes grown within the North Coast or Napa Valley AVAs will not be affected by the establishment of this new AVA. The establishment of the Crystal Springs of Napa Valley AVA will allow vintners to use ''Crystal Springs of Napa Valley,'' ''Napa Valley,'' and ''North Coast'' as appellations of origin for wines made primarily from grapes grown within the Crystal Springs of Napa Valley AVA if the wines meet the eligibility requirements for these appellations.

After November 16, 2026, bottlers who use ''Calistoga'' as an appellation of origin on wines made primarily from grapes grown in the area that was removed from the Calistoga AVA will no longer be able to use ''Calistoga'' as an appellation of origin and would only be eligible to use ''Crystal Springs of Napa Valley,'' ''North Coast,'' ''Napa Valley,'' or a combination of these appellations as appellations of origin on those wines.

Regulatory Flexibility Act

TTB certifies that this regulation will not have a significant economic impact on a substantial number of small entities. The regulation imposes no new reporting, recordkeeping, or other administrative requirement. Any benefit derived from the use of an AVA name would be the result of a proprietor's efforts and consumer acceptance of wines from that area. Therefore, no regulatory flexibility analysis is required.

Executive Order 12866

It has been determined that this final rule is not a significant regulatory action as defined by Executive Order 12866, as amended. Therefore, no regulatory assessment is required.

Drafting Information

Karen A. Thornton of the Regulations and Rulings Division drafted this final rule.

List of Subjects in 27 CFR Part 9

Wine.

The Regulatory Amendment

For the reasons discussed in the preamble, TTB amends title 27, chapter I, part 9, Code of Federal Regulations, as follows:

PART 9—AMERICAN VITICULTURAL AREAS

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

Authority: 27 U.S.C. 205.

Subpart C—Approved American Viticultural Areas

■ 2. Amend § 9.209 by revising paragraphs (c)(8) and (9) to read as follows:

§ 9.209 Calistoga.

* * * * *

(c) * * *

(8) Follows the 400-foot contour line easterly approximately 0.6 mile to its intersection with the eastern edge of the Calistoga map, denoted by a north-south longitude line labeled as longitude 122 degrees, 30 minutes;

(9) Continues north along the longitude line approximately 0.5 mile to its intersection with the 880-foot contour line in section 2, T8N/R6W;

* * * * *

■ 3. Subpart C is amended by adding § 9.296 to read as follows:

§ 9.296 Crystal Springs of Napa Valley.

(a) *Name.* The name of the viticultural area described in this section is ''Crystal Springs of Napa Valley''. For purposes of part 4 of this chapter, ''Crystal Springs of Napa Valley'' is a term of viticultural significance.

(b) *Approved maps.* The two United States Geological Survey (USGS) 1:24,000 scale topographic maps used to determine the boundary of the viticultural area are titled:

(1) St. Helena, CA, 1960, revised 1993; and

(2) Calistoga, CA, 1997.

(c) *Boundary.* The Crystal Springs of Napa Valley viticultural area is located in Napa County, California. Within the boundary description that follows, the viticultural area encompasses all areas at or below 1,400 feet in elevation. The boundary of the Crystal Springs of Napa Valley viticultural area is as described as follows:

(1) The beginning point is on the St. Helena map at the intersection of Howell Mountain Road and White Cottage Road. From the beginning point, proceed southeasterly along Howell Mountain Road to its intersection with the St. Helena city limits in section 29, T8N/R5W; then

(2) Proceed west then south along the St. Helena city limits to its intersection with the 400-foot elevation contour along the western edge of section 29, T8N/R5W; then

(3) Proceed northwesterly along the 400-foot elevation contour to its intersection with the western edge of the St. Helena map, denoted by the north-south longitude line labeled as longitude 122 degrees, 30 minutes; then

(4) Proceed due north along the longitude line approximately 0.5 mile to its intersection with the 880-foot elevation contour in section 2, T8N/R6W; then

(5) Proceed northwesterly along the meandering 880-foot elevation contour, crossing onto the Calistoga map, and continuing along the elevation contour (with a brief return to the St. Helena map) to its intersection with Biter Creek in the section 34, T9N/R6W, on the Calistoga map; then

(6) Proceed northerly (upstream) along Biter Creek to its intersection with the 1,400-foot elevation contour; then

(7) Proceed southeasterly along the meandering 1,400-foot elevation

contour, crossing onto the St. Helena map, to the intersection of the elevation contour with White Cottage Road; then

(8) Proceed easterly along White Cottage Road for approximately 130 feet, returning to the beginning point.

Signed: October 4, 2024.

Mary G. Ryan,

Administrator.

Approved: October 7, 2024.

Aviva R. Aron-Dine,

Deputy Assistant Secretary, Tax Policy.

[FR Doc. 2024–23655 Filed 10–15–24; 8:45 am]

BILLING CODE 4810–31–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2024–0400]

RIN 1625–AA09

Drawbridge Operation Regulation; Townsend Gut, Southport, ME

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is temporarily revising the operating schedule that governs the Southport (SR27) Bridge at mile 0.7 across Townsend Gut between Boothbay Harbor and Southport, ME. This action is necessary to allow Maine Department of Transportation (ME DOT) to conduct rehabilitation of the bridge. During the effective period, the bridge will be unable to open to marine traffic due to an operational imbalance while the work is being conducted.

DATES: This rule is effective without actual notice from October 16, 2024, through 11:59 p.m. on May 30, 2025. For purposes of enforcement, actual notice will be used from 12:01 a.m. on September 30, 2024 through October 16, 2024.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *https://www.regulations.gov*. Type the docket number USCG–2024–0400 in the ''SEARCH'' box and click ''SEARCH''. In the Document Type column, select ''Supporting & Related Material.''

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Mr. Gary Croot, First Coast Guard District, Project Officer, telephone 206–815–1364, email *Gary.T.Croot@uscg.mil*.

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
DHS Department of Homeland Security
FR Federal Register
OMB Office of Management and Budget
NPRM Notice of Proposed Rulemaking (Advance, Supplemental)
§ Section
U.S.C. United States Code

II. Background Information and Regulatory History

On June 21, 2024, the Coast Guard published a notice of proposed rulemaking (NPRM), with a request for comments, entitled ''Drawbridge Operation Regulation; Townsend Gut, Southport, ME'', in the **Federal Register** (89 FR 51993), to seek your comments on whether the Coast Guard should consider temporarily modifying the current operating schedule to the Southport (SR27) Bridge. During the comment period which ended July 22, 2024, no public comments were received.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority 33 U.S.C. 499. The Southport Swing Bridge carries Maine State Route 27 across Townsend Gut at mile 0.7 between Boothbay Harbor, ME and Southport, ME. The bridge has a vertical clearance of 10.0 feet at Mean High Water and 52.0 feet horizontal clearance when in the closed position. Waterway users include recreational boaters and commercial fishing vessels.

The existing drawbridge operating regulation is 33 CFR 117.537 and requires the bridge to open on request, except that from April 29 through September 30, between 6 a.m. and 6 p.m. the draw shall open on signal on the hour and half hour only, after an opening request is given.

ME DOT requested a temporary change to the regulation to allow the bridge to remain in the closed to navigation position so they can conduct bridge rehabilitation which includes replacing the bridge deck, and electrical and mechanical systems upgrades. The bridge will be unable to open to marine traffic due to an operational imbalance while the work is being conducted.

IV. Discussion of Comments, Changes and the Final Rule

The public comment period opened on June 21, 2024, and closed on July 22, 2024. No public comments were received during the public comment period.

This temporary final rule will stay the current regulation in § 117.537, which requires the Southport (SR27) Bridge to open on request from October 1 through April 28. From April 29 through September 30, the bridge is required to open on request from 6 p.m. through 6 a.m. and on request on the hour and half hour only from 6 a.m. through 6 p.m. This temporary final rule adds a temporary regulation in § 117.T538 to allow the bridge to remain in the closed to navigation position from September 30, 2024 through May 30, 2025. Vessels that can pass under the bridge while in the closed position may do so. Vessels that are too large to pass under the bridge while in the closed position may navigate around Southport Island.

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.

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, it has not been reviewed by the Office of Management and Budget (OMB).

This regulatory action determination is based on the ability of vessels to use an alternate route. Vessels that are able to pass under the bridge while in the closed position may continue to do so.

B. Impact on Small Entities

The Regulatory Flexibility Act of 1980 (RFA), 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 received no comments from the Small Business Administration on this rule. 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 bridge may be small entities, for the reasons stated in section V.A above, this rule

will not have a significant economic impact on any vessel owner or operator.

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

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

C. Collection of Information

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

D. Federalism and Indian Tribal Government

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 Management Directive 023–01, Rev. 1, associated implementing instructions, and Environmental Planning Policy COMDTINST 5090.1 (series) which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f). The Coast Guard has 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 promulgates the operating regulations or procedures for drawbridges and is categorically excluded from further review, under paragraph L49, of Appendix A, Table 1of DHS Instruction Manual 023–01–001–01, Rev. 1.

Neither a Record of Environmental Consideration nor a Memorandum for the Record are required for this rule.

List of Subjects in 33 CFR Part 117

Bridges.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 117 as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

■ 1. The authority citation for part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 33 CFR 1.05–1; and DHS Delegation No. 00170.1, Revision No. 01.3.

§ 117.537 [Stayed]

■ 2. Stay § 117.537.

■ 3. Add § 117.T538 to read as follows:

§ 117.T538 Townsend Gut.

The draw of the Southport (SR27) Bridge at mile 0.7 across Townsend Gut between Boothbay Harbor and Southport, Maine is allowed to remain closed to navigation.

M.E. Platt,

Rear Admiral, U.S. Coast Guard, Commander, First Coast Guard District.

[FR Doc. 2024–23738 Filed 10–15–24; 8:45 am]

BILLING CODE 9110–04–P

Proposed Rules

Federal Register
Vol. 89, No. 200
Wednesday, October 16, 2024

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 800

[Doc. No. AMS–FGIS–24–0027]

RIN 0581–AE31

Formulas for Calculating Hourly and Unit Fees for FGIS Services; Correction

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

ACTION: Notice of proposed rulemaking; correction.

SUMMARY: The Agricultural Marketing Service (AMS), Federal Grain Inspection Service (FGIS or Service) published a proposed rulemaking in the **Federal Register** of October 8, 2024, concerning amendments to its user fee regulations to establish standardized formulas the agency would use to calculate hourly and unit fees. This document will correct the Regulation Identifier Number (RIN) used in the proposed rule.

DATES: Comments are due on or before November 22, 2024.

FOR FURTHER INFORMATION CONTACT: Denise Ruggles, Executive Program Analyst, USDA, AMS, FGIS, Telephone: 816–702–3897, Email: *Denise.M.Ruggles@usda.gov*; or Anthony Goodeman, Senior Policy Advisor, USDA, AMS, FGIS, Telephone: 202–720–2091, Email: *Anthony.T.Goodeman@usda.gov*.

SUPPLEMENTARY INFORMATION:

Correction

In the proposed rulemaking FR Doc. 2024–23192, on page 81396 in the issue of October 8, 2024, making the following correction in the preamble header. On page 81396, in the first column, correct the RIN to read: ''0581–AE31.''

Melissa Bailey,

Associate Administrator, Agricultural Marketing Service.

[FR Doc. 2024–23793 Filed 10–15–24; 8:45 am]

BILLING CODE P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2024–2332; Project Identifier MCAI–2022–01479–R]

RIN 2120–AA64

Airworthiness Directives; Airbus Helicopters

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 Airbus Helicopters Model AS332C, AS332C1, AS332L, AS332L1, AS332L2, AS355E, AS355F, AS355F1, AS355F2, AS355N, AS355NP, AS–365N2, AS 365 N3, EC 155B, EC155B1, EC225LP, SA–365N, and SA–365N1 helicopters. This proposed AD was prompted by a report of an unintentional activation of the hoist shear-button (shear-button) on the collective pitch handle during a night flight. This proposed AD would require checking the operation of the shear-button safety-cap on each applicable collective pitch handle and prohibit installing certain part-numbered collective pitch handles or collective sticks with those part-numbered collective pitch handles installed unless certain requirements are met. The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this NPRM by December 2, 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–2024–2332; 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.

Related Material: For Airbus Helicopters material identified in this AD, contact Airbus Helicopters, 2701 North Forum Drive, Grand Prairie, TX 75052; phone: (972) 641–0000 or (800) 232–0323; fax: (972) 641–3775; or at *airbus.com/en/products-services/helicopters/hcare-services/airbusworld*.

FOR FURTHER INFORMATION CONTACT: Dan McCully, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: (404) 474–5548; email: *william.mccully@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under **ADDRESSES**. Include ''Docket No. FAA–2024–2332; Project Identifier MCAI–2022–01479–R'' at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this proposal because of those comments.

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

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Dan McCully, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: (404) 474–5548; email: *william.mccully@faa.gov.* Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

The European Union Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2022–0220, dated November 16, 2022 (EASA AD 2022–0020), to correct an unsafe condition on Airbus Helicopters Model AS 355 E, AS 355 F, AS 3555 F1, AS 355 F2, AS 355 N, AS 355 NP, SA 365 N, SA 365 N1, AS 365 N2, AS 365 N3, EC 155 B, EC 155 B1, AS 332 C, AS 332 C1, AS 332 L, AS 332 L1, AS 332 L2, and EC 225 LP helicopters, all serial numbers equipped with hoist provisions (hoist fixed parts).

EASA AD 2022–0020 advises of a report of an inadvertent activation of the shear-button on a collective pitch handle. EASA AD 2022–0020 states this occurred during a night flight when the pilot was turning on the headlight adjacent to the shear-button, which is protected by a safety-cap that is fitted with a spring. Additionally, EASA AD 2022–0220 states that further investigation determined aging of the spring may have led to improper functioning of the safety-cap.

Accordingly, EASA AD 2022–0220 requires accomplishing an operational check of the shear-button safety-cap of each applicable collective pitch handle and, depending on the results, replacing the spring or deferring replacement of the spring by fabricating and installing a placard prohibiting use of the hoist during night flights, informing all flight crew, and operating the helicopter accordingly. EASA AD 2022–0220 also prohibits installing certain part-numbered collective pitch handles or certain part-numbered collective sticks with those part-numbered collective pitch handles installed unless the operational check and as applicable, corrective action is done, or it is a new collective pitch handle.

You may examine EASA AD 2022–0220 in the AD docket at *regulations.gov* under Docket No. FAA–2024–2332.

Related Material

The FAA reviewed Airbus Helicopters Alert Service Bulletin (ASB) AS332–25.03.97, Revision 0, dated October 4, 2022; Airbus Helicopters ASB AS355–25.01.38, Revision 0, dated October 4, 2022; Airbus Helicopters ASB AS365–25.01.91, Revision 1, dated November 3, 2022; Airbus Helicopters ASB EC155–25A160, Revision 0, dated October 4, 2022; and Airbus Helicopters ASB EC225–25A293, Revision 0, dated October 4, 2022. This material specifies procedures for inspecting the spring of the shear-button safety-cap on the collective pitch handle to determine whether the safety-cap maintains either in a fully closed or fully open position. Depending on the results, this material specifies procedures for replacing an affected spring or attaching a label (placard) to prohibit night flights.

FAA's Determination

These products have been approved by the aviation authority of another country and are approved for operation in the United States. Pursuant to the FAA's bilateral agreement with this State of Design Authority, it has notified the FAA of the unsafe condition described in its AD. The FAA is issuing this NPRM after determining that the unsafe condition described previously is likely to exist or develop on other products of these same type designs.

Proposed AD Requirements in This NPRM

This proposed AD would require checking the spring of the collective pitch handle for correct positioning of the shear-button safety-cap and, depending on the results, replacing the spring or deferring replacement of the spring and installing a placard and prohibiting night flying during the deferment. The owner/operator (pilot) holding at least a private pilot certificate may perform the check and must enter compliance with the applicable paragraphs of the proposed AD into the helicopter maintenance records in accordance with 14 CFR 43.9(a) and 91.417(a)(2)(v). The pilot may perform this check because it only involves lifting the safety-cap and verifying whether it automatically returns to an intended position. This check could be performed equally well by a pilot or a mechanic. This is an exception to the FAA's standard maintenance regulations.

This proposed AD would also prohibit installing certain part-numbered collective pitch handles or collective sticks with those part-numbered collective pitch handles installed unless the operational check and, as applicable, corrective action, is done, or it is a new collective pitch handle.

Differences Between This Proposed AD and EASA AD 2022–0220

EASA AD 2022–0220 specifies a one-time inspection of the spring, whereas this proposed AD would require repetitively inspecting the spring at intervals not to exceed 12 months time-in-service.

EASA AD 2022–0220 allows deferring replacement of a deficient spring provided that a placard prohibiting use of the hoist at night is installed, all flight crew are informed and, thereafter, that the helicopter is operated accordingly, whereas this proposed AD would not require informing any flight crew. Compliance with such requirements in an AD is impracticable to demonstrate or track on an ongoing basis; therefore, an AD requirement to inform all flight crew is unenforceable.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 66 helicopters of U.S. Registry. Labor rates are estimated at $85 per work-hour. Based on these numbers, the FAA estimates the following costs to comply with this proposed AD.

Checking each safety-cap would take 1 work-hour for an estimated cost of up to $85 per helicopter and $5,610 for the U.S. fleet, per check cycle.

If required, replacing a spring would take 1 work-hour and parts would cost $25 for an estimated cost of $110 per replacement.

Fabricating and installing a placard would take 0.5 work-hour and parts would cost $25 for an estimated cost of $68 per helicopter.

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:

Airbus Helicopters: Docket No. FAA–2024–2332; Project Identifier MCAI–2022–01479–R.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by December 2, 2024.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Airbus Helicopters AS332C, AS332C1, AS332L, AS332L1, AS332L2, AS355E, AS355F, AS355F1, AS355F2, AS355N, AS355NP, AS–365N2, AS 365 N3, EC 155B, EC155B1, EC225LP, SA–365N, and SA–365N1 helicopters, certificated in any category, with a collective pitch handle installed on a pilot or co-pilot collective stick having part number (P/N) 704A41–1100–42, 704A41–1100–50, 704A41–1100–56, 704A41–1100–57, 704A41–1100–60, 704A41–1100–67, 704A41–1100–68, 704A41–1100–97, 704A41–1100–98, 704A41–1100–99, 704A41–1101–14, 704A41–1101–30, or 704A41–1101–32, as applicable to your model helicopter.

(d) Subject

Joint Aircraft System Component (JASC) Code: 2510, Flight compartment equipment.

(e) Unsafe Condition

This AD was prompted by a report of an unintentional activation of the hoist shear-button on the collective pitch handle during a night flight. The FAA is issuing this AD to detect and address fatigue of the spring in the hoist shear-button safety-cap on the left and right collective pitch handles. The unsafe condition, if not addressed, could result in an unintended shearing of the hoist cable and subsequent injury to the hoisted person.

(f) Compliance

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

(g) Required Actions

(1) For helicopters identified in paragraph (c) of this AD that have a hoist installed, within 50 hours time-in-service (TIS) after the effective date of this AD, and thereafter at intervals not to exceed 12 months TIS, check the operation of the hoist shear-button safety-cap on each applicable collective pitch handle by accomplishing the actions required by paragraphs (g)(1)(i) through (iii) of this AD, as applicable. The owner/operator (pilot) holding at least a private pilot certificate may perform the checks required by paragraphs (g)(1)(i) through (iii) of this AD and must enter compliance with these paragraphs into the helicopter 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.

(i) Place your thumb under the safety-cap and lift the safety-cap to a less-than halfway position. Remove your thumb and verify that the safety-cap goes to the fully open position or that the safety-cap returns to the fully closed position. Repeat these actions no less than two more times. If the safety-cap stays in the less-than halfway position, or the safety-cap does not fully close or fully open during any instance of the actions required by this paragraph, before further flight, a person authorized under 14 CFR 43.3 must accomplish the actions required by paragraph (g)(2) of this AD.

(ii) Place your thumb under the safety-cap and lift the safety-cap to a halfway position. Remove your thumb and verify that the safety-cap goes to the fully open position or that the safety-cap returns to the fully closed position. Repeat these actions no less than two more times. If the safety-cap stays in the halfway position, or the safety-cap does not fully close or fully open during any instance of the actions required by this paragraph, before further flight, a person authorized under 14 CFR 43.3 must accomplish the actions required by paragraph (g)(2) of this AD.

(iii) Place your thumb under the safety-cap and lift the safety-cap to a more-than halfway position. Remove your thumb and verify the safety-cap goes to the fully open position or that the safety-cap returns to the fully closed position. Repeat these actions no less than two more times. If the safety-cap stays in the more-than halfway position, or the safety-cap does not fully close or fully open during any instance of the actions required by this paragraph, before further flight, a person authorized under 14 CFR 43.3 must accomplish the actions required by paragraph (g)(2) of this AD.

(2) If the safety-cap stays in the less-than halfway, halfway, or more-than halfway position, or the safety-cap does not fully close or fully open during any of instance of the actions required by paragraphs (g)(1)(i) through (iii) of this AD, before further flight, remove the spring from service and replace it with an airworthy spring.

(3) As an alternative to replacing the spring as required by paragraph (g)(2) of this AD, accomplish the actions required by paragraphs (g)(3)(i) and (ii) of this AD.

(i) Before further flight, fabricate a placard with a font size greater than or equal to 4 mm (.157 in), stating the following: ''NIGHT HOIST OPERATIONS PROHIBITED''. The placard must have a red background with white font color or a white background with red font color. The placard must not be erasable and must be attached to the instrument panel, visible to the pilot and co-pilot.

(ii) Within 150 hours TIS after accomplishing the actions required by paragraph (g)(3)(i) of this AD, remove the spring of the safety-cap from service and replace it with an airworthy spring, and remove the placard from service.

(4) For helicopters identified in paragraph (c) of this AD that do not have a hoist installed, before installation of a hoist's removable parts on the helicopter, accomplish the check and as applicable, corrective action, required by paragraphs (g)(1) through (3) of this AD.

(h) Parts Installation Limitations

As of the effective date of this AD, do not install on any helicopter a collective pitch handle having a P/N identified in paragraph (c) of this AD, or any pilot or co-pilot collective stick with a collective pitch handle having a P/N identified in paragraph (c) of

this AD installed, unless the check and as applicable, corrective action, required by paragraphs (g)(1) and (2) of this AD have been done or the collective pitch handle is new (zero total hours TIS).

(i) Alternative Methods of Compliance (AMOCs)

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

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

(j) Related Information

For more information about this AD, contact Dan McCully, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: (404) 474–5548; email: *william.mccully@faa.gov.*

(k) Material Incorporated by Reference

None.

Issued on October 9, 2024.

Steven W. Thompson,

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

[FR Doc. 2024–23796 Filed 10–15–24; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 241009–0267]

RTID 0648–XE226

Fisheries of the Northeastern United States; 2025 Specifications for the Summer Flounder, Scup, Black Sea Bass, and Bluefish Fisheries

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

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS proposes 2025 specifications for the summer flounder, scup, black sea bass, and bluefish fisheries. The implementing regulations for the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan and the Bluefish Fishery Management Plan require us to publish specifications for the upcoming fishing year for each of these species and to provide an opportunity for public comment. The proposed specifications establish allowable harvest levels for these species that will prevent overfishing, consistent with the most recent scientific information.

DATES: Comments must be received on or before October 31, 2024.

ADDRESSES: A plain language summary of this proposed rule is available at *https://www.regulations.gov/docket/NOAA-NMFS-2024-0117.* You may submit comments on this document, identified by NOAA–NMFS–2024–0117, by the following method:

- *Electronic Submission:* Submit all electronic public comments via the Federal e-Rulemaking Portal. Visit *https://www.regulations.gov* and type NOAA–NMFS–2024–0117 in the Search box. Click on the ''Comment'' icon, complete the required fields, and enter or attach your comments.

Instructions: Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are a part of the public record and will generally be posted for public viewing on *https://www.regulations.gov* without change. All personal identifying information (*e.g.,* name, address, *etc.*), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter ''N/A'' in the required fields if you wish to remain anonymous).

A Supplemental Information Report (SIR) was prepared for the 2025 black sea bass specifications. Environmental Assessments (EA) were prepared for the 2024 and projected 2025 summer flounder and scup specifications and 2024 and projected 2025 bluefish specifications. Copies of the EAs are available on request from Dr. Christopher M. Moore, Executive Director, Mid-Atlantic Fishery Management Council, Suite 201, 800 North State Street, Dover, DE 19901. The EAs are also accessible via the internet at *https://www.mafmc.org/supporting-documents.*

FOR FURTHER INFORMATION CONTACT: Emily Keiley, Fishery Policy Analyst, (978) 281–9116, or *emily.keiley@noaa.gov.*

SUPPLEMENTARY INFORMATION:

General Background

The Mid-Atlantic Fishery Management Council (Council) and the Atlantic States Marine Fisheries Commission (Commission) cooperatively develop management measures for the summer flounder, scup, black sea bass, and bluefish fisheries. The Council, pursuant to the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) develops recommendations regarding fisheries in Federal waters seaward of New York, New Jersey, Delaware, Pennsylvania, Maryland, Virginia, and North Carolina. The Commission, pursuant to the Atlantic Coastal Fisheries Cooperative Management Act, addresses fisheries in state waters from Florida to Maine. These bodies work together in the development of complementary fishery management plans (FMP) for species like summer flounder, scup, black sea bass, and bluefish that are harvested in both Federal and state waters, and each year these bodies work together to develop specifications for these fisheries. The Council provides its recommendations to NMFS, and NMFS engages in a Federal rulemaking process by which the agency adopts specifications that become binding on the Federal fisheries. Specifications in these fisheries include various catch and landing subdivisions, such as the commercial and recreational sector annual catch limits (ACL), annual catch targets (ACT), and sector-specific landing limits (*i.e.,* the commercial fishery quota and recreational harvest limit (RHL)) established for 1 to 3 years at a time. Adjustments to commercial management measures are also considered in the specifications process. The process for measures used to manage the recreational fisheries (*i.e.,* minimum fish sizes, seasonal closures, and possession restrictions) for these four species occurs separately and is not discussed further in this proposed rule.

The Summer Flounder, Scup, and Black Sea Bass FMP and the Bluefish FMP and their implementing regulations establish the process for establishing specifications for each of those four species. All requirements of the Magnuson-Stevens Act, including the 10 national standards, also apply to specifications. The FMPs also contain formulas to divide the catch limits into commercial and recreational fishery allocations, state-by-state quotas, and quota periods, depending on the species in question. This proposed rule outlines the application of the existing allocation provisions for each species and provides

the resulting allocations by state and sector, as appropriate, for each species.

The Council's Scientific and Statistical Committee (SSC) met on July 23–25, 2024, to recommend acceptable biological catches (ABC) for the summer flounder, scup, black sea bass, and bluefish fisheries. The FMPs' implementing regulations require the involvement of a monitoring committee in the specification process for each species. The Monitoring Committees recommend any reduction in catch limits from the SSC-recommended ABCs to offset management uncertainty and other commercial management measures (*e.g.,* mesh requirements, minimum commercial fish sizes, gear restrictions, possession restrictions, and area restrictions) needed for these four fisheries. The Monitoring Committees met on August 1 and 2, 2024, to develop specification-related recommendations for each fishery.

Following the SSC and Monitoring Committee meetings, the Council and the Commission's Summer Flounder, Scup, Black Sea Bass, and Bluefish Management Boards considered the recommendations of the SSC, the Monitoring Committees, and public comments and made their specification recommendations at a meeting held on August 12–15, 2024. While the Boards' actions were finalized at the August meeting, the Council's recommendations must be reviewed by NMFS to ensure that they comply with the FMPs, implementing regulations, and applicable law. NMFS also must conduct notice-and-comment rulemaking to propose and implement the final specifications.

Proposed 2025 Specifications

Summer Flounder Specifications

Consistent with the statutory scheme described above, NMFS is proposing the Council and Board-recommended 2025 summer flounder catch and landings limits shown in table 1.

TABLE 1—SUMMARY OF 2025 SUMMER FLOUNDER FISHERY SPECIFICATIONS

Specifications	Million pounds (lb)	Metric ton (mt)
Overfishing Limit (OFL)	24.97	11,325
ABC	19.32	8,761
Commercial ACL = ACT	10.62	4,819
Commercial Quota	8.79	3,987
Recreational ACL = ACT	8.69	3,942
Recreational Harvest Limit	6.35	2,879

The proposed initial 2025 state-by-state summer flounder quotas are provided in table 2. As required in Amendment 21 to the Summer Flounder, Scup, and Black Sea Bass FMP (85 FR 80661), if the commercial quota in any year is higher than 9.55 million lb (4,332 mt), the first 9.55 million lb (4,322 mt) is distributed according to the baseline formula, and any additional quota beyond this threshold will be distributed in equal shares to all states except Maine, Delaware, and New Hampshire, which would split 1 percent of the additional quota. Because this year's quota is below the threshold, the state-by-state allocations below are based on the baseline allocations that were established through Amendment 2 (57 FR 57358) and modified by Amendment 4 (58 FR 49937) to the Summer Flounder, Scup, and Black Sea Bass FMP. Any long-standing overages or potential 2024 overages may result in adjustments to these proposed quotas in the final rule.

TABLE 2—INITIAL 2025 SUMMER FLOUNDER STATE-BY-STATE QUOTAS

State	Percent share	Initial 2025 Quotas * (lb)	Initial 2025 Quotas * (mt)
ME	0.04756	4,180	1.90
NH	0.00046	40	0.02
MA	6.82046	599,507	271.93
RI	15.68298	1,378,507	625.28
CT	2.25708	198,394	89.99
NY	7.64699	672,157	304.89
NJ	16.72499	1,470,098	666.83
DE	0.01779	1,564	0.71
MD	2.03910	179,233	81.30
VA	21.31676	1,873,707	849.90
NC	27.44584	2,412,443	1,094.27
Total	100	8,789,830	3,987.02

* Initial quotas do not account for any previous overages.

This action makes no changes to the current commercial management measures, including the minimum fish size (14-inch (36-centimeters (cm)) total length), gear requirements, and possession limits. This action also proposes no changes to the recreational management measures. Any such changes would take place through a separate action.

Black Sea Bass Specifications

At the August 2024, meeting, the Council and the Commission's Black Sea Bass Board were unable to agree on the 2025 black sea bass specifications. The Black Sea Bass Board adopted a coastwide quota for black sea bass that is the same as the 2024 quota, while the Council adopted a quota that represents a 20-percent reduction from 2024. If implemented, the differing quotas

would likely have significant negative socioeconomic impacts on Federal black sea bass permit holders. The regulations at 50 CFR 648.143(e) require that, in the case of different specifications, the Regional Administrator will take administrative action to align measures to prevent these differential effects on Federal permit holders. Given the current status of the black sea bass stock, which is well above the FMP's definition of the biomass capable of producing maximum sustainable yield, and the potentially significant social and economic harm to Federal permit holders that would result from divergent state and Federal quotas, we are proposing to implement 2025 black sea bass specifications consistent with those adopted by the Commission.

The proposed 2025 black sea bass catch and landings limits are shown in table 3.

TABLE 3—2025 BLACK SEA BASS CATCH AND LANDINGS LIMITS

Specifications	Million lb	mt
OFL	17.01	7,716
ABC	16.66	7,557
Expected Commercial Discards	1.50	680
Expected Recreational Discards	2.89	1,311
Commercial ACL = ACT	7.50	3,401
Commercial Quota	6.00	2,721
Recreational ACL = ACT	9.16	4,156
RHL	6.27	2,845

This action proposes no changes to the other commercial management measures for black sea bass, including the commercial minimum fish size (11-inch (27.94-cm) total length) and gear requirements. This action also proposes no changes to the recreational management measures. Any such changes to recreational management measures for black sea bass would occur through a separate action.

On October 1, 2024 (89 FR 79778), we implemented Amendment 23 to the Summer Flounder, Scup, and Black Sea Bass FMP, which changes the Federal coastwide commercial in-season accountability measure such that the black sea bass commercial fishery will now close when the quota plus an additional buffer of up to 5 percent is projected to be landed. The intent of this buffer is to minimize negative economic impacts when the coastwide quota is reached before all states have fully harvested their allocations due to overages in individual states.

Pursuant to Amendment 23, each year, through the specification process, the Council and Board will recommend and NMFS will establish a buffer from 0 to 5 percent. For 2025, the Council and Board have recommended a 5-percent commercial in-season closure buffer, and this action proposes this buffer. Given recent patterns in the fishery, an in-season closure is not expected for 2025; however, in the unlikely event it is needed, a 5-percent buffer could have socioeconomic benefits with little risk to stock status.

Scup Specifications

The Council and Board-recommended 2025 scup catch and landings limits are shown in table 4.

TABLE 4—2025 SCUP CATCH AND LANDING LIMITS

Specifications	Million lb	mt
OFL	42.19	19,135
ABC	41.31	18,740
Expected Commercial Discards	7.38	3,318
Expected Recreational Discards	2.08	944
Commercial ACL = ACT	26.85	12,181
Commercial Quota	19.54	8,863
Recreational ACL = ACT	14.46	6,559
RHL	12.31	5,585

The Summer Flounder, Scup and Black Sea Bass FMP established three commercial fishery quota periods with corresponding percentages of the total quota for each period. Applying those percentages, which NMFS does not propose to change via this action, to the quota provided in Table 4 results in the allocations to quota periods outlined in table 5.

TABLE 5—COMMERCIAL SCUP QUOTA ALLOCATIONS FOR 2025 BY QUOTA PERIOD

Quota period	Percent share	lb	mt
Winter I	45.11	8,814,300	3,998
Summer	38.95	7,610,663	3,452
Winter II	15.94	3,114,608	1,413
Total	100.00	19,539,570	8,863

The current quota period possession limits are not changed by this action and are outlined in table 6.

TABLE 6—COMMERCIAL SCUP POSSESSION LIMITS BY QUOTA PERIOD

Quota period	Percent share	Federal possession limits (per trip)	
		lb	kg
Winter I	45.11	50,000	22,680
Summer	38.95	N/A	N/A
Winter II	15.94	12,000	5,443
Total	100.0	N/A	N/A

The Winter I scup commercial possession limit is proposed to drop to 1,000 lb (454 kg) when 80 percent of that period's allocation is landed. If the Winter I quota is not fully harvested, the remaining quota would be transferred to Winter II. The Winter II possession limit may be adjusted (in association with a transfer of unused Winter I quota to the Winter II period) via announcement in the **Federal Register**. The regulations specify that the Winter II possession limit would increase to different levels consistent with any increase in the quota as described in table 7.

TABLE 7—POTENTIAL INCREASE IN WINTER II POSSESSION LIMITS BASED ON THE AMOUNT OF UNUSED SCUP ROLLED OVER FROM WINTER I TO WINTER II

Initial Winter II possession limit		Rollover from Winter I to Winter II		Increase in initial Winter II possession limit		Final Winter II possession limit after rollover from Winter I to Winter II	
lb	kg	lb	kg	lb	kg	lb	kg
12,000	5,443	0–499,999	0–226,796	0	0	12,000	5,443
12,000	5,443	500,000–999,999.	226,796–453,592.	1,500	680	13,500	6,123
12,000	5,443	1,000,000–1,499,999.	453,592–680,388.	3,000	1,361	15,000	6,804
12,000	5,443	1,500,000–1,999,999.	680,389–907,184.	4,500	2,041	16,500	7,484
12,000	5,443	2,000,000–*2,500,000.	907,185–1,133,981.	6,000	2,722	18,000	8,165

*This process of increasing the possession limit in 1,500 lb (680 kg) increments would continue past 2,500,000 lb (1,122,981 kg), but we end here for the purpose of this example.

This action proposes no changes to the 2025 commercial management measures for scup, including the minimum fish size (9-inch (22.9-cm) total length), gear requirements, and quota period possession limits. This action also proposes no changes to the 2025 recreational management measures. Any such changes would take place through a separate action.

Bluefish Specifications

The Council and Board-recommended 2025 bluefish catch and landings limits are shown in table 8.

TABLE 8—SUMMARY OF 2025 BLUEFISH FISHERY SPECIFICATIONS

Specifications	Million lb	mt
OFL	27.49	12,467
ABC	21.83	9,903
Commercial ACL = ACT	3.06	1,386
Commercial Quota	3.03	1,375
Recreational ACL = ACT	18.78	8,517
Recreational Harvest Limit	15.70	7,121

The coastwide commercial quota is allocated to coastal states from Maine to Florida based on percent shares specified in the Bluefish FMP. Table 9 provides the proposed commercial state allocations based on the Council-recommended coastwide commercial quota for 2025 and the phased-in changes to the percent share allocations to the states specified in Amendment 7. No states exceeded their allocated quota in 2023, or are projected to do so in 2024; therefore, no accountability measures for the commercial fishery are required for the 2025 fishing year based on the data available at this time.

TABLE 9—2025 BLUEFISH STATE COMMERCIAL QUOTA ALLOCATIONS

State	Percent share	Quota (lb)	Quota (kg)
Maine	0.35	10,582	4,800
New Hampshire	0.30	9,123	4,138
Massachusetts	8.66	262,663	119,142
Rhode Island	8.41	255,061	115,694
Connecticut	1.16	35,309	16,016
New York	15.74	477,518	216,598
New Jersey	14.26	432,630	196,238
Delaware	1.09	32,990	14,964
Maryland	2.38	72,265	32,779
Virginia	8.44	256,125	116,176
North Carolina	32.04	972,012	440,897
South Carolina	0.07	2,250	1,021
Georgia	0.06	1,897	860
Florida	7.04	213,625	96,899
Total	100	3,033,561	1,376,000

This action proposes no changes to the 2025 commercial or recreational management measures for bluefish.

Classification

Pursuant to section 304(b)(1)(A) of the Magnuson-Stevens Act, the NMFS Assistant Administrator has determined that this proposed rule is consistent with the Summer Flounder, Scup, and Black Sea Bass FMP, the Bluefish FMP, other provisions of the Magnuson-Stevens Act, and other applicable law, subject to further consideration after public comment.

This action is exempt from review under Executive Order 12866.

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that this proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities. The basis for the certification follows.

We conducted an evaluation of the potential socioeconomic impacts of the proposed measures in conjunction with the EAs and a SIR. The proposed action would set the 2025 catch and landings limits for summer flounder, scup, black sea bass, and bluefish.

Vessel ownership data were used to identify all individuals who own fishing vessels. Vessels were then grouped according to common owners. The resulting groupings were then treated as entities, or affiliates for purposes of identifying small and large businesses that may be affected by this action.

Affiliates were identified as primarily commercial fishing affiliates if the majority of their revenues in 2023 came from commercial fishing. Some of these affiliates may have also held party/charter permits. Affiliates were identified as primarily for-hire fishing affiliates if the majority of their revenues in 2023 came from for-hire fishing. Some of these affiliates may have also held commercial permits. Affiliates were identified as small or large businesses based on their average revenues during 2019–2023.

A total of 915 affiliates derive the majority of their revenue from commercial fishing operations. Of these affiliates, 905 are classified as small businesses, and 10 are classified as large businesses. A total of 362 primarily for-hire affiliates were identified as potentially impacted by this action. All 362 of these for-hire affiliates were categorized as small businesses.

Expected Impacts on Commercial Entities

The 10 potentially impacted primarily commercial large business affiliates had average total annual revenues of $19.1 million and $303,600 on average in annual revenues from summer flounder, scup, black sea bass, and/or bluefish during 2019–2023. On average, summer flounder, scup, black sea bass, and/or bluefish accounted for about 2 percent of total annual revenues for these ten large businesses.

The 905 potentially impacted primarily commercial small business affiliates had average total annual revenues of $719,300 and $37,500 on average in annual revenues from commercial landings of summer flounder, scup, black sea bass, and/or bluefish during 2019–2023. Summer flounder, scup, and/or black sea bass accounted for an average of 5 percent of the total revenues for these 905 small businesses.

The proposed 2025 quotas for black sea bass and summer flounder are constant compared to 2024. The proposed 2025 bluefish quota is approximately 25 percent higher than the 2024 quota. The proposed 2025 quota for scup would decrease by approximately 7 percent compared to 2024. This decrease in the scup quota is the only plausible pathway for the proposed rule to have an adverse impact on small entities. However, the proposed 2025 scup commercial quotas are expected to result in similar levels of commercial scup landings and revenues as the past several years. Commercial scup landings appear to be influenced more by market factors than the annual commercial quota. The proposed 2025 scup quota is higher than recent commercial landings which have ranged between 12 and 13 million lb since 2018. It is unlikely that commercial effort or landings would change given recent trends.

Expected Impacts on Recreational Entities

As previously stated, 362 for-hire fishing affiliates were identified as potentially impacted by this action based on the definition above. All these affiliates were categorized as small businesses based on their average 2019–2023 revenues. These 362 small businesses had average total annual revenues of $133,500 during 2019–2023. Their average revenues from recreational for hire fishing (for a variety of species) was $132,500. On average, recreational fishing accounted for 99 percent of the total revenues for these 362 small businesses.

It is not possible to derive what proportion of the for-hire revenues came from fishing activities for an individual species. Nevertheless, given the popularity of summer flounder, scup, black sea bass, and bluefish as recreational species, revenues generated from these species are likely important

to many of these businesses, at least at certain times of the year.

For-hire revenues are impacted by a variety of factors, including demand for for-hire trips for summer flounder, scup, black sea bass, bluefish, and other potential target species, as well as weather, the economy, and other factors. Recreational measures (possession, season and size limits) for 2025 will remain the same as measures implemented in 2024 for summer flounder, scup, and bluefish. Potential changes for black sea bass recreational measures will be considered in a separate action, but with an unchanged recreational quota it is unlikely that any changes would significantly affect revenues. In any event, any changes to the black sea bass recreational measures will be evaluated when they are developed.

This action is not expected to adversely impact revenues for commercial and recreational vessels that fish for summer flounder, scup, black sea bass, and bluefish. Because this proposed rule, if adopted, will not have a significant economic impact on a substantial number of small entities, an initial regulatory flexibility analysis is not required and none has been prepared.

This proposed rule contains no information collection requirements under the Paperwork Reduction Act of 1995.

List of Subjects in 50 CFR Part 648

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: October 10, 2024.

Jennifer Leigh Quan,

Acting Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

[FR Doc. 2024–23841 Filed 10–15–24; 8:45 am]

BILLING CODE 3510–22–P

Notices

Federal Register
Vol. 89, No. 200
Wednesday, October 16, 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 required 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 November 15, 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.

Farm Production and Conservation Business Center

Title: FPAC Federal Award Performance Monitoring and Reporting Form.

OMB Control Number: 0565–NEW.

Summary of Collection: In accordance with the Paperwork Reduction Act requirements, the Farm Production and Conservation (FPAC) is requesting comments from all interested individuals and organizations on a new information collection request for the FPAC Federal Award Performance Monitoring and Reporting Form in support of the implementation of Performance Measurement. This information must be collected with the frequency required by the terms and conditions of the Federal award, but no less frequently than annually and not more frequently than quarterly except in unusual circumstances. The information collection, FPAC Federal Award Performance Monitoring and Reporting Form, will support the FPAC Business Center (BC), Farm Service Agency (FSA), Commodity Credit Corporation (CCC), Natural Resources Conservation Service (NRCS), and Risk Management Agency (RMA) in obtaining required Federal award performance information from recipients. This form will replace the discontinued ''Standard Form (SF) Performance Progress Report'' which had previously been used to collect this data.

Need and Use of the Information: This section of the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, 2 CFR part 200, requires Federal agencies to measure recipients' accomplishments against performance goals and objectives. Performance reporting allows the Federal agency to share lessons learned, improve program outcomes, and foster adoption of promising practices. In addition, performance reporting frequency and content is established to not only allow the Federal awarding agency to understand the recipient progress, but also to facilitate identification of promising practices among recipients and build the evidence upon which the Federal awarding agency's program and performance decisions are made.

FPAC will use the Federal Award Performance Monitoring and Reporting Form to support the implementation of section 301 of 2 CFR part 200, Performance Measurement.

Affected Public: Individual or Household, Private Sectors: Businesses or other for-profits; Farms, Not-for-profits institution, and State, Local and Tribal Government.

Estimated Number of Respondents: 4,000.

Frequency of Responses: Reporting; Other (one-time).

Total Burden Hours: 6,000 hours.

Rachelle Ragland-Greene,

Departmental Information Collection Clearance Officer.

[FR Doc. 2024–23829 Filed 10–15–24; 8:45 am]

BILLING CODE 3411–E2–P

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

Comments regarding this information collection received by November 15, 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.

Office of Procurement and Property Management

Title: Outreach and Assistance to Socially Disadvantaged Farmers and Ranchers and Veteran Farmers and Ranchers Program (2501 Program) Application and Performance Reporting.

OMB Control Number: 0503–NEW.

Summary of Collection: Under 7 U.S.C. 6934, the Office of Partnerships and Public Engagement (OPPE) is directed to administer section 2501 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279, the Act). Section 2501 directs the Secretary of Agriculture to carry out an outreach program to encourage and assist socially disadvantaged farmers and ranchers, veteran farmers and ranchers, and beginning farmers and ranchers in owning and operating farms and ranches, and in participating equitably in the full range of agricultural programs offered by the Department. In order to do so, the Secretary may make grants to eligible entities that have demonstrated an ability to provide such outreach and technical assistance. Part A of this ICR addresses the application process for potential grantees to submit applications for funding to the Secretary for the purposes of fulfilling the requirements of section 2501 of the Act.

Additionally, the Secretary is directed by section 2501 of the Act to report certain data to Congress on an annual basis. Part B of this request addresses the creation of a web-based system to collect information from grantees that will partially fulfill this requirement.

Part C of this request addresses the creation of a survey tool that will allow OPPE to engage directly with program participants from grantee programs in order to collect the data needed to respond fully to the Act's requirements for Congressional Reporting.

Need and Use of the Information: Applicant organizations applying for funding under the 2501 grant program will be asked to complete a standard grants.gov application package. The package includes: Standard Form (SF) 424; Application for Federal Assistance; Project/Performance Site Location(s); Project Abstract Summary; Project Narrative; Standard Form (SF) 424A; Budget Information—Non-Construction Programs; Budget Narrative; Key Contacts (list names of all key personnel expected to work on the project); *Grants.gov* Lobbying Form; Resumes of all key personnel working on the project; and related documentation (*e.g.,* Articles of Incorporation for all nonprofit organizations, 501(c)(3) status documentation). This information will be solicited from grantee organizations, which may include: Institutes of Higher Education, community-based nonprofit 501(c)(3) organizations, and Tribal entities. Recipient organizations will be required to submit progress reports on their activities on an annual basis, except in cases where OPPE deems it necessary to receive reports more frequently, as well as a final performance report summarizing their activities and performance at the end of the award period. Reports also contain financial management information regarding the way OPPE funding was spent by the organization. OPPE plans to collect this information through a web-based portal, which is intended to simplify the collection of this information for both the grantees and the OPPE personnel who process that information. Participants in programming by recipient organizations will be asked to complete post-activity surveys regarding their demographics, participation, and outcomes. This survey will be administered by grantee organizations through a survey platform created and managed by OPPE, which is intended to relieve the recipient organization of the burden of creating a collection mechanism, and also to simplify the collection and collation of this data.

Description of Respondents: Local, State and Tribal Governments.

Number of Respondents: 5,120.

Frequency of Responses: Annually; Semi-annually.

Total Burden Hours: 34,800.

Levi S. Harrell,

Departmental Information Collection Clearance Officer.

[FR Doc. 2024–23826 Filed 10–15–24; 8:45 am]

BILLING CODE 3412–88–P

DEPARTMENT OF AGRICULTURE

Forest Service

Davy Crockett-Sam Houston Resource Advisory Committee

AGENCY: Forest Service, Agriculture (USDA).

ACTION: Notice of meeting.

SUMMARY: The Davy Crockett-Sam Houston Resource Advisory Committee (RAC) will hold a public meeting according to the details shown below. The committee is authorized under the Secure Rural Schools and Community Self-Determination Act (the Act) and operates in compliance with the Federal Advisory Committee Act. The purpose of the committee is to improve collaborative relationships and to provide advice and recommendations to the Forest Service concerning projects and funding consistent with Title II of the Act, as well as make recommendations on recreation fee proposals for sites on the Davy Crockett National Forest within Houston and Trinity Counties, and the Sam Houston National Forest within Walker County, consistent with the Federal Lands Recreation Enhancement Act.

DATES: An in-person meeting will be held on October 31, 2024, 4 p.m. to 6:30 p.m. Central Daylight Time.

Written and Oral Comments: Anyone wishing to provide in-person and/or virtual oral comments must pre-register by 11:59 p.m. Central Daylight Time on October 28, 2024. Written public comments will be accepted by 11:59 p.m. Central Daylight Time on October 28, 2024. Comments submitted after this date will be provided by the Forest Service to the committee, but the committee may not have adequate time to consider those comments prior to the meeting.

All committee meetings are subject to cancellation. For status of the meeting prior to attendance, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

ADDRESSES: This meeting will be held in-person at the Davy Crockett National Forest Ranger Station, located at 18551 State Highway 7 East, Kennard, Texas 75847. RAC information and meeting details can be found at the following website: *https://www.fs.usda.gov/texas/* or by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**.

Written Comments: Written comments must be sent by email to *lisa.rowe@usda.gov* or via mail (postmarked) to Davy Crockett National Forest C/O Michelle Rowe, 18551 State Highway 7 East, Kennard, Texas 75847. The Forest Service strongly prefers comments be submitted electronically.

Oral Comments: Persons or organizations wishing to make oral comments must pre-register by 11:59 p.m. Central Daylight Time, October 28, 2024, and speakers can only register for one speaking slot. Oral comments must be sent by email to *lisa.rowe@usda.gov*

or via mail (postmarked) to Davy Crockett National Forest C/O Michelle Rowe, 18551 State Highway 7 East, Kennard, Texas 75847.

FOR FURTHER INFORMATION CONTACT: Jimmy Tyree, Designated Federal Officer, by phone at 936–553–3446 or email at *jimmy.tyree@usda.gov;* or Michelle Rowe, RAC Coordinator, by phone at 936–553–3066 or email at *lisa.rowe@usda.gov.*

SUPPLEMENTARY INFORMATION: The purpose of the meeting is to:

1. Welcome and introduce new committee members.
2. Elect a new Committee Chairman.
3. Power Point presentation on history of Davy Crockett-Sam Houston RAC.
4. RAC project proposal presentations/vote.
5. Public comments.
6. Set next meeting date.
7. Adjourn.

The agenda will include time for individuals to make oral statements of three minutes or less. Individuals wishing to make an oral statement should make a request in writing at least three days prior to the meeting date to be scheduled on the agenda. Written comments may be submitted to the Forest Service up to 15 days after the meeting date listed under **DATES**.

Please contact the person listed under **FOR FURTHER INFORMATION CONTACT**, by or before the deadline, for all questions related to the meeting. All comments, including names and addresses when provided, are placed in the record and are available for public inspection and copying. The public may inspect comments received upon request.

Meeting Accommodations: The meeting location is compliant with the Americans with Disabilities Act, and the USDA provides reasonable accommodation to individuals with disabilities where appropriate. If you are a person requiring reasonable accommodation, please make requests in advance for sign language interpretation, assistive listening devices, or other reasonable accommodation to the person listed under the **FOR FURTHER INFORMATION CONTACT** section or contact USDA's TARGET Center at (202) 720–2600 (voice and TTY) or USDA through the Federal Relay Service at (800) 877–8339. Additionally, program information may be made available in languages other than English.

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.

Equal opportunity practices in accordance with USDA's policies will be followed in all appointments to the committee. To ensure that the recommendations of the committee have taken into account the needs of the diverse groups served by the USDA, membership shall include, to the extent practicable, individuals with demonstrated ability to represent the many communities, identities, races, ethnicities, backgrounds, abilities, cultures, and beliefs of the American people, including underserved communities. USDA is an equal opportunity provider, employer, and lender.

Dated: September 17, 2024

Cikena Reid,

USDA Committee Management Officer.

[FR Doc. 2024–21705 Filed 10–15–24; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF AGRICULTURE

Forest Service

Wenatchee-Okanogan Resource Advisory Committee

AGENCY: Forest Service, Agriculture (USDA).

ACTION: Notice of meeting.

SUMMARY: The Wenatchee-Okanogan Resource Advisory Committee (RAC) will hold a public meeting according to the details shown below. The committee is authorized under the Secure Rural Schools and Community Self-Determination Act (the Act) and operates in compliance with the Federal Advisory Committee Act (FACA). The purpose of the committee is to improve collaborative relationships and to provide advice and recommendations to the Forest Service concerning projects and funding consistent with Title II of the Act, as well as make recommendations on recreation fee proposals for sites on the Okanogan-Wenatchee National Forest within Okanogan, Chelan, Kittitas, and Yakima Counties, consistent with the Federal Lands Recreation Enhancement Act.

DATES: One in-person and virtual meeting will be held on October 31, 2024, from 9 a.m.–4 p.m., Pacific Daylight Time.

Written and Oral Comments: Anyone wishing to provide in-person and/or virtual oral comments must pre-register by 11:59 p.m. (Pacific Daylight Time) on October 28, 2024. Written public comments will be accepted by 11:59 p.m. (Pacific Daylight Time) on October 28, 2024. Comments submitted after this date will be provided to the Agency, but the Committee may not have adequate time to consider those comments prior to the meeting.

All RAC meetings are subject to cancellation. For status of the meeting prior to attendance, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

ADDRESSES: This meeting will be held in-person and virtually at the Okanogan-Wenatchee National Forest Headquarters Office, located at 215 Melody Lane, Wenatchee, Washington. The public may also join virtually via the links that will be posted to the Okanogan-Wenatchee National Forest website. RAC information and meeting details can be found at the following website: *https://www.fs.usda.gov/detail/okawen/workingtogether/advisorycommittees/?cid=fsbdev3_053646* or by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**.

Written Comments: Written comments must be sent by email to *Robin.demario@usda.gov or* via mail (postmarked) to Robin DeMario, Okanogan-Wenatchee National Forest, 215 Melody Lane, Wenatchee, Washington 98801. The Forest Service strongly prefers comments be submitted electronically.

Oral Comments: Persons or organizations wishing to make oral comments must pre-register by 11:59 p.m. Pacific Daylight Time, October 28, 2024, and speakers can only register for one speaking slot at the meeting. Oral comments must be sent by email to *robin.demario@usda.gov* or via mail (postmarked) to Robin DeMario, Okanogan-Wenatchee National Forest, 215 Melody Lane, Wenatchee, Washington 98801.

FOR FURTHER INFORMATION CONTACT: Victoria Wilkins Designated Federal Officer (DFO), by phone at 509–470–4588 or email at *victoria.wilkins@usda.gov* or Robin DeMario, RAC Coordinator at 509–664–9292 or email at *robin.demario@usda.gov.*

SUPPLEMENTARY INFORMATION: The purpose of the meeting is to:

1. Elect a Chairperson and Vice Chairperson;
2. Hear from Title II project proponents and discuss Title II project proposals;

3. Make funding recommendations on Title II projects.

The agenda will include time for individuals to make oral statements of three minutes or less. Individuals wishing to make an oral statement should make a request in writing at least three days prior to the meeting date to be scheduled on the agenda. Written comments may be submitted to the Forest Service up to 3 days after the meeting dates listed under **DATES**.

Please contact the person listed under **FOR FURTHER INFORMATION CONTACT**, by or before the deadline, for all questions related to the meeting. All comments, including names and addresses when provided, are placed in the record and are available for public inspection and copying. The public may inspect comments received upon request.

Meeting Accommodations: The meeting location is compliant with the Americans with Disabilities Act, and the USDA provides reasonable accommodation to individuals with disabilities where appropriate. If you are a person requiring reasonable accommodation, please make requests in advance for sign language interpretation, assistive listening devices, or other reasonable accommodation to the person listed under the **FOR FURTHER INFORMATION CONTACT** section, or contact USDA's TARGET Center at (202) 720–2600 (voice and TTY) or USDA through the Federal Relay Service at (800) 877–8339. Additionally, program information may be made available in languages other than English.

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.

Equal opportunity practices in accordance with USDA's policies will be followed in all appointments to the committee. To ensure that the recommendations of the Committee have taken into account the needs of the diverse groups served by the Department, membership shall include, to the extent practicable, individuals with demonstrated ability to represent the many communities, identities, races, ethnicities, backgrounds, abilities, cultures, and beliefs of the American people, including underserved communities. USDA is an equal opportunity provider, employer, and lender.

Dated: September 27, 2024.

Cikena Reid,

USDA Committee Management Officer.

[FR Doc. 2024–22666 Filed 10–15–24; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF AGRICULTURE

Rural Business-Cooperative Service

[Docket No. RBS–24–BUSINESS–0015]

Notice of Funding Opportunity for the Rural Energy for America Program for Fiscal Years 2025, 2026, and 2027

AGENCY: Rural Business-Cooperative Service, USDA.

ACTION: Notice.

SUMMARY: The Rural Business-Cooperative Service (RBCS or the Agency), a Rural Development (RD) agency of the United States Department of Agriculture (USDA) is issuing a Notice of Funding Opportunity (NOFO) to announce acceptance of grant, guaranteed loan, and combined grant and guaranteed loan applications under the Rural Energy for America Program (REAP). This notice announces the deadlines, dates, and times that applications must be received in order to be considered for REAP funds. The NOFO is being issued for Fiscal Years (FY) 2025, 2026, and 2027. The notice will not be applied retroactively to any applications previously filed. Applications received the date following the publication of this notice through September 30, 2027, will be evaluated and scored according to the provisions listed in this notice, unless otherwise amended via a subsequent notice.

DATES: As provided for in 7 CFR 4280.122, the Agency, by this notice, is decreasing the number of competitions for Renewable Energy Systems and Energy Efficiency Improvements (RES/EEI). The application deadline date and time as outlined in 7 CFR 4280.156(a) for Energy Audit and Renewable Energy Development Assistance (EA and REDA) remains unchanged. RES/EEI and Energy Efficient Equipment and systems (EEE) guaranteed loan applications are completed on an ongoing basis in accordance with 7 CFR 5001.315. See section D.4. of this notice for details on future RES/EEI grant competitions.

ADDRESSES: You are encouraged to contact your USDA RD State Energy Coordinator well in advance of the application deadline to discuss your project and ask any questions about the application process. Contact information for State Office Energy Coordinators can be found at *rd.usda.gov/files/RBS_StateEnergyCoordinators.pdf.*

Program guidance and application forms may be obtained at *rd.usda.gov/programs-services/all-programs/energy-programs.* To submit an electronic application via *grants.gov*, follow the instructions for the REAP funding announcement located at *www.grants.gov.*

FOR FURTHER INFORMATION CONTACT: Jonathan Burns, Programs Management Division, RBCS, USDA, 1400 Independence Avenue SW, Mail Stop 3226, Room 5801–S, Washington, DC 20250–3226, Phone: (774) 678–7238 or Email *CPgrants@usda.gov.*

SUPPLEMENTARY INFORMATION:

Overview

Federal Awarding Agency Name: USDA, Rural Business-Cooperative Service.

Funding Opportunity Title: Rural Energy for America Program (REAP).

Announcement Type: Notice of Funding Opportunity.

Funding Opportunity Number: RDBCP–REAP–RES–EEI–2025–2026–2027.

Assistance Listing Number: 10.868.

Dates: As provided for in 7 CFR 4280.122, the Agency, by this notice, is decreasing the number of competitions for RES/EEI. The application deadline date and time as outlined in 7 CFR 4280.156(a) for EA/REDA remains unchanged. RES/EEI and EEE guaranteed loan applications are completed on an ongoing basis in accordance with 7 CFR 5001.315. See section D.4 of this notice for details on future RES/EEI grant competitions.

Rural Development Key Priorities: The Agency encourages applicants to consider projects that will advance the following key priorities (more details available at *www.rd.usda.gov/priority-points*):

- *Creating More and Better Markets:* Assist rural communities to recover economically through more and better market opportunities and through improved infrastructure.
- *Addressing Climate Change and Environmental Justice:* Reduce climate pollution and increase resilience to the impacts of climate change through economic support for rural communities.
- *Advancing Racial Justice, Place-Based Equity, and Opportunity:* Ensure all rural residents have equitable access to RD programs and benefits from RD funded projects.

A. Program Description

1. *Purpose of the Program.* The Agency provides grants, guaranteed loans, and combined grant and guaranteed loan combinations through the REAP program to help agricultural producers and rural small businesses, including those Tribally owned or Tribal member owned, reduce energy costs and consumption and helps meet the Nation's critical energy needs. The REAP has two types of funding assistance: RES/EEI assistance and EA and REDA grants.

2. *Statutory and Regulatory Authority.* REAP is authorized by section 9007 of the Farm Security and Rural Investment Act of 2002, as amended, codified at 7 U.S.C. 8107 and is implemented by 7 CFR 4280 subpart B (*ecfr.gov/current/title-7/subtitle-B/chapter-XLII/part-4280#part-4280*) and 7 CFR part 5001 (*ecfr.gov/current/title7/subtitle-B/chapter-L/part-5001*). The Inflation Reduction Act (IRA) of 2022 provides additional authorities for REAP (Public Law 117–169, section 22002).

3. *Definitions.* The definitions applicable to this notice are published at 7 CFR 4280.103 and 7 CFR 5001.3. For the purpose of this notice only, underutilized renewable energy technologies (underutilized technologies) are defined as those technologies which do not produce greenhouse gases at the project level and make up less than 20 percent of the total grant dollars obligated at the end of the fiscal year, two (2) years previous to the current year. For example, FY 2023 award data will be utilized to determine which technologies are underutilized technologies for the FY 2025 competition.

4. *Application of Awards.* The Agency will review, evaluate and score applications based on the provisions found in 7 CFR 4280, subpart B, 7 CFR 5001, and as indicated in this notice. The Agency advises all interested parties that the applicant bears the full burden in preparing and submitting an application in response to this notice regardless of whether or not funding is appropriated for the REAP program or whether or not the applicant is ultimately successful.

B. Federal Award Information

Type of Award: Competitive grants and guaranteed loans.

Fiscal Year Funds: FYs 2025, 2026, and 2027.

Available Funds: The collective funding is anticipated to be at least $600,000,000 divided as indicated below:

a. *IRA funding*—Approximately $180,000,000 per Federal FY.

b. *IRA underutilized renewable energy technology set aside funding*—Approximately $20,000,000 per Federal FY.

The Agency may, at its discretion, increase the total level of funding available in this funding round (or in any category in this notice) from any available source provided the awards meet the requirements of the statute which made the funding available to the Agency.

Award Amounts: See Funding Restrictions in section E of this notice for minimum and maximum award amounts.

Anticipated Award Date: State competitions will be held after the close of each application window as described in section D.4 of this notice. States with high volumes may experience delays in their ability to conduct competitions. Stakeholders are encouraged to contact State Energy Coordinators to determine estimated dates of when their competition will be finalized. A list of State Energy Coordinators can be found at *rd.usda.gov/sites/default/files/RBS_StateEnergyCoordinators.pdf.*

Performance Period: Up to 24 months for grants. Guaranteed loans are governed by the loan terms.

Renewal or Supplemental Awards: None.

Type of Assistance Instrument: Grant, guaranteed loan, and grant and guaranteed loan combined funding.

Approximate Number of Awards: The collective estimated number of awards under this notice is 6,000 based on the three FYs included in the notice and will depend on the actual amount of funds made available and on the number of eligible applicants participating in this program.

C. Eligibility Information

1. *Eligibility Requirements.* Eligibility requirements for the applicant, borrower, lender, and project (as applicable) are clarified in 7 CFR part 4280, subpart B and in 7 CFR part 5001 and are summarized in this notice. Failure to meet the eligibility criteria by the time of the competition window will preclude the application from competing until all eligibility criteria have been met.

2. *Eligible Borrowers and Lenders.* To be eligible for the guaranteed loan portion of the program, borrowers must meet the eligibility requirements in 7 CFR 5001.126 and lenders must meet the eligibility requirements in 7 CFR 5001.130.

3. *Eligible Projects.* To be eligible for the program, a project must meet the eligibility requirements specified in 7 CFR 4280.113 for RES/EEI grant; 7 CFR 4280.150 for EA/REDA grant; 7 CFR 4280.137 for RES/EEI combined grant and guaranteed loan; and 7 CFR 5001.106 through 5001.108, as applicable, for RES/EEI/EEE loan guarantees. For RES/EEI grants:

a. Applicants are advised against starting construction prior to the Agency's completion of its environmental review process. Even if construction starts before the environmental review process is completed, the application may ultimately be determined to be ineligible.

b. Only projects that have been determined by the Agency to have technical merit, as determined using the procedures specified in 7 CFR 4280.117, are eligible for program funding.

c. Pursuant to the definition of Renewable Energy System in 7 CFR 4280.103, RES projects that include components and ancillary infrastructure such as flexible fuel pumps or electric vehicle charging stations may not be networked or utilize network management software that allows for payment processing as these systems include a mechanism for dispensing energy at retail.

4. *Cost Sharing or Matching.* Matching requirements for each type of funding, as applicable, are outlined in 7 CFR 4280.115 (b) for RES/EEI grant; and 7 CFR 4280.137 for RES/EEI combined grant and guaranteed loan.

5. *Other:*

a. *Ineligible project costs.*

i. Ineligible project costs are defined at: 7 CFR 4280.115(d) for RES/EEI grant and combined grant and guaranteed loans; 7 CFR 4280.152(c) for EA/REDA grant; and 7 CFR 4280.137 (j)(5) and 5001.122 for RES/EEI/EEE loan guarantees.

ii. Applicants are advised to not incur project costs, prior to Agency acknowledgement of a complete and eligible application. Pursuant to 7 CFR 4280.115(c) and 7 CFR 4280.152(b), any costs incurred prior to your complete application date are considered ineligible project costs. Final Federal grant share amounts are calculated at the time of reimbursement and are based on the documented total eligible project costs. Awardees must provide evidence of costs incurred at the time of reimbursement. Having ineligible project costs could result in receiving a lower Federal grant share amount than originally requested or approved, or a determination that a project is ineligible.

b. *Other compliance requirements.*

i. *Debarment and Suspension.* According to 2 CFR parts 180 subpart C

and 2 CFR part 417, participants in covered transactions must verify that the person with whom you intend to do business is not excluded or disqualified. You, as a participant, may not enter into a covered transaction with an excluded person, unless the Federal agency for the transaction grants an exception. You can verify the person with whom you intend to do business is not excluded or disqualified by checking the System for Awards Management (SAM) exclusions, collecting a certification from that person, or adding a clause or condition to the covered transaction with that person.

ii. *Federal Laws and Regulations.* Applicants are subject to all applicable Federal laws and regulations, including USDA Departmental Regulations. Sections D and E of this notice contain other compliance requirements.

iii. *Hemp Production.*

A. The Agriculture Improvement Act of 2018, Public Law 115–334, as amended, (the 2018 Farm Bill) requires USDA to promulgate regulations and guidelines to establish and administer a program for the production of hemp in the United States.

B. In determining eligibility for the applicant, project or use of funds, any project applying for funding under the REAP program and proposing to produce, procure, supply or market any component of the hemp plant or hemp related by-products, or provide technical assistance related to such products, must have a valid license from an approved State, Tribal or Federal plan pursuant to section G of the Agricultural Marketing Act of 1946, as amended, to be in compliance with regulations published by the Agricultural Marketing Service at 7 CFR part 990, and meet any applicable U.S. Food and Drug Administration and U.S. Drug Enforcement Administration regulatory requirements. Verification of valid hemp licenses will occur prior to award. In addition, all projects proposing to use biomass feedstock from any part of the hemp plant must demonstrate assurance of an adequate supply of the feedstock.

D. Application and Submission Information

1. *Address to Request Application Package.* Application materials may be obtained by contacting the RD Energy Coordinator for the State where the proposed project will be located, as identified via the following link: *rd.usda.gov/files/RBS_StateEnergyCoordinators.pdf.* In addition, for grant applications, applicants may obtain electronic grant applications for REAP from *grants.gov.*

2. *Content and Form of Application Submission.* Applicants seeking to participate in this program must submit applications in accordance with this notice, 7 CFR part 4280 subpart B and 7 CFR part 5001, as applicable.

a. Applicants must submit complete applications by the dates identified in section D.4., of this notice, containing all parts necessary for the Agency to determine applicant and project eligibility, to score the application, and to conduct the technical merit evaluation, as applicable, in order to be considered. The Agency encourages the applicant to reach out to their Energy Coordinator to determine application status. The applicant bears all risk should they incur project costs or commence construction activities prior to Agency notification of a complete and eligible application and the completion of an environmental review.

b. Applicants must submit one original, hardcopy or electronic application to the appropriate RD Energy Coordinator for the State where the applicant's proposed project will be located, or for grant applications, submission may be via *grants.gov* or through other means identified on the Agency program website. A list of USDA RD State Office Energy Coordinators is available via the following link: *rd.usda.gov/files/RBS_StateEnergyCoordinators.pdf.*

3. *System for Award Management and Unique Entity Identifier.*

a. At the time of application, each applicant must have an active registration in the System for Award Management (SAM) before submitting its application in accordance with 2 CFR part 25. To register in SAM, entities will be required to obtain a Unique Entity Identifier (UEI). Instructions for obtaining the UEI are available at *sam.gov/content/entity-registration.*

b. Applicants must maintain an active SAM registration, with current, accurate and complete information, at all times during which it has an active Federal award or an application under consideration by a Federal awarding agency.

c. Applicants must ensure they complete the Financial Assistance General Certifications and Representations in SAM.

d. Applicants must provide a valid UEI in its application, unless determined exempt under 2 CFR 25.110.

e. The Agency will not make an award until the applicant has complied with all SAM requirements including providing the UEI. If an applicant has not fully complied with the requirements by the time the Agency is ready to make an award, the Agency may determine that the applicant is not qualified to receive a Federal award and use that determination as a basis for making a Federal award to another applicant.

4. *Submission Dates and Times.* Grant applications, guaranteed loan-only applications, and combined grant and guaranteed loan applications for financial assistance may be submitted at any time the application window is open and will compete accordingly based on the application window submission deadlines. To be considered for funds under this notice, complete applications must be received by the appropriate USDA RD State Office Energy Coordinator, regardless of postmark, or via *www.grants.gov* by 4:30 p.m. local time on the application window submission deadline. The complete application date is the date the Agency receives the last piece of information that allows the Agency to determine eligibility and to score, rank, and compete the application for funding. The Agency will not solicit or consider new scoring or eligibility information that is submitted after the application deadline. The Agency also reserves the right to ask applicants for clarifying information and additional verification of assertions in the application.

The Agency encourages applicants to reach out to their Energy Coordinator to determine application status. When an application window closes, the next application window opens on the following day, if applicable. An application received after the window closing date will be considered with other complete applications received in the next application window. If the competition deadline falls on a weekend or a federally observed holiday, the next Federal business day will be considered last day for receipt of a complete application. Applications not funded in a given competition will rollover to the next competition.

Applications will compete based upon on the dollar amount of grant request (set aside or unrestricted), the percent of Federal grant share to total project cost, or if the definition of underutilized technologies, as defined in section A.3. is met.

a. *RES/EEI grant applications.* As provided for in 7 CFR 4280.122, the Agency, by this notice, is updating when applications will be accepted and the number of competitions for RES/EEI grant applications. All application deadlines listed below apply to all grants, regardless of the amount requested.

i. *Application window opening.* The Agency will be accepting applications

between July 1 and March 31 of each year covered under this notice. Competition deadlines are outlined below. In order to compete for funding in a competition cycle outlined below, a complete application must be received by the Agency before the deadline. Applicants may only have one active application for assistance per project regardless of Fiscal Year.

ii. *Application window closing.* The Agency will not be accepting applications between April 1 and June 30 of each year covered under this notice. If the Agency receives an application during this time, it will not be reviewed or processed, and the application will be returned.

iii. *Application deadlines.*

A. The following additional application deadlines are being announced for FY 2025:

(1) December 31, 2024; and

(2) March 31, 2025.

B. The following application deadlines are being announced for FY 2026:

(1) September 30, 2025;

(2) December 31, 2025; and

(3) March 31, 2026.

C. The following application deadlines are being announced for FY 2027:

(1) September 30, 2026;

(2) December 31, 2026; and

(3) March 31, 2027.

iv. *Underutilized technologies.* Only projects that propose the use of underutilized technologies will be eligible for set aside funding. Any unused underutilized technology set aside funding will revert to the general program funds on an annual basis.

v. *National Office competition(s).* National Office pooled competitions will be conducted on an as needed basis based on when projects are ready to compete. State allocated restricted funds will be pooled on or about June 1. Pooled restricted funds will first be used to fund eligible unselected requests of $20,000 or less. Any unused restricted funds may be made available to supplement National Office Reserve Account.

A. State allocated unrestricted funds will be pooled on or about August 1. Pooled unrestricted funds will first be used to fund eligible unselected requests of more than $20,000.

B. Applications may compete in National Office competitions provided it has competed in at least one State competition.

vi. *Incomplete applications.* If an application is determined to not be a complete application according to 7 CFR 4280.103, the applicant will have 15 business days to complete their application otherwise their application will be withdrawn. If the Agency requires additional clarification or documentation to determine applicant or project eligibility, applicants will have 15 business days to provide the information otherwise their application will be withdrawn. Please see Review and Selection Process under section E.2. for additional information.

b. *EA/REDA grant applications.* The application deadline date and time for the EA/REDA grants as outlined in 7 CFR 4280.156(a) remains unchanged. Complete applications must be received by 4:30 p.m. local time on January 31 of each year.

c. *RES/EEI and Energy Efficient Equipment and Systems (EEE) guaranteed loans.* Applications are competed on an ongoing basis in accordance with 7 CFR 5001.315.

5. *Intergovernmental Review.* REAP is not subject to Executive Order 12372, Intergovernmental Review of Federal Programs.

6. *Funding Restrictions.* The following funding limitations apply to applications submitted under this notice.

a. *RES/EEI grant funds.* IRA funds will be available to fund requests that do not exceed 50 percent of total eligible project costs. Farm Bill funds and annual appropriated funds, if any, may become available to fund requests that do not exceed 25 percent of total eligible project costs.

i. *Maximum grant assistance.* As provided for in 7 CFR 4280.115, modification is being made, via this notice, to increase the maximum grant assistance noted in 7 CFR 4280.115(a)(3). Projects receiving IRA grant funding are eligible for up to $1,000,000 for an RES project and $500,000 for an EEI project. Applicants can compete and be awarded only one RES grant and one EEI grant in a FY, which includes the grant portion of a combined funding request. Applicants may only have one active application for assistance per project regardless of FY.

Entities that share common management or ownership, regardless of percent owned, either directly or indirectly through another entity or person, have an aggregated funding limit of $500,000 in EEI awards and $1 million in RES awards per Federal Fiscal Year.

ii. *Maximum request.* As provided for in 7 CFR 4280.115, modification is being made, via this notice, to increase the maximum request noted in 7 CFR 4280.115(a)(2). The maximum request for a RES grant application is $1,000,000 and the maximum request for an EEI grant application is $500,000.

A. Pursuant to section 22002 of the IRA, the Federal grant portion of a project utilizing IRA funds cannot exceed 50 percent of total eligible project costs. Applications submitted on or after the next business day following the publication of the notice are subject to the requirements of this notice, unless otherwise specified in a subsequent **Federal Register** notice. Projects are eligible for up to 50 percent Federal grant share from IRA funds if the project meets one of the following criteria:

(1) Is a renewable energy system or retrofit of a renewable energy system that produces zero greenhouse gas emissions (carbon dioxide (CO_2), methane (CH_4), nitrous oxide (N_2O), or fluorinated gases) at the project level;

(2) Is located in an Energy Community as defined in 26 U.S.C. 45(b)(11)(B), and as determined by the Department of Energy;

(3) Is an energy efficiency improvement project; or

(4) Is a project proposed from an eligible Tribal corporation or other Tribal Business entities (including Tribal agriculture operations) as described in 7 CFR part 4280.

All other applications, such as biomass and biogas projects, are eligible for up to 25 percent Federal grant share from IRA funds. The Federal grant portion of a project utilizing appropriations bills, continuing resolutions, or supplemental appropriations bills, cannot exceed 25 percent of total eligible project costs. Sources of REAP grant funds cannot be combined to fund a project. Loan and grant combination applications may use IRA grant funds and mandatory Farm Bill loan funds to fund a project.

B. For RES grants, the minimum request is a total project cost threshold of $10,000; therefore, at 25 percent funding the minimum grant request is $2,500, and at 50 percent funding the minimum grant request is $5,000. The maximum grant request is $1,000,000. For EEI grants, the minimum request is a total project cost threshold of $6,000, therefore at 25 percent funding the minimum grant request is $1,500 and at 50 percent funding the minimum grant request is $3,000. The maximum grant request is $500,000. These minimum and maximum limits also apply to the grant portion of a combined funding request.

C. For RES/EEI/EEE loan guarantees or the loan guaranteed portion of a combined funding request, the minimum REAP guaranteed loan amount is $5,000, and the maximum

amount of a guaranteed loan to be provided to a borrower is $25 million. REAP guaranteed loan requests and combined grant and guaranteed loan requests will not exceed 75 percent of total eligible project costs, with the portion of any grant requests under this notice not exceeding 25, or 50 percent of total eligible project costs, as applicable to the source of grant funds and grant funding provisions as outlined in this notice.

iii. *Disbursement.* Pursuant to section 22002(c) of the IRA, the Secretary shall not enter into a loan agreement that may result in a disbursement after September 30, 2031, or a grant with an outlay after September 30, 2031. Applicants should plan accordingly.

b. *EA/REDA applications.*

i. Applicants may submit only one EA grant application and one REDA grant application in a FY. Separate applications must be submitted for EA funding and REDA funding. If an application is submitted for both EA and REDA funding or if an application's scope of work includes both EA and REDA activities, it will be determined ineligible for competition. The maximum aggregate amount of EA and REDA grant awards to any one recipient cannot exceed $100,000 in a FY.

ii. Applicants that have received one or more grants under this program must have made satisfactory progress per 7 CFR 4280.110(a) before being considered for funding.

iii. The 2018 Farm Bill mandates that the recipient of an EA grant must require the agricultural producer or rural small business receiving the energy audit to pay at least 25 percent of the cost of the energy audit, which shall be retained by the grantee for the cost of the audit.

E. Application Review Information

1. *Criteria.* Unless otherwise specified in a subsequent **Federal Register** notice, all complete applications received on or after the next business day following the publication of this notice will be scored in accordance with the following.

a. RES/EEI grant applications and RES/EEI combined grant and loan guarantee requests received between March 31, 2023, and September 30, 2024, or the business day before publication of this notice whichever happens last will be scored according to the notice published in the **Federal Register** on March 31, 2023, at 88 FR 19239.

b. As provided for in 7 CFR 4280.121, the Agency, by this notice, is updating RES/EEI grants and RES/EEI combined grant and loan guarantee scoring criteria. Applications submitted on or after the next business day following the publication of the notice will be scored based on the criteria identified below.

i. Existing business and size of request, 7 CFR 4280.121(e) and (g) will be removed from the scoring criteria.

ii. Project is located in a Disadvantaged Community or a Distressed Community (15 points will be added). A Disadvantaged Community will be determined by the Agency by using the Council on Environmental Quality's Climate and Economic Justice Screening Tool (which is incorporated into the USDA look-up map) which identifies communities burdened by climate change and environmental injustice. Additionally, all communities within the boundaries of federally recognized Tribes and Alaska Native Villages will also be determined to be Disadvantaged Communities by the Agency. Distressed Community will be determined by the Agency by using the Economic Innovation Group's Distressed Communities Index (which is incorporated into the USDA look-up map), which uses several socio-economic measures to identify communities with low economic wellbeing. To determine if your project is located in a Disadvantaged Community or a Distressed Community, please use the following USDA look-up map: *ruraldevelopment .maps.arcgis.com/apps/webappviewer/index.html?id=4acf083be4c44bb7864d90f97de0c788.* Points will be awarded if any portion of the project site is located within a disadvantaged or distressed communities.

iii. Environmental benefits, 7 CFR 4280.121(a) is being increased to a maximum of 10 points, and points will be awarded as follows: All projects which do not produce greenhouse gases at the project level will be awarded five (5) points and may be considered for up to a maximum of 10 points. Applicants must provide a detailed narrative or analysis to support additional environmental benefits. One point will be awarded for each of the five sub-criteria for documented environmental benefit supported by the project. Each additional benefit must be directly attributable to the RES/EEI project and assessed at the project level; (1) does not convert farmland; (2) does not contribute to deforestation or addresses fire hazards on forest lands; (3) documented water conservation; (4) complies with EPA's renewable fuel standards; and (5) at least 25 percent of project components are biobased.

iv. Commitment of funds, 7 CFR 4280.121(c) is being decreased to a maximum of 10 points.

v. State Director and Administrator priority points, 7 CFR 4280.121(h) have been modified as shown in item F.1.e. below.

vi. The remaining scoring criteria, energy generated, replaced or saved; previous grantees and borrowers; and simple payback, 7 CFR 4280.121 (b), (d), and (f), respectively, remain as stated in the regulation.

c. EA/REDA grants will be scored based on 7 CFR 4280.155.

d. RES/EEI/EEE guaranteed loans will be scored based on 7 CFR 5001.319 and item F.1.e. below.

e. State Director or Administrator priority points are found in 7 CFR 4280.121(h), 4280.137(h), and 5001.319(g). For the purposes of this notice, the State Director or Administrator at their discretion may award up to 10 priority points maximum. The maximum of 5 points will be awarded for projects which meets the following criterion:

Ensuring all rural residents have equitable access to RD programs and benefits from RD funded projects. Using the Social Vulnerability Index (SVI) Look-Up Map (available at *rd.usda.gov/priority-pointsrd.usda.gov/priority-points*), an applicant would receive priority points:

- The project is located in or serving a community with score 0.75 or above on the SVI;
- The applicant is a federally recognized Tribe, including Tribal instrumentalities and entities that are wholly owned by Tribes; or
- Is a project where at least 50 percent of the project beneficiaries are members of federally recognized Tribes and non-Tribal applicants include a Tribal Resolution of Consent from the Tribe or Tribes that the applicant is proposing to serve.
- The application is from or benefiting a Rural Partner's Network's (RPN) community network. Currently RPN Networks exist in Alaska, Arizona, Georgia, Kentucky, Mississippi, Nevada, New Mexico, North Carolina, Puerto Rico, West Virginia and Wisconsin. Use the Community Look-Up map (available at *rd.usda.gov/priority-pointsrd.usda.gov/priority-points*) to determine if your project qualifies for priority points.

Up to an additional 5 points may be awarded based on the following criteria:

i. Selecting the application helps achieve geographic diversity, which may include points based upon the size of the funding request;

ii. The applicant is a member of an unserved or underserved population.

A. Owned by a veteran, including but not limited to individuals as sole

proprietors, members, partners, stockholders, etc., of not less than 20 percent. To receive points, applicants must provide a statement in their application to indicate that owners of the project have veteran status; or

B. Owned by a member of a socially disadvantaged group, which are groups whose members have been subjected to racial, ethnic, or gender prejudice because of their identity as members of a group without regard to their individual qualities. To receive points, the application must include a statement in their application to indicate that the owners of the project are members of a socially disadvantaged group;

iii. The proposed project is in a federally declared major disaster area. Declarations must be within the last 2 calendar years; or

iv. The proposed project is located in

A. An area where 20 percent or more of its population is living in poverty over the last 30 years, as defined by the United States Census Bureau, or

B. An area that has experienced long-term population decline, or loss of employment.

Except for veteran and socially disadvantaged group status, all other priority points are based upon project location specific criteria which will be documented automatically by the Agency. State Director or Administrator priority points for a REAP application cannot exceed 10 points total.

2. *Review and Selection Process.* Each application will be reviewed for completeness. If an application does not meet the definition of complete application, according to 7 CFR 4280.103, the Agency will send a notification identifying those parts of the application that are incomplete, and no further action will be taken on the application.

The Agency will give 15 business days for applicants to provide the missing documentation. The application will be withdrawn, and the applicant notified if the required documentation is not received within the 15 business days or if the information submitted by the deadline is insufficient.

Application processing will continue if all documentation is received timely and is sufficient to meet the definition of a complete application.

Once an application is deemed complete, the Agency will review for applicant and project eligibility as well as for financial and technical feasibility. If the Agency requires additional clarification or documentation, the Agency will send a notification and give a second 15 business day window for the applicant to provide the information needed for applicant and project eligibility and financial and technical feasibility.

The application will be withdrawn, and the applicant notified if the required information is not received within the 15 business days or if the information submitted by the deadline is insufficient.

Application processing will continue if all information is received timely and is sufficient for determining applicant and project eligibility as well as for financial and technical feasibility. The applicant will then receive a notification of the eligibility review outcome.

F. Federal Award Administration Information

1. Federal Award Notices

a. Each applicant and/or lender, as applicable, will be notified of the Agency's decision on their application.

b. If selected for funding, applicants will receive a notification from the Agency via postal service or email. Selection notification does not ensure grant approval. If selected, a Letter of Conditions will be prepared establishing conditions that must be agreed to by the applicant before any obligation of funds can occur. Letters of Condition will be sent with Form RD 1942–46, ''Letter of Intent to Meet Conditions'', and Form RD 1940–1, ''Request for Obligation of Funds.'' Applicants must complete, sign, and return Form RD 1942–46 and RD 1940–1 if they accept the conditions of the grant.

c. If not selected for funding, a notification will be provided via postal service or email and will include any review and or appeal rights.

2. Administrative and National Policy Requirements

a. *Additional Requirements.*

i. Additional requirements that apply to applicants selected for a program award can be found in 7 CFR part 4280, subpart B, or 7 CFR part 5001; the Grants and Agreements regulations of the Department of Agriculture codified in 2 CFR parts 180, 200, 400, 415, 417, 418, 421; 2 CFR part 25, and successor regulations to these parts. The following additional completed documents are required for Applicants selected for a program award:

A. RD 4280–2, ''Financial Assistance Agreement.''

B. Form RD–400–4, ''Assurance Agreement.''

C. Form RD–400–1 ''Equal Opportunity Agreement.''

D. SF LLL, ''Disclosure of Lobbying Activities,'' if applicable.

b. *Build America, Buy America Act.* Funding to Non-Federal Entities. Awardees that are Non-Federal Entities, defined pursuant to 2 CFR 200.1 as any State, local government, Indian Tribe, Institution of Higher Education, or nonprofit organization, shall be governed by the requirements of section 70914 of the Build America, Buy America Act (BABAA) within the IIJA. Any requests for waiver of these requirements must be submitted pursuant to USDA's guidance available online at *usda.gov/ocfo/federal-financial-assistance-policy/USDABuyAmericaWaiver.*

c. *Geospatial Data.* Awardee, and any and all contracts entered into by the Awardee with respect to the Award, shall ensure that geospatial data required to be collected and provided to the agency, conforms with the requirements of USDA Department Regulation DR–3465–001 and the Geospatial Metadata Standards set forth in DM 3465–001, which can be obtained online at *usda.gov/directives/dr-3465–001andusda.gov/directives/dm-3465–001.*

d. *Transparency Act Reporting.* All recipients of Federal financial assistance are required to report information about first-tier subawards and executive compensation in accordance with 2 CFR part 170. If an applicant does not have an exception pursuant to 2 CFR 170.105, the applicant must then ensure that they have the necessary processes and systems in place to comply with the reporting requirements to receive funding.

e. *Race, ethnicity, and gender.* The Agency is requesting that each applicant provide race, ethnicity, and gender information about the applicant. The information will allow the Agency to evaluate its outreach efforts to underserved and under-represented populations. Applicants are encouraged to furnish this information with their application but are not required to do so. An applicant's eligibility or the likelihood of receiving an award will not be impacted by furnishing or not furnishing this information.

3. *Reporting.* The Agency will service RES and EEI grants in accordance with 7 CFR 4280.124 and 2 CFR part 400. The following will be required, as indicated in the Financial Assistance Agreement, and specified at 7 CFR 4280.124(i):

a. An SF–425, ''Federal Financial Report,'' and a project performance report will be required on a semiannual basis (due 30 working days after end of the semiannual period) between grant approval and completion (*i.e.,* construction) of the project. For the purposes of this grant, semiannual

periods end on June 30 and December 31 of each year. The project performance reports shall include the elements prescribed in the Financial Assistance Agreement.

b. Form RD 4280–3D, 'Annual Outcome Project Performance Certification' as outlined in 7 CFR 4280.124(i)(3), must be provided by grantee once the project has been constructed.

c. A final project and financial status report must be provided within 120 days after the expiration or termination of the grant as outlined in 7 CFR 4280.124(i)(2)(ii).

G. Federal Awarding Agency Contacts

For general questions about this announcement, please contact Jonathan Burns at *CPgrants@usda.gov* or (774) 678–7238. The Agency website also provides up to date contact information at *rd.usda.gov/programs-services/energy-programs/rural-energy-america-program-renewable-energy-systems-energy-efficiency-improvement-guaranteed-loans.*

H. Other Information

1. *Paperwork Reduction Act.* In accordance with the Paperwork Reduction Act of 1995, the information collection requirements associated with the programs, as covered in this notice, have been approved by the Office of Management and Budget (OMB) under OMB Control Number 0570–0067.

2. *National Environmental Policy Act.* All recipients under this notice are subject to the requirements of 7 CFR part 1970.

3. *Federal Funding Accountability and Transparency Act.* All applicants, in accordance with 2 CFR part 25, must be registered in SAM and have a UEI number as stated in section D.3 of this notice. All recipients of Federal financial assistance are required to report information about first-tier sub-awards and executive total compensation in accordance with 2 CFR part 170.

4. *Civil Rights Act.* All grants made under this notice are subject to title VI of the Civil Rights Act of 1964 as required by the USDA 7 CFR part 15, subpart A and section 504 of the Rehabilitation Act of 1973, title VIII of the Civil Rights Act of 1968, title IX, Executive Order 13166 (Limited English Proficiency), Executive Order 11246, and the Equal Credit Opportunity Act of 1974.

5. *Equal Opportunity for Religious Organizations.*

a. Faith-based organizations may apply for this award on the same basis as any other organization, as set forth at, and subject to the protections and requirements of, this part and any applicable constitutional and statutory requirements, including 42 U.S.C. 2000bb *et seq.* USDA will not, in the selection of recipients, discriminate for or against an organization on the basis of the organization's religious character, motives, or affiliation, or lack thereof, or on the basis of conduct that would not be considered grounds to favor or disfavor a similarly situated secular organization.

b. A faith-based organization that participates in this program will retain its independence from the Government and may continue to carry out its mission consistent with religious freedom and conscience protections in Federal law. Religious accommodations may also be sought under many of these religious freedom and conscience protection laws.

c. A faith-based organization may not use direct Federal financial assistance from USDA to support or engage in any explicitly religious activities except when consistent with the Establishment Clause of the First Amendment and any other applicable requirements. An organization receiving Federal financial assistance also may not, in providing services funded by USDA, or in their outreach activities related to such services, discriminate against a program beneficiary or prospective program beneficiary on the basis of religion, a religious belief, a refusal to hold a religious belief, or a refusal to attend or participate in a religious practice.

6. *Signage.* The Awardee is encouraged to display USDA standard infrastructure investment signage, available for download from the Agency, during construction of the project. Expenditures for such signage shall be a permitted eligible cost of IRA funded projects.

7. *Nondiscrimination Statement.* In accordance with Federal civil rights law and USDA civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident. Program information may be made available in languages other than English.

Persons with disabilities who require alternative means of communication to obtain program information (*e.g.,* Braille, large print, audiotape, American Sign Language) should contact the responsible Mission Area, agency, or staff office; or the 711 Relay Service.

To file a program discrimination complaint, a complainant should complete a Form AD3027, USDA Program Discrimination Complaint Form, which can be obtained online at *https://www.usda.gov/sites/default/files/documents/ad-3027.pdf,* 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:

(i) *Mail:* U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue SW, Washington, DC 20250–9410; or

(ii) *Fax:* (833) 256–1665 or (202) 690–7442; or

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

USDA is an equal opportunity provider, employer, and lender.

Kathryn E. Dirksen Londrigan,

Administrator, Rural Business-Cooperative Service, USDA, Rural Development.

[FR Doc. 2024–23854 Filed 10–15–24; 8:45 am]

BILLING CODE 3410–XY–P

DEPARTMENT OF COMMERCE

Census Bureau

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Census Household Panel Topical 13 and Topical 14 Operations

On July 12, 2024, the Department of Commerce received clearance from the Office of Management and Budget (OMB) in accordance with the Paperwork Reduction Act of 1995 to conduct the tenth, eleventh, and twelfth Census Household Panel topical operations (OMB No. 0607–1025, Exp. 6/30/26). The Census Household Panel is designed to ensure availability of frequent data collection for nationwide estimates on a variety of topics for a variety of subgroups of the population.

This notice serves to inform of the Department's intent to request clearance from OMB to conduct topical operations 13 and 14.

The Topical 13 (November) will include experiments on using auxiliary data, ''don't know'' responses, and dependent data. For the December topical questionnaire (Topical 14) we will collect data using Household Pulse Survey content. For both months, we will conduct a digital incentives test. The Department of Commerce will submit the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. We invite the general public and other Federal agencies to comment on proposed, and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. Public comments were previously requested via the **Federal Register** on February 6, 2023, during a 60-day comment period. This notice allows for an additional 30 days for public comments.

Agency: U.S. Census Bureau, Commerce.

Title: Census Household Panel Topical 13 and Topical 14 Operations.

OMB Control Number: 0607–1025.

Form Number(s): Not yet determined.

Type of Request: Request for a Revision of a Currently Approved Collection.

Number of Respondents: 10,354 panel members.

Average Hours per Response: 4 hours per year (20 minutes for monthly collection).

Burden Hours: 41,375.

Needs and Uses: The Census Household Panel is a probability-based nationwide nationally-representative survey panel designed to test the methods to collect data on a variety of topics of interest, and for conducting experimentation on alternative question wording and methodological approaches. The goal of the Census Household Panel is to ensure availability of frequent data collection for nationwide estimates on a variety of topics and a variety of subgroups of the population, meeting standards for transparent quality reporting of the Federal Statistical Agencies and the Office of Management and Budget (OMB).

Panelists and households selected for the Panel were recruited from the Census Bureau's gold standard Master Address File. This ensures the Panel is rooted in this rigorously developed and maintained frame and available for linkage to administrative records securely maintained and curated by the Census Bureau. Invitations to complete the monthly surveys will be sent via email and SMS messages. Questionnaires will be mainly internet self-response. The Panel will maintain representativeness by allowing respondents who do not use the internet to respond via computer-assisted telephone interviewing (CATI). All panelists will receive an incentive for each complete questionnaire. Periodic replenishment samples will maintain representativeness and panelists will be replaced after a period of three years.

Affected Public: Individuals or Households.

Frequency: Monthly.

Respondent's Obligation: Voluntary.

Legal Authority: Title 13, United States Code, sections 141, 182 and 193.

This information collection request may be viewed at *https://www.reginfo.gov*. Follow the instructions to view the Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website *https://www.reginfo.gov/public/do/PRAMain*. Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function and entering either the title of the collection or the OMB Control Number 0607–1025.

Sheleen Dumas,

Departmental PRA Clearance Officer, Office of the Under Secretary for Economic Affairs, Commerce Department.

[FR Doc. 2024–23870 Filed 10–15–24; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–31–2024]

Foreign-Trade Zone (FTZ) 230; Authorization of Production Activity; Patheon Softgels; (Pharmaceutical Products); High Point, North Carolina

On June 12, 2024, The Piedmont Triad Partnership, grantee of FTZ 230, submitted a notification of proposed production activity to the FTZ Board on behalf of Patheon Softgels, within Subzone 230C, in High Point, North Carolina.

The notification was processed in accordance with the regulations of the FTZ Board (15 CFR part 400), including notice in the **Federal Register** inviting public comment (89 FR 51873, June 20, 2024). On October 10, 2024, the applicant was notified of the FTZ Board's decision that no further review of the activity is warranted at this time. The production activity described in the notification was authorized, subject to the FTZ Act and the FTZ Board's regulations, including section 400.14.

Dated: October 10, 2024.

Elizabeth Whiteman,

Executive Secretary.

[FR Doc. 2024–23819 Filed 10–15–24; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

[Docket No. 240926–0255]

RIN 0694–XC108

Effectiveness of Licensing Procedures for the Export and Reexport of Agricultural Commodities to Cuba

AGENCY: Bureau of Industry and Security, Commerce.

ACTION: Request for comments.

SUMMARY: The Bureau of Industry and Security (BIS) is requesting public comments on the effectiveness of its licensing procedures as defined in the Export Administration Regulations (EAR) for the export and reexport of agricultural commodities to Cuba. BIS will include a description of any comments it receives in its biennial report to Congress, as required by the Trade Sanctions Reform and Export Enhancement Act of 2000, as amended (TSRA).

DATES: Comments must be received by November 15, 2024.

ADDRESSES: Comments on this notice may be submitted by either of the following methods:

- *Electronic Submission:* Submit all electronic public comments via the Federal rulemaking portal. Visit *http://www.regulations.gov* and type ''BIS–2024–0049'' in the search box to find this notice.
- *Mail:* Submit written comments by mail or delivery to Regulatory Policy Division, Bureau of Industry and Security, U.S. Department of Commerce, Room 2099B, 14th Street and Pennsylvania Avenue NW, Washington, DC 20230. Refer to RIN 0694–XC108.

Comments sent by any other method, to any other address or individual, or

received after the end of the comment period, may not be considered by BIS. All comments (including any personal identifying information) will be made public.

FOR FURTHER INFORMATION CONTACT: Jerry Huang, Office of Nonproliferation and Foreign Policy Controls, Telephone: (202) 482–4252. Additional information on BIS procedures and previous biennial reports under TSRA is available at *http://www.bis.doc.gov/index.php/policy-guidance/country-guidance/sanctioned-destinations/13-policy-guidance/country-guidance/426-reports-to-congress.* Copies of these materials may also be requested by contacting the Office of Nonproliferation and Treaty Compliance.

SUPPLEMENTARY INFORMATION: Pursuant to section 906(a) of the Trade Sanctions Reform and Export Enhancement Act of 2000 (TSRA) (22 U.S.C. 7205(a)), the Bureau of Industry and Security (BIS) authorizes exports and reexports of agricultural commodities, as defined in part 772 of the Export Administration Regulations (EAR) (15 CFR parts 730–774), to Cuba. Requirements and procedures associated with such authorization are set forth in § 740.18 of the EAR (15 CFR 740.18). These are the only licensing procedures in the EAR currently in effect pursuant to the requirements of section 906(a) of TSRA.

Under the provisions of section 906(c) of TSRA (22 U.S.C. 7205(c)), BIS must submit a biennial report to Congress on the operation of the licensing system implemented pursuant to section 906(a) for the preceding two-year period. This report must include the number and types of licenses applied for, the number and types of licenses approved, the average amount of time elapsed from the date of filing of a license application until the date of its approval, the extent to which the licensing procedures were effectively implemented, and a description of comments received from interested parties during a 30-day public comment period regarding the effectiveness of the licensing procedures. Consistent with TSRA's requirements, BIS is currently preparing a biennial report on the operation of the licensing system for the two-year period from October 1, 2022 through September 30, 2024.

Request for Comments

By this notice, BIS requests public comments on the effectiveness of the licensing procedures for the export and reexport of agricultural commodities to Cuba set forth under § 740.18 of the EAR. Parties submitting comments are asked to be as specific as possible. All comments received by the close of the comment period will be considered by BIS in developing the report to Congress.

All comments will be publicly available. Any information that the commenter does not wish to be made available to the public should not be submitted to BIS.

Thea D. Rozman Kendler,

Assistant Secretary for Export Administration.

[FR Doc. 2024–23828 Filed 10–15–24; 8:45 am]

BILLING CODE 3510–33–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Information Systems Technical Advisory Committee; Notice of Partially Closed Meeting

The Information Systems Technical Advisory Committee (ISTAC) will meet on October 30 and 31, 2024, 9:00 a.m., Eastern Daylight Time, in the Herbert C. Hoover Building, Room 3884, 1401 Constitution Avenue NW, Washington, DC (enter through Main Entrance on 14th Street between Constitution and Pennsylvania Avenues). This meeting will be hybrid. The Committee advises and assists the Secretary of Commerce (Secretary) and other Federal officials and agencies with respect to actions designed to carry out the policy set forth in section 1752(1)(A) of the Export Control Reform Act. The purpose of the meeting is to have Committee members and U.S. Government representatives mutually review updated technical data and policy-driving information that has been gathered.

Agenda

Wednesday, October 30, 2024

Closed Session: 9:00 a.m.–12:45 p.m.

1. Discussion of matters determined to be exempt from the open meeting and public participation requirements found in sections 1009(a)(1) and 1009(a)(3) of the Federal Advisory Committee Act (FACA) (5 U.S.C. 1001–1014).

Open Session: 12:45 p.m.–4:15 p.m.

2. Welcome and Introductions
3. Working Group Reports
4. Open Business
5. FIPS 203 (''Post Quantum Crypto'')—NIST
6. Summarized ISTAC Wassenaar Proposals for 2025
7. Industry Presentation: Foreign Targeting of U.S. Industry
8. Industry Presentation: Oscilloscopes and Digitizers

Thursday, October 31, 2024

Closed Session: 9:00 a.m.–12:00 p.m.

9. Discussion of matters determined to be exempt from the open meeting and public participation requirements found in sections 1009(a)(1) and 1009(a)(3) of the Federal Advisory Committee Act (FACA) (5 U.S.C. 1001–1014). The exemption is authorized by section 1009(d) of the FACA, which permits the closure of advisory committee meetings, or portions thereof, if the head of the agency to which the advisory committee reports determines such meetings may be closed to the public in accordance with subsection (c) of the Government in the Sunshine Act (5 U.S.C. 552b(c)). In this case, the applicable provisions of 5 U.S.C. 552b(c) are subsection 552b(c)(4), which permits closure to protect trade secrets and commercial or financial information that is privileged or confidential, and subsection 552b(c)(9)(B), which permits closure to protect information that would be likely to significantly frustrate implementation of a proposed agency action were it to be disclosed prematurely. The closed session of the meeting will involve committee discussions and guidance regarding U.S. Government strategies and policies.

The open session will be accessible via teleconference. To join the conference, submit inquiries to Ms. Yvette Springer at *Yvette.Springer@bis.doc.gov*.

A limited number of seats will be available for members of the public to attend the open session in person. Reservations are not accepted.

Special Accommodations: Individuals requiring special accommodations to access the public meeting should contact Ms. Yvette Springer no later than Wednesday, October 23, 2024, so that appropriate arrangements can be made.

To the extent that time permits, members of the public may present oral statements to the Committee. The public may submit written statements at any time before or after the meeting. However, to facilitate distribution of materials to the Committee members, the Committee suggests that members of the public forward their materials prior to the meeting to Ms. Springer via email. Material submitted by the public will be made public and therefore should not contain confidential information. Meeting materials from the public session will be accessible via the Technical Advisory Committee (TAC) site at *https//tac.bis.gov,* within 30-days after the meeting.

The Deputy Assistant Secretary for Administration, performing the non-

exclusive functions and duties of the Chief Financial Officer and Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on February 15, 2024, pursuant to 5 U.S.C. 1009(d)), that the portion of the meeting dealing with pre-decisional changes to the Commerce Control List and the U.S. export control policies shall be exempt from the provisions relating to public meetings found in 5 U.S.C. 1009(a)(1) and 1009(a)(3). The remaining portions of the meeting will be open to the public.

Meeting cancellation: If the meeting is cancelled, a cancellation notice will be posted on the TAC website at *https://tac.bis.doc.gov*.

For more information, contact Ms. Springer.

Yvette Springer,

Committee Liaison Officer.

[FR Doc. 2024–23868 Filed 10–15–24; 8:45 am]

BILLING CODE 3510–JT–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–570–953]

Narrow Woven Ribbons With Woven Selvedge From the People's Republic of China: Final Results of Countervailing Duty Administrative Review; 2022

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) determines that certain producers/exporters of narrow woven ribbons with woven selvedge (ribbons) from the People's Republic of China (China) received countervailable subsidies during the period January 1, 2022, through December 31, 2022.

DATES: Applicable October 16, 2024.

FOR FURTHER INFORMATION CONTACT: Robert Copyak, AD/CVD Operations, Office IX, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–3642.

SUPPLEMENTARY INFORMATION:

Background

On June 10, 2024, Commerce published the *Preliminary Results* and invited interested parties to comment.[1] We received no comments from interested parties on the *Preliminary Results,* and we have made no changes from the *Preliminary Results.* Accordingly, no decision memorandum accompanies this **Federal Register** notice.

On July 22, 2024, Commerce tolled certain deadlines in this administrative proceeding by seven days.[2] The deadline for the final results is now October 15, 2024. Commerce conducted this administrative review in accordance with section 751 of the Tariff Act of 1930, as amended (the Act).

Scope of the Order

The products covered by the order are ribbons from China. For a complete description of the scope of the order, *see Preliminary Results*.

Final Results of Review

We received no comments from interested parties on the *Preliminary Results* and, therefore, have made no changes in the final results of this review. Accordingly, we continue to base the rate for the mandatory respondents (listed below) entirely on facts available.[3] As a result, we determine that the following net countervailable subsidy rates exist for the period January 1, 2022, through December 31, 2022:

Producer/exporter	Subsidy rate (percent)
Weifang Chenrui Textile Co., Ltd	165.52
Xiamen Lude Ribbons and Bows Co., Ltd	165.52

Disclosure

Normally, Commerce discloses to interested parties the calculations performed in connection with the final results of review within five days of a public announcement or, if there is no public announcement, within five days of the date of publication of the notice of final results in the **Federal Register**, in accordance with 19 CFR 351.224(b). However, because Commerce assigned subsidy rates based on adverse facts available to the companies listed above, there are no calculations to disclose.

Assessment Rates

Consistent with section 751(a)(1) of the Act and 19 CFR 351.212(b)(2), upon completion of the administrative review, Commerce shall determine, and U.S. Customs and Border Protection (CBP) shall assess, countervailing duties on all appropriate entries covered by this review. Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of the final results of this review in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.,* within 90 days of publication).

Cash Deposit Requirements

In accordance with section 751(a)(2)(C) of the Act, Commerce also intends to instruct CBP to collect cash deposits of estimated countervailing duties in the amounts shown for the companies listed above for shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this review. For all non-reviewed firms, Commerce will instruct CBP to continue to collect cash deposits at the all-others rate or the most recent company-specific rate applicable to the company, as appropriate. These cash deposit requirements, when imposed, shall remain in effect until further notice.

Administrative Protective Order (APO)

This notice also serves as a reminder to parties subject to APO of their responsibility concerning the destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a sanctionable violation.

Notification to Interested Parties

We are issuing and publishing these final results in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: October 8, 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. 2024–23846 Filed 10–15–24; 8:45 am]

BILLING CODE 3510–DS–P

[1] *See Narrow Woven Ribbons With Woven Selvedge From the People's Republic of China: Preliminary Results of Countervailing Duty Administrative Review and Rescission of Review, in Part; 2022,* 89 FR 48882 (June 10, 2024) (*Preliminary Results*), and accompanying Preliminary Decision Memorandum (PDM).

[2] *See* Memorandum, ''Tolling of Deadlines for Antidumping and Countervailing Duty Proceedings,'' dated July 22, 2024.

[3] *See Preliminary Results,* 89 FR at 48883.

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XE364]

Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to Pacific Gas & Electric Sediment Remediation Project, San Francisco Bay

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 Pacific Gas & Electric Company (PG&E) for the renewal of their currently active incidental harassment authorization (IHA) to take marine mammals incidental to construction associated with a sediment remediation project in San Francisco Bay, CA. Pursuant to the Marine Mammal Protection Act, prior to issuing the currently active 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 31, 2024.

ADDRESSES: Comments should be addressed to Jolie Harrison, Chief, Permits and Conservation Division, Office of Protected Resources, NMFS, and should be submitted via email to *ITP.jacobus@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: Kristy Jacobus, Office of Protected Resources, NMFS, (301) 427–8401.

SUPPLEMENTARY INFORMATION:

Background

The Marine Mammal Protection Act (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 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 1 year for each reauthorization. In the notice of proposed IHA for the initial IHA, NMFS described the circumstances under which we would consider issuing a renewal for this activity, and requested public comment on a potential renewal under those circumstances. Specifically, on a case-by-case basis, NMFS may issue a one-time 1-year renewal of an IHA following notice to the public providing an additional 15 days for public comments when (1) up to another year of identical, or nearly identical, activities as described in the Detailed Description of Specified Activities section of the initial IHA issuance notice is planned or (2) the activities as described in the Description of the Specified Activities and Anticipated Impacts section of the initial IHA issuance notice would not be completed by the time the initial IHA expires and a renewal would allow for completion of the activities beyond that described in the **DATES** section of the notice of issuance of the initial IHA, provided all of the following conditions are met:

1. A request for renewal is received no later than 60 days prior to the needed renewal IHA effective date (recognizing that the renewal IHA expiration date cannot extend beyond 1 year from expiration of the initial IHA).

2. The request for renewal must include the following:

- An explanation that the activities to be conducted under the requested renewal IHA are identical to the activities analyzed under the initial IHA, are a subset of the activities, or include changes so minor (*e.g.,* reduction in pile size) that the changes do not affect the previous analyses, mitigation and monitoring requirements, or take estimates (with the exception of reducing the type or amount of take); and
- A preliminary monitoring report showing the results of the required monitoring to date and an explanation showing that the monitoring results do not indicate impacts of a scale or nature not previously analyzed or authorized.

3. Upon review of the request for renewal, the status of the affected species or stocks, and any other pertinent information, NMFS determines that there are no more than minor changes in the activities, the mitigation and monitoring measures will remain the same and appropriate, and the findings in the initial IHA remain valid.

An additional public comment period of 15 days (for a total of 45 days), with direct notice by email, phone, or postal

service to commenters on the initial IHA, is provided to allow for any additional comments on the proposed renewal. A description of the renewal process may be found on our website at: *https://www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-harassment-authorization-renewals.* Any comments received on the potential renewal, along with relevant comments on the initial IHA, have been considered in the development of this proposed IHA renewal, and a summary of agency responses to applicable comments is included in this notice. NMFS will consider any additional public comments prior to making any final decision on the issuance of the requested renewal, and agency responses will be summarized in the final notice of our decision.

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 review our proposed action (*i.e.,* the issuance of an IHA) with respect to potential impacts on the human environment.

This action is consistent with categories of activities identified in Categorical Exclusion B4 (incidental take authorizations with no anticipated serious injury or mortality) of the Companion Manual for NOAA Administrative Order 216–6A, which do not individually or cumulatively have the potential for significant impacts on the quality of the human environment and for which we have not identified any extraordinary circumstances that would preclude this categorical exclusion. Accordingly, NMFS determined that the issuance of the initial IHA qualified to be categorically excluded from further NEPA review. NMFS has preliminarily determined that the application of this categorical exclusion remains appropriate for this renewal IHA.

History of Request

On January 30, 2024, NMFS issued an IHA to PG&E to take marine mammals incidental to construction associated with sediment remediation in San Francisco Bay, CA (89 FR 5865), effective from May 1, 2024, through April 30, 2025. On September 26, 2024, NMFS received an application for the renewal of that initial IHA. As described in the application for renewal IHA, the activities for which incidental take is requested are nearly identical to those covered in the initial IHA. Although PG&E anticipates that construction will begin during the timeframe of the initial IHA, no work has yet commenced and therefore no preliminary monitoring data are available.

Description of the Specified Activities and Anticipated Impacts

The planned activities are nearly identical to those analyzed in the initial IHA. As the first phase of a 5- to 7-year project to remediate sediments impacted with polycyclic aromatic hydrocarbons (PAHs) in San Francisco Bay, PG&E is planning to install hydroacoustic data collection piles, piles to attach a turbidity curtain, sediment pins to promote slope stability, and install and remove piles to relocate the Red and White Fleet (RWF). A detailed description of these activities can be found in the Notice of the Proposed IHA (88 FR 82836, November 27, 2023). Under the initial IHA, eight 24-inch steel shell piles and eight 36-inch steel shell piles were to be installed and removed for the RWF Relocation. Under the renewal IHA, PG&E proposes to install and remove 10 24-inch piles and 10 36-inch steel shell piles for the RWF Relocation. No more than four of each of these piles would be installed or removed per day. As analyzed in the initial IHA, installation of these piles would be done through primarily vibratory pile driving with impact pile driving only as needed to seat the piles. Removal would be through vibratory methods. The remainder of the work would be identical to that of the initial IHA, and the total proposed number of days of in-water work would be the same.

Under the initial IHA, take by Level B harassment from pile driving was authorized for harbor seal (*Phoca vitulina*), northern elephant seal (*Mirounga angustirostris*), California sea lion (*Zalophus californianus*), northern fur seal (*Callorhinus ursinus*), Steller sea lion (*Eumetopias jubatus*), bottlenose dolphin (*Tursiops truncatus*), and harbor porpoise (*Phocoena phocoena*). Under the renewal IHA, NMFS proposes to take, by Level B harassment, the same number of these species as were authorized under the initial IHA.

Documents related to the initial IHA including the **Federal Register** notices for the proposed IHA (88 FR 82836, November 27, 2023) and final IHA (89 FR 5865, January 30, 2024) and PG&E's application can be found at *https://www.fisheries.noaa.gov/action/incidental-take-authorization-pacific-gas-electric-sediment-remediation-project-san.*

Detailed Description of the Activity

A detailed description of the pile driving activities for which take is proposed here may be found in the notices of the proposed and final IHAs (88 FR 82836, November 27, 2023; 89 FR 5865, January 30, 2024) for the initial authorization. The location, timing, and nature of the activities, including the types of equipment planned for use, are identical to those described in the previous notices.

The only minor change that PG&E proposes for this renewal IHA is the addition of two 24-inch and two 36-inch steel shell piles in the RWF relocation, which would be installed with vibratory pile driving and impact pile driving only as needed to seat the piles. The piles would be removed with vibratory methods. The addition of these piles would not change the proposed number of in-water work days (50 days; see table 1). The proposed renewal would be effective for a period not exceeding 1 year from the date of expiration of the initial IHA. The effective dates would be from May 1, 2025, to April 30, 2026.

TABLE 1—SCHEDULE OF IN-WATER CONSTRUCTION

Type of pile	Total number of pile installation/removal	Number of piles installed/removed per day	Days of pile driving or removal
Turbidity Curtain (Steel H-Piles or Steel Shell Pile ≤24 inches)	40 (20 installed, 20 removed)	4	10
RWF Temporary Relocation (24-inch and 36-inch Steel Shell Piles).	40 (20 installed, 20 removed)	4	10
Sediment Pin Installation (14- to 16-inch timber or plastic)	120 (installation only)	8	15
Hydroacoustic Data Collection Piles (18-inch composite)	20 (10 installed, 10 removed)	2	10

TABLE 1—SCHEDULE OF IN-WATER CONSTRUCTION—Continued

Type of pile	Total number of pile installation/ removal	Number of piles installed/removed per day	Days of pile driving or removal
Total	180		45
Total (+10% buffer)		*50	

*Rounded to maximum number of full days

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 notice of the proposed IHA (88 FR 82836, November 27, 2023) for the initial authorization. NMFS has reviewed the 2023 draft Stock Assessment Reports (SARs), information on relevant Unusual Mortality Events, and other scientific literature, and determined there is no new information that affects which species or stocks have the potential to be affected or the pertinent information in the Description of the Marine Mammals in the Area of Specified Activities contained in the supporting documents for the initial IHA. The abundance estimate for the Eastern stock of the Steller sea lion has decreased from 43,201 to 36,308 according to the 2023 draft SAR (Young *et al.,* 2024), but this does not change estimated take numbers or influence the findings made in support of the initial IHA.

Potential Effects on Marine Mammals and Their Habitat

A description of the potential effects of the specified activity on marine mammals and their habitat for the activities for which an authorization of incidental take is proposed here may be found in the notice of the proposed IHA (88 FR 82836, November 27, 2023) for the initial authorization. NMFS has reviewed recent draft SARs, information on relevant Unusual Mortality Events, 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 is found in the notices of the proposed and final IHAs (88 FR 82836, November 27, 2023; 89 FR 5865, January 30, 2024) for the initial authorization. The only changes PG&E proposes to make for the renewal IHA is to add 2 24-inch steel shell piles and 2 36-inch steel shell piles, resulting in a total of 10 of each piles, for installation and removal in the RWF Relocation portion of the project. The source levels, days of operation, and marine mammal occurrence data applicable to this authorization remain unchanged from the previously issued IHA. Similarly, the stocks taken, methods of take, and types of take remain unchanged from the previously issued IHA, as do the number of takes, which are indicated below in table 2.

TABLE 2—SUMMARY OF MARINE MAMMAL TAKES BY SPECIES

Species	Stock	Proposed Level B harassment takes	Stock abundance	Percent of stock (%)
Harbor seal	California	1,000	30,968	3.2
Northern elephant seal	California breeding	25	187,386	0.01
California sea lion	United States	9,550	257,606	3.7
Northern fur seal	California; Eastern North Pacific	5	14,050; 626,618	0.04; 0.001
Steller sea lion	Eastern	5	36,308	0.01
Bottlenose dolphin	Coastal California	25	453	5.5
Harbor porpoise	San Francisco-Russian River	100	7,777	1.3

On May 3, 2024, NMFS published (89 FR 36762) and solicited public comment on its draft Updated Technical Guidance (*https://www.fisheries.noaa.gov/s3/2024-05/NMSFAcousticGuidance-DraftTECHMEMOGuidance-3.0-FEB-24-OPR1.pdf*), which includes updated thresholds and weighting functions to inform auditory injury estimates, and is intended to replace the 2018 Technical Guidance referenced in the notices for the proposed and final IHA (88 FR 82836, November 27, 2023; 89 FR 5865, January 30, 2024), once finalized. The public comment period ended on June 17, 2024, and although the Updated Technical Guidance is not final, NMFS expects the Updated Technical Guidance to represent the best available science once it is. In consideration of the best available science, NMFS has conducted calculations using the draft Updated Technical Guidance and NMFS draft optional user spreadsheet, using the source levels and spreadsheet inputs provided in the notices for the proposed and final IHAs (88 FR 82836, November 27, 2023; 89 FR 5865, January 30, 2024), for the purpose of understanding how Level A harassment (auditory injury) zones would change from the initial IHA. The relevant draft updated weighting functions may be found in the executive summary of the draft Updated Technical Guidance, on page 3. The draft updated marine mammal hearing groups and draft updated thresholds can be found in tables 3 and 4.

TABLE 3—MARINE MAMMAL HEARING GROUPS

[NMFS, 2024]

Hearing group	Generalized hearing range *
Low-frequency (LF) cetaceans (baleen whales)	7 Hz to 36 kHz.
High-frequency (HF) cetaceans (dolphins, toothed whales, beaked whales, bottlenose whales)	150 Hz to 160 kHz.
Very High-frequency (VHF) cetaceans (true porpoises, *Kogia,* river dolphins, Cephalorhynchid, *Lagenorhynchus cruciger* & *L. australis*).	200 Hz to 165 kHz.
Phocid pinnipeds (PW) (underwater) (true seals)	40 Hz to 90 kHz.
Otariid pinnipeds (OW) (underwater) (sea lions and fur seals)	60 Hz to 68 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 may not be as broad. Generalized hearing range chosen based on ~65-dB threshold from composite audiogram, previous analysis in NMFS, 2018, and/or data from Southall *et al.,* 2007; Southall *et al.,* 2019. Additionally, animals are able to detect very loud sounds above and below that ''generalized'' hearing range.

TABLE 4—ONSET OF AUDITORY INJURY (AUD INJ)

[NMFS, 2024]

Hearing group	AUD INJ onset thresholds * (received level)	
	Impulsive	Non-impulsive
Low-Frequency (LF) Cetaceans	*Cell 1:* $L_{p,0\text{-pk,flat}}$: 222 dB; $L_{p,E,p,LF,24h}$: 183 dB	*Cell 2:* $L_{E,p,LF,24h}$: 197 dB.
High-Frequency (HF) Cetaceans	*Cell 3:* $L_{p,0\text{-pk,flat}}$: 230 dB; $L_{E,p,HF,24h}$: 193 dB	*Cell 4:* $L_{E,p,HF,24h}$: 201 dB.
Very High-Frequency (VHF) Cetaceans	*Cell 5:* $L_{p,0\text{-pk,flat}}$: 202 dB; $L_{E,p,VHF,24h}$: 159 dB	*Cell 6:* $L_{E,p,VHF,24h}$: 181 dB.
Phocid Pinnipeds (PW) (Underwater)	*Cell 7:* $L_{p,0\text{-pk,flat}}$: 223 dB; $L_{E,p,PW,24h}$: 183 dB	*Cell 8:* $L_{E,p,PW,24h}$: 195 dB.
Otariid Pinnipeds (OW) (Underwater)	*Cell 9:* $L_{p,0\text{-pk,flat}}$: 230 dB; $L_{E,p,OW,24h}$: 185 dB	*Cell 10:* $L_{E,p,OW,24h}$: 199 dB.

* Dual metric thresholds for impulsive sounds: Use whichever results in the largest isopleth for calculating AUD INJ onset. If a non-impulsive sound has the potential of exceeding the peak sound pressure level thresholds associated with impulsive sounds, these thresholds are recommended for consideration.

Note: Peak sound pressure level ($L_{p,0\text{-pk}}$) has a reference value of 1 µPa, and weighted cumulative sound exposure level ($L_{E,p}$) has a reference value of 1µPa^{2}s. In this table, thresholds are abbreviated to be more reflective of International Organization for Standardization standards (ISO, 2017). The subscript ''flat'' is being included to indicate peak sound pressure are flat weighted or unweighted within the generalized hearing range of marine mammals (*i.e.,* 7 Hz to 165 kHz). The subscript associated with cumulative sound exposure level thresholds indicates the designated marine mammal auditory weighting function (LF, HF, and VHF cetaceans, and PW and OW pinnipeds) and that the recommended accumulation period is 24 hours. The weighted cumulative sound exposure level thresholds could be exceeded in a multitude of ways (*i.e.,* varying exposure levels and durations, duty cycle). When possible, it is valuable for action proponents to indicate the conditions under which these thresholds will be exceeded.

NMFS has also considered whether modifications to mitigation requirements, *i.e.,* shutdown zones, would be appropriate in light of the draft Updated Technical Guidance. Based on the outcome of these analyses using the draft Updated Technical Guidance, alternate Level A harassment zones are presented in table 5, as well as the Level A harassment zones from the initial IHA, based on the 2018 Technical Guidance, for comparison. Proposed mitigation zones, in consideration of the draft Updated Technical Guidance where appropriate, are discussed in the *Description of Proposed Mitigation, Monitoring and Reporting Measures* section.

Although some estimated Level A harassment zones have increased using the 2024 guidance, consistent with the initial IHA no Level A harassment takes are anticipated, because PG&E proposes to change the shutdown zones accordingly and consistent with the intent of the measures prescribed through the initial IHA, as discussed in *Description of Proposed Mitigation, Monitoring and Reporting Measures* section.

TABLE 5—LEVEL A HARASSMENT ZONES USING 2018 TECHNICAL GUIDANCE AND DRAFT 2024 TECHNICAL GUIDANCE

Pile type and method	Level A harassment zones using 2018 technical guidance (m)				Level A harassment zones using draft 2024 technical guidance (m)			
	HF Cetacean [a]	VHF Cetacean [b]	Phocids	Otariids	HF Cetacean	VHF Cetacean	Phocids	Otariids
Hydroacoustic Data Collection								
18-inch Composite, Impact	<1	19	9	<1	2	25	14	5
18-inch Composite, Vibratory	<1	6	3	1	1	2	3	1
Turbidity Curtain								
Steel H-Pile, Vibratory	0	<1	<1	<1	<1	<1	<1	<1
Steel Shell Pile ≤24-inch, Vibratory	<1	4	2	1	<1	2	3	1
RWF Temporary Relocation Piles								
Steel Shell Pile 24-inch, Vibratory	<1	4	2	<1	<1	2	3	1
Steel Shell Pile 24-inch, Impact, Attenuated [c]	11	351	158	12	37	454	261	97

TABLE 5—LEVEL A HARASSMENT ZONES USING 2018 TECHNICAL GUIDANCE AND DRAFT 2024 TECHNICAL GUIDANCE—Continued

Pile type and method	Level A harassment zones using 2018 technical guidance (m)				Level A harassment zones using draft 2024 technical guidance (m)			
	HF Cetacean [a]	VHF Cetacean [b]	Phocids	Otariids	HF Cetacean	VHF Cetacean	Phocids	Otariids
Steel Shell Pile ≤36 inch, Vibratory	3	28	14	2	13	27	42	14
Sediment Pins								
14 to 16-inch Timber, Vibratory	2	23	10	1	8	17	27	9
14 to 16-inch Timber, Impact	<1	14	6	<1	2	18	10	4
14 to 16-inch Composite, Vibratory	<1	6	3	<1	2	4	7	2
14 to 16-inch Composite, Impact	<1	9	4	<1	1	11	7	2

[a] In the 2018 guidance and initial IHA, HF cetaceans were referred to as MF (mid-frequency) cetaceans
[b] In the 2018 guidance and initial IHA, VHF cetaceans were referred to as HF (high-frequency) cetaceans.
[c] 5-dB reduction in sound due to use of bubble curtain assumed.

Description of Proposed Mitigation, Monitoring and Reporting Measures

The proposed mitigation, monitoring, and reporting measures included as requirements in this authorization are nearly identical to those included in the **Federal Register** notice announcing the issuance of the initial IHA (89 FR 5865, January 30, 2024), and the discussion of the lest practicable adverse impact included in that document and the notice of the proposed IHA (88 FR 782836, November 27, 2023) remain accurate. Consistent with the mitigation required through the initial IHA, shutdown zones proposed for the renewal IHA will be based on the largest Level A harassment zone for each pile size/type and driving method, as updated using the draft 2024 Technical Guidance rather than the 2018 Technical Guidance. The zones are calculated identically to those presented in the notice of the proposed IHA (88 FR 82836, November 27, 2023), with reference to the updated Technical Guidance. The following mitigation, monitoring, and reporting measures are proposed for this renewal:

- PG&E must shut down construction operations if a marine mammal comes within 10 m of construction activity to avoid direct physical interaction with marine mammals;
- PG&E must establish shutdown zones for all pile driving activities. Shutdown zones are based on the largest Level A harassment zone for each pile size/type and driving method;
- PG&E must shut down during active pile driving if marine mammals approach shutdown zones (see table 6);
- NMFS-approved protected species observers (PSOs) must be used to monitor the full shutdown zones and as much of the Level B harassment zone as possible;
- PSOs must monitor the shutdown zones for at least 30 minutes prior to pile driving, throughout pile driving, and 30 minutes after;
- If marine mammals are found within the shutdown zone, pile driving must be delayed until the animal has moved out of the shutdown zone;
- PG&E must shut down if any species for which take has not been authorized, or a species for which take has been authorized but the authorized take numbers have been met, approaches or enters the Level B harassment zones;
- Should environmental conditions deteriorate such that marine mammals within the entire shutdown zone would not be visible (*e.g.,* fog, heavy rain), pile driving must be delayed until observers are confident marine mammals within the shutdown zone could be detected;
- PG&E must implement impact pile driving soft starts whereby hammer energy is gradually ramped up;
- A bubble curtain must be used during impact pile driving of steel piles;
- PG&E must submit a draft marine mammal monitoring report to NMFS within 90 days after the completion of pile driving activities or 60 calendar days prior to the requested issuance of any subsequent IHA for construction activity at the same location, whichever comes first. A final report must be prepared and submitted within 30 calendar days following receipt of any NMFS comments on the draft report; and
- All injured or dead marine mammals must be reported to the Office of Protected Resources and to the West Coast regional stranding network.

TABLE 6—PROPOSED UPDATED SHUTDOWN ZONES

Pile type and method	Shutdown zone for all species (m)	Change from initial IHA
Hydroacoustic Data Collection		
18-inch Composite, Impact	30	Increased 10 m.
18-inch Composite, Vibratory Removal	10	No change.
Turbidity Curtain		
Steel H-Pile, Vibratory Installation and Removal	10	No change.
Steel Shell Pile ≤24 inch, Vibratory Installation and Removal	10	No change.
RWF Relocation Piles		
Steel Shell Pile 24 inch, Vibratory Installation and Removal	10	No change.
Steel Shell Pile 24 inch, Impact, Attenuated	450	Increased 90 m.

TABLE 6—PROPOSED UPDATED SHUTDOWN ZONES—Continued

Pile type and method	Shutdown zone for all species (m)	Change from initial IHA
Steel Shell Pile 36 inch, Vibratory	40	Increased 10 m.
Sediment Pins		
14- to 16-inch Timber, Vibratory	30	No change.
14- to 16-inch Timber, Impact	20	No change.
14- to 16-inch Composite, Vibratory	10	No change.
14- to 16-inch Composite, Impact	20	No change.

Comments and Responses

As noted previously, NMFS published a notice of a proposed IHA (88 FR 82836, November 27, 2023) and solicited public comments on both our proposal to issue the initial IHA for PG&E's sediment remediation project 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 (89 FR 5865, January 30, 2024) and none of the comments specifically pertained to the renewal IHA.

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. This includes consideration of the estimated abundance of the Eastern stock of the Steller sea lion decreasing, updated analysis reflecting the 2024 Technical Guidance, and corresponding updates to required shutdown zones. Based on the information and analysis contained here and in the referenced documents, NMFS has 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) PG&E'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 whenever we propose to authorize take for endangered or threatened species.

No incidental take of ESA-listed species is proposed for authorization or expected to result from this activity. Therefore, NMFS has determined that formal consultation under section 7 of the ESA is not required for this action.

Proposed Renewal IHA and Request for Public Comment

As a result of these preliminary determinations, NMFS proposes to issue a renewal IHA to PG&E for conducting pile driving activities associated with the Sediment Remediation Project in San Francisco Bay, California from May 1, 2025, to April 30, 2026, 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/action/incidental-take-authorization-pacific-gas-electric-sediment-remediation-project-san.* 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: October 9, 2024.

Kimberly Damon-Randall,

Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2024–23797 Filed 10–15–24; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XE351]

Taking and Importing Marine Mammals; Taking Marine Mammals Incidental to Geophysical Surveys Related to Oil and Gas Activities in the Gulf of Mexico

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

ACTION: Notice of modification to expiration date of letter of authorization.

SUMMARY: In accordance with the Marine Mammal Protection Act (MMPA), as amended, its implementing regulations, and NMFS' MMPA Regulations for Taking Marine Mammals Incidental to Geophysical Surveys Related to Oil and Gas Activities in the Gulf of Mexico (GOM), notification is hereby given that NMFS has modified the expiration date of a Letter of Authorization (LOA) issued to Murphy Exploration and Production Company (Murphy) for the take of marine mammals incidental to geophysical survey activity in the GOM.

DATES: This LOA is effective through January 31, 2025.

ADDRESSES: The LOA, LOA request, and supporting documentation are available online at: *https://www.fisheries.noaa.gov/marine-mammal-protection/issued-letters-authorization-oil-and-gas-industry-geophysical-survey.* In case of problems accessing these documents, please call the contact listed below (**FOR FURTHER INFORMATION CONTACT**).

FOR FURTHER INFORMATION CONTACT: Jenna Harlacher, Office of Protected Resources, NMFS, (301) 427–8401.

SUPPLEMENTARY INFORMATION:

Background

Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct

the Secretary of Commerce 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 issued or, if the taking is limited to harassment, a notice of a proposed authorization is provided to the public for review.

An authorization for incidental takings shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s), will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses (where relevant), and if the permissible methods of taking and requirements pertaining to the mitigation, monitoring and reporting of such takings are set forth. NMFS has defined ''negligible impact'' in 50 CFR 216.103 as an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival.

Except with respect to certain activities not pertinent here, 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).

On January 19, 2021, we issued a final rule with regulations to govern the unintentional taking of marine mammals incidental to geophysical survey activities conducted by oil and gas industry operators, and those persons authorized to conduct activities on their behalf (collectively ''industry operators''), in U.S. waters of the GOM over the course of 5 years (86 FR 5322, January 19, 2021). The rule was based on our findings that the total taking from the specified activities over the 5-year period will have a negligible impact on the affected species or stock(s) of marine mammals and will not have an unmitigable adverse impact on the availability of those species or stocks for subsistence uses. The rule became effective on April 19, 2021.

Our regulations at 50 CFR 217.180 *et seq.* allow for the issuance of LOAs to industry operators for the incidental take of marine mammals during geophysical survey activities and prescribe the permissible methods of taking and other means of effecting the least practicable adverse impact on marine mammal species or stocks and their habitat (often referred to as mitigation), as well as requirements pertaining to the monitoring and reporting of such taking. Under 50 CFR 217.186(e), issuance of an LOA shall be based on a determination that the level of taking will be consistent with the findings made for the total taking allowable under these regulations and a determination that the amount of take authorized under the LOA is of no more than small numbers.

NMFS subsequently discovered that the 2021 rule was based on erroneous take estimates. We conducted another rulemaking using correct take estimates and other newly available and pertinent information relevant to the analyses supporting some of the findings in the 2021 final rule and the taking allowable under the regulations. We issued a final rule in April 2024, effective May 24, 2024 (89 FR 31488, April 24, 2024).

The 2024 final rule made no changes to the specified activities or the specified geographical region in which those activities would be conducted, nor to the original 5-year period of effectiveness. In consideration of the new information, the 2024 rule presented new analyses supporting affirmance of the negligible impact determinations for all species, and affirmed that the existing regulations, which contain mitigation, monitoring, and reporting requirements, are consistent with the ''least practicable adverse impact'' (LPAI) standard of the MMPA.

NMFS issued a LOA to Murphy on March 20, 2024, for the take of marine mammals incidental to a three-dimensional (3D) ocean bottom node survey in the Green Canyon protraction areas, including approximately 44 lease blocks, effective April 1, 2024, through October 31, 2024. Please see the **Federal Register** notice of issuance (89 FR 20946, March 26, 2024) for additional detail regarding the LOA and the survey activity.

Murphy has requested that the October 31, 2024, expiration date be extended to January 31, 2025, due to survey delays (the survey has not begun). Since we issued the LOA to Murphy, we have updated the final rule to include corrected take estimates and new information as discussed above; therefore, we have updated the authorized take numbers accordingly based on this new information. There are no changes to the planned survey, as described in the previous notice of issuance (89 FR 20946, March 26, 2024), including the planned location and duration of the survey.

As discussed in the previous notice of issuance (89 FR 20946, March 26, 2024), no 3D OBN surveys were included in the modeled survey types, thus the coil proxy was selected. Murphy plans to cover approximately 25.6 square kilometers (km^2) per day compared to the 144 km^2 in the coil proxy, and although Murphy is not proposing to perform a survey using the coil geometry, the coil proxy is most representative of the effort planned by Murphy in terms of predicted Level B harassment exposures. Additionally, Murphy plans to use a 28-element, 5,230 cubic inch (in^3) airgun array and therefore the 5,110 in^3 proxy was selected.

The survey will take place over approximately 44 days with 40 days of sound source operation, all planned in Zone 5. The monthly distribution of survey days is not known in advance, though we assume that the planned 40 days of source operation would occur contiguously. Take estimates for each species are based on the time period that produces the greatest value. There are no other changes to Murphy's planned activity.

For the Rice's whale, take estimates based solely on the modeling yielded results that are not realistically likely to occur when considered in light of other relevant information available during the rulemaking process regarding marine mammal occurrence in the GOM. The approach used in the acoustic exposure modeling, in which seven modeling zones were defined over the U.S. GOM, necessarily averages fine-scale information about marine mammal distribution over the large area of each modeling zone. Thus, although the modeling conducted for the rule is a natural starting point for estimating take, the rule acknowledged that other information could be considered (see, *e.g.,* 86 FR 5442, January 19, 2021, discussing the need to provide flexibility and make efficient use of previous public and agency review of other information and identifying that additional public review is not necessary unless the model or inputs used differ substantively from those that were previously reviewed by NMFS and the public). For this survey, NMFS has other relevant information reviewed during the rulemaking that indicates use of the acoustic exposure modeling to generate a take estimate may produce results inconsistent with what is known regarding their occurrence in the GOM. Accordingly, we have adjusted the calculated take estimates as described below.

NMFS' 2024 final rule provided detailed discussion regarding Rice's whale habitat (see, *e.g.,* 89 FR 31508, 31519). In summary, recent survey data, sightings, and acoustic data support Rice's whale occurrence in waters throughout the GOM between approximately 100 m and 400 m depth along the continental shelf break, and associated habitat-based density modeling has identified similar habitat (*i.e.,* approximately 100 to 400 m water depths along the continental shelf break) as being Rice's whale habitat (Garrison *et al.,* 2023; Soldevilla *et al.,* 2022, 2024).

Although Rice's whales may occur outside of the general depth range expected to provide suitable habitat, we expect that any such occurrence would be rare. Murphy's planned activities will occur in water depths of approximately 914 to 3,372 m in the central GOM. Thus, NMFS does not expect there to be the reasonable potential for take of Rice's whale in association with this survey and, accordingly, does not authorize take of Rice's whale through the LOA.

Based on the results of our analysis, NMFS has determined that the level of taking expected for this survey and authorized through the LOA is consistent with the findings made for the total taking allowable under the regulations. See table 1 in this notice and table 6 of the rule (89 FR 31488, April 24, 2024).

Small Numbers Determination

Under the GOM rule, NMFS may not authorize incidental take of marine mammals in an LOA if it will exceed ''small numbers.'' In short, when an acceptable estimate of the individual marine mammals taken is available, if the estimated number of individual animals taken is up to, but not greater than, one-third of the best available abundance estimate, NMFS will determine that the numbers of marine mammals taken of a species or stock are small (see 89 FR 31535, May 24, 2024). For more information please see NMFS' discussion of small numbers in the 2021 final rule (86 FR 5438, January 19, 2021).

The take numbers for authorization are determined as described above. Subsequently, the total incidents of harassment for each species are multiplied by scalar ratios to produce a derived product that better reflects the number of individuals likely to be taken within a survey (as compared to the total number of instances of take), accounting for the likelihood that some individual marine mammals may be taken on more than 1 day (see 86 FR 5404, January 19, 2021). The output of this scaling, where appropriate, is incorporated into adjusted total take estimates that are the basis for NMFS' small numbers determinations, as depicted in table 1.

This product is used by NMFS in making the necessary small numbers determinations through comparison with the best available abundance estimates (see discussion at 86 FR 5391, January 19, 2021). For this comparison, NMFS' approach is to use the maximum theoretical population, determined through review of current stock assessment reports (SAR; *https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessments*) and model-predicted abundance information (*https://seamap.env.duke.edu/models/Duke/GOM/*). Information supporting the small numbers determinations is provided in table 1.

TABLE 1—TAKE ANALYSIS

Species	Authorized take	Scaled take [1]	Abundance [2]	Percent abundance
Rice's whale	0	n/a	51	0
Sperm whale	366	155	3,007	5.2
Kogia spp	[3] 117	36	980	4.3
Beaked whales	1,271	128	803	16.0
Rough-toothed dolphin	932	268	4,853	5.5
Bottlenose dolphin	1,156	332	165,125	0.2
Clymene dolphin	583	168	4,619	3.6
Atlantic spotted dolphin	345	99	21,506	0.5
Pantropical spotted dolphin	8,022	2,302	67,225	3.4
Spinner dolphin	185	53	5,548	1.0
Striped dolphin	1,667	478	5,634	8.5
Fraser's dolphin	342	98	1,665	5.9
Risso's dolphin	311	92	1,974	4.6
Blackfish [4]	2,009	593	6,113	9.7
Short-finned pilot whale	470	139	2,741	5.1

[1] Scalar ratios were applied to ''Authorized Take'' values as described at 86 FR 5322 and 86 FR 5404 (January 19, 2021) to derive scaled take numbers shown here.

[2] Best abundance estimate. For most taxa, the best abundance estimate for purposes of comparison with take estimates is considered here to be the model-predicted abundance (Garrison *et al.,* 2023). For Rice's whale, Atlantic spotted dolphin, and Risso's dolphin, the larger SAR abundance estimate is used.

[3] Includes 6 takes by Level A harassment and 111 takes by Level B harassment. Scalar ratio is applied to takes by Level B harassment only; small numbers determination made on basis of scaled Level B harassment take plus authorized Level A harassment take.

[4] The ''blackfish'' guild includes melon-headed whales, false killer whales, pygmy killer whales, and killer whales.

Authorization

NMFS has changed the expiration date of the LOA from October 30, 2024, to January 31, 2025 and updated authorized take numbers based on the corrected information in the updated rule. There are no other changes to the LOA as described in the March 26, 2024, **Federal Register** notice of issuance (89 FR 20946): the specified survey activity, and small numbers analysis and determination remain unchanged and are incorporated here by reference.

Dated: October 10, 2024.

Kimberly Damon-Randall,

Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2024–23839 Filed 10–15–24; 8:45 am]

BILLING CODE 3510–22–P

CONSUMER FINANCIAL PROTECTION BUREAU

[Docket No. CFPB–2024–0052]

Agency Information Collection Activities: Comment Request

AGENCY: Consumer Financial Protection Bureau.

ACTION: Notice and request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (PRA), the Consumer Financial Protection Bureau (CFPB) requests the extension of the Office of Management and Budget's (OMB's) approval for an existing information collection titled ''Consumer Leasing Act (Regulation M)'' approved under OMB Control Number 3170–0006.

DATES: Written comments are encouraged and must be received on or before November 15, 2024 to be assured of consideration.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function. In general, all comments received will become public records, including any personal information provided. Sensitive personal information, such as account numbers or Social Security numbers, should not be included.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Anthony May, Paperwork Reduction Act Officer, at (202) 435–7278, or email: *CFPB_PRA@cfpb.gov.* If you require this document in an alternative electronic format, please contact *CFPB_Accessibility@cfpb.gov.* Please do not submit comments to these email boxes.

SUPPLEMENTARY INFORMATION:

Title of Collection: Consumer Leasing Act (Regulation M).

OMB Control Number: 3170–0006.

Type of Review: Extension without change of a currently approved collection.

Affected Public: Businesses and other for-profit entities.

Estimated Number of Respondents: 13,301.

Estimated Total Annual Burden Hours: 2,062.

Abstract: Consumers rely on the disclosures required by the Consumer Leasing Act (CLA) [1] and Regulation M [2] for information to comparison shop among leases as well as to ascertain the true costs and terms of lease offers. Federal/State enforcement and private litigants use the records to ascertain whether accurate and complete disclosures of the cost of leases have been provided to consumers prior to consummation of the lease. This information provides the primary evidence of law violations in CLA enforcement actions brought by Federal agencies. The agency's ability to enforce the CLA would be significantly impaired without Regulation M's recordkeeping requirements.

Request for Comments: The CFPB published a 60-day **Federal Register** notice on July 18, 2024 (89 FR 58354) under Docket Number: CFPB–2024–0030. The CFPB is publishing this notice and soliciting comments on: (a) Whether the collection of information is necessary for the proper performance of the functions of the CFPB, including whether the information will have practical utility; (b) The accuracy of the CFPB's estimate of the burden of the collection of information, including the validity of the methods and the assumptions used; (c) Ways to enhance the quality, utility, and clarity of the information to be collected; and (d) Ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Comments submitted in response to this notice will be reviewed by OMB as part of its review of this request. All comments will become a matter of public record.

Anthony May,

Paperwork Reduction Act Officer, Consumer Financial Protection Bureau.

[FR Doc. 2024–23827 Filed 10–15–24; 8:45 am]

BILLING CODE 4810–AM–P

U.S. INTERNATIONAL DEVELOPMENT FINANCE CORPORATION

[DFC–008]

Submission for OMB Review; Comments Request

AGENCY: U.S. International Development Finance Corporation (DFC).

ACTION: Notice of information collection; request for comment.

SUMMARY: Under the provisions of the Paperwork Reduction Act, agencies are required to publish a Notice in the **Federal Register** notifying the public that the agency is modifying an existing approved information collection for OMB review and approval and requests public review and comment on the submission. Comments are being solicited on the need for the information; the accuracy of the burden estimate; the quality, practical utility, and clarity of the information to be collected; and ways to minimize reporting the burden, including automated collected techniques and uses of other forms of technology.

DATES: Comments must be received by December 16, 2024.

ADDRESSES: Comments and requests for copies of the subject information collection may be sent by any of the following methods:

- *Mail:* Deborah Papadopoulos, Agency Submitting Officer, U.S. International Development Finance Corporation, 1100 New York Avenue NW, Washington, DC 20527.
- *Email: fedreg@dfc.gov.*

Instructions: All submissions received must include the agency name and agency form number or OMB form number for this information collection. Electronic submissions must include the agency form number in the subject line to ensure proper routing. Please note that all written comments received in response to this notice will be considered public records.

FOR FURTHER INFORMATION CONTACT: Agency Submitting Officer: Deborah Papadopoulos, (202) 357–3979.

SUPPLEMENTARY INFORMATION: This notice informs the public that DFC will submit to OMB a request for approval of the following information collection.

Summary Form Under Review

Title of Collection: Development Outcomes Survey (DOS).

Type of Review: Revision of a currently approved information collection.

Agency Form Number: DFC–008.

OMB Form Number: 3015–0015.

Frequency: Once per investor per project per year.

Affected Public: Business or other for-profit; not-for-profit institutions; individuals.

Total Estimated Number of Annual Number of Respondents: 650.

Estimated Time Per Respondent: 2 hours.

Total Estimated Number of Annual Burden Hours: 1,300 hours.

Abstract: The Development Outcomes Survey (DOS) is the principal document used by DFC to review development performance and monitor projects

[1] 15 U.S.C. 1667 *et seq.*

[2] 12 CFR 1013.

supported by DFC. It is a comprehensive survey that is also used to monitor the project's compliance with environmental, labor, and economic policies, as consistent with DFC's authorizing legislation.

Lisa Wischkaemper,

Administrative Counsel, Office of the General Counsel.

[FR Doc. 2024–23852 Filed 10–15–24; 8:45 am]

BILLING CODE 3210–02–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2024–SCC–0127]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Impact Aid Discretionary Grant Application (1894–0001)

AGENCY: Office of Elementary and Secondary Education (OESE), Department of Education (ED).

ACTION: Notice

SUMMARY: In accordance with the Paperwork Reduction Act (PRA) of 1995, the Department is proposing a new information collection request (ICR).

DATES: Interested persons are invited to submit comments on or before November 15, 2024.

ADDRESSES: Written comments and recommendations for proposed information collection requests should be submitted within 30 days of publication of this notice. Click on this link *www.reginfo.gov/public/do/PRAMain* to access the site. Find this information collection request (ICR) by selecting ''Department of Education'' under ''Currently Under Review,'' then check the ''Only Show ICR for Public Comment'' checkbox. *Reginfo.gov* provides two links to view documents related to this information collection request. Information collection forms and instructions may be found by clicking on the ''View Information Collection (IC) List'' link. Supporting statements and other supporting documentation may be found by clicking on the ''View Supporting Statement and Other Documents'' link.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Andrew Brake, (202) 453–6136.

SUPPLEMENTARY INFORMATION: The Department is especially interested in public comment addressing the following issues: (1) is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Impact Aid Discretionary Grant Application (1894–0001).

OMB Control Number: 1810–NEW.

Type of Review: New ICR.

Respondents/Affected Public: State, Local, and Tribal Governments.

Total Estimated Number of Annual Responses: 25.

Total Estimated Number of Annual Burden Hours: 150.

Abstract: The Impact Aid Program, authorized by Title VII of the Elementary and Secondary Education Act (ESEA), as amended by the Every Student Succeeds Act (ESSA), provides financial assistance to Local Educational Agencies (LEAs) whose enrollment or revenues are adversely affected by Federal activities.

The Impact Aid Discretionary Construction Program provides grants to eligible Impact Aid school districts to assist in addressing their school facility emergency and modernization needs. The eligible Impact Aid school districts have a limited ability to raise revenues for capital improvements because they have large areas of Federal land within their boundaries. As a result, these districts find it difficult to respond when their school facilities are in need of emergency repairs or modernization.

This is a new information collection requesting approval through the streamlined discretionary grant application package process (1894–0001). This request is not related to rulemaking.

This collection is being submitted under the Streamlined Clearance Process for Discretionary Grant Information Collections (1894–0001). Therefore, the 30-day public comment period notice will be the only public comment notice published for this information collection.

Dated: October 10, 2024.

Kun Mullan,

PRA Coordinator, Strategic Collections and Clearance, Governance and Strategy Division, Office of Chief Data Officer, Office of Planning, Evaluation and Policy Development.

[FR Doc. 2024–23816 Filed 10–15–24; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Privacy Act of 1974; System of Records

AGENCY: U.S. Department of Energy.

ACTION: Notice of a modified system of records.

SUMMARY: As required by the Privacy Act of 1974 and the Office of Management and Budget (OMB) Circulars A–108 and A–130, the Department of Energy (DOE or the Department) is publishing notice of a modification to an existing Privacy Act system of records. DOE proposes to amend System of Records DOE–2 DOE-Personnel Supervisor Maintained Personnel Records. This System of Records Notice (SORN) is being modified to align with new formatting requirements, published by the OMB, and to ensure appropriate Privacy Act coverage of business processes and Privacy Act information. While there are no substantive changes to the ''Categories of Individuals'' or ''Categories of Records'' sections covered by this SORN, substantive changes have been made to the ''System Locations,'' ''Routine Uses,'' and ''Administrative, Technical and Physical Safeguards'' sections to provide greater transparency. Changes to ''Routine Uses'' include new provisions related to responding to breaches of information held under a Privacy Act SORN as required by OMB's Memorandum M–17–12, ''Preparing for and Responding to a Breach of Personally Identifiable Information'' (January 3, 2017). Language throughout the SORN has been updated to align with applicable Federal privacy laws, policies, procedures, and best practices.

DATES: This modified SORN will become applicable following the end of the public comment period on November 15, 2024 unless comments are received that result in a contrary determination.

ADDRESSES: Written comments should be sent to the DOE Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10102, 735 17th Street NW, Washington, DC 20503 and to Ken Hunt, Chief Privacy Officer, U.S. Department of Energy, 1000 Independence Avenue SW, Rm. 8H–085, Washington, DC 20585, by facsimile at (202) 586–8151, or by email at *privacy@hq.doe.gov.*

FOR FURTHER INFORMATION CONTACT: Ken Hunt, Chief Privacy Officer, U.S. Department of Energy, 1000 Independence Avenue SW, Rm. 8H–

085, Washington, DC 20585 or by facsimile at (202) 586–8151, by email at *privacy@hq.doe.gov,* or by telephone at (240) 686–9485.

SUPPLEMENTARY INFORMATION: On January 9, 2009, DOE published a Compilation of its Privacy Act systems of records, which included System of Records DOE–2 DOE-Personnel Supervisor Maintained Personnel Records. For clarity, this notice proposes to change the name of the SORN to Supervisor-Maintained Personnel Records. It removes System Locations where DOE–2 is no longer applicable. These locations are as follows: Alaska Power Administration and Southeastern Power Administration. Moreover, the National Nuclear Security Administration's (NNSA) Nevada Site Office and Naval Reactors Field Offices in Pittsburgh and Schenectady have been removed. Addresses for the National Energy Technology Laboratory's (NETL) sites in Pittsburgh, Morgantown, and Albany have been updated. Addresses for NETL's site in Oklahoma has been removed as it no longer requires coverage. The Office of River Protection/Richland Operations Office, Environmental Management Consolidated Business Center, and Southwestern Power Administration addresses have been updated. In the ''Routine Uses'' section, this modified notice deletes a previous routine use concerning efforts responding to a suspected or confirmed loss of confidentiality of information as it appears in DOE's compilation of its Privacy Act systems of records (January 9, 2009) and replaces it with one to assist DOE with responding to a suspected or confirmed breach of its records of Personally Identifiable Information (PII), modeled with language from OMB's Memorandum M–17–12, ''Preparing for and Responding to a Breach of Personally Identifiable Information'' (January 3, 2017). Further, this notice adds one new routine use to ensure that DOE may assist another agency or entity in responding to the other agency's or entity's confirmed or suspected breach of PII, as appropriate, as aligned with OMB's Memorandum M–17–12. Several categories have been added to the ''Categories of Records in the System.'' These include work email address, place of birth, employment/HR information (GS grade and step, tenure, performance ratings, performance history, and employee number); telework agreements, military orders, work schedule agreements, records pertaining to reasonable accommodation requests, sick-leave related medical documentation, and individual development plans. An administrative change required by the FOIA Improvement Act of 2016 extends the length of time a requestor is permitted to file an appeal under the Privacy Act from 30 to 90 days. Both the ''System Locations'' and ''Administrative, Technical and Physical Safeguards'' sections have been modified to reflect the Department's usage of cloud-based services for records storage. Language throughout the SORN has been updated to align with applicable Federal privacy laws, policies, procedures, and best practices.

SYSTEM NAME AND NUMBER:

DOE–2 Supervisor-Maintained Personnel Records.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATIONS:

Systems leveraging this SORN may exist in multiple locations. All systems storing records in a cloud-based server are required to use government-approved cloud services and follow National Institute of Standards and Technology (NIST) security and privacy standards for access and data retention. Records maintained in a government-approved cloud server are accessed through secure data centers in the continental United States.

U.S. Department of Energy, Headquarters, 1000 Independence Avenue SW, Washington, DC 20585.

U.S. Department of Energy, John A. Gordon Albuquerque Complex, 24600 20th Street SE, Albuquerque, NM 87116.

U.S. Department of Energy, Bonneville Power Administration, P.O. Box 3621, Portland, OR 97208.

U.S. Department of Energy, Office of Science, Chicago Office, Consolidated Service Center, 9800 South Cass Avenue, Lemont, IL 60439.

U.S. Department of Energy, Office of Science, Consolidated Service Center, P.O. Box 2001, Oak Ridge, TN 37831.

U.S. Department of Energy, Idaho Operations Office, 1955 Fremont Avenue, Idaho Falls, ID 83415.

U.S. Department of Energy, National Energy Technology Laboratory (Pittsburgh), 626 Cochran Mill Road, Pittsburgh, PA 15236.

U.S. Department of Energy, National Energy Technology Laboratory (Morgantown), 3610 Collins Ferry Road, Morgantown, WV 26505.

U.S. Department of Energy, National Energy Technology Laboratory (Albany), 1450 Queen Avenue SW, Albany, OR 97321.

U.S. Department of Energy, Environmental Management Consolidated Business Center (EMCBC), 550 Main Street, Rm. 7–010, Cincinnati, OH 45202.

U.S. Department of Energy, Hanford Field Office, P.O. Box 550, Richland, WA 99352.

U.S. Department of Energy, Savannah River Operations Office, P.O. Box A, Aiken, SC 29801.

U.S. Department of Energy, Southwestern Power Administration, One West Third Street, Suite 1500, Tulsa, OK 74103.

U.S. Department of Energy, Strategic Petroleum Reserve Project Management Office, 900 Commerce Road East, New Orleans, LA 70123.

U.S. Department of Energy, Western Area Power Administration, P.O. Box 281213, Lakewood, CO 80228–8213.

SYSTEM MANAGER(S):

Headquarters and Field Offices: The immediate supervisor of the subject of the record(s).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 7101 *et seq.* and 50 U.S.C. 2401 *et seq.*

PURPOSE(S) OF THE SYSTEM:

Records in this system are maintained and used by DOE to maintain a file of personnel information that would allow DOE managers to make informed personnel and management decisions concerning employees.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former DOE employees, including National Nuclear Security Administration (NNSA) employees, those who have departed within the last year, assigned military or detailee personnel, and applicants for employment.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, Social Security number, copies and summaries of employment history; SF–171; job description; education; address; next of kin; home and work telephone numbers; work email address, date of birth; place of birth; employment/HR information (GS grade and step, tenure, performance ratings, performance history and employee number); telework agreements, military orders, work schedule agreements, records pertaining to reasonable accommodation requests, sick-leave related medical documentation, individual development plans; awards and commendations received; participation in professional or community activities; training; earnings and leave data; travel actions; certification or qualification examinations; injury reports; appraisals;

copy of ADP-produced Form 702; Form 50; assignment records; security infraction notices; records of supervisor-employee discussions; supervisor observations; reprimands; admonitions; adverse actions; commendations; contingency planning data; security clearance status; and Government property in employee possession.

RECORD SOURCE CATEGORIES:

The subject employee, employee's supervisor(s), benefits management information, telework/leave requests, employee performance management information, personnel action documents, payroll documents, and personnel security documents.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

1. A record from this system may be disclosed as a routine use to a federal, state, tribal, or local agency to facilitate the requesting agency's decision concerning the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter. The Department must deem such disclosure to be compatible with the purpose for which the Department collected the information.

2. A record from the system may be disclosed as a routine use to DOE contractors in performance of their contracts, and their officers and employees who have a need for the record in the performance of their duties. Those provided information under this routine use are subject to the same limitations applicable to Department officers and employees under the Privacy Act.

3. A record from this system may be disclosed as a routine use to a member of Congress submitting a request involving a constituent when the constituent has requested assistance from the member concerning the subject matter of the record. The member of Congress must provide a copy of the constituent's signed request for assistance.

4. A record from this system may be disclosed as a routine use to appropriate agencies, entities, and persons when (1) the Department suspects or has confirmed that there has been a breach of the system of records; (2) the Department has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, DOE (including its information systems, programs, and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Department's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

5. A record from this system may be disclosed as a routine use to another Federal agency or Federal entity, when the Department determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Records may be stored as paper records or electronic media.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Records are retrieved by name.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

Retention and disposition of these records is in accordance with the National Archives and Records Administration-approved records disposition schedule. Records in this system are destroyed once superseded or 1 year after the subject employee has separated or transferred.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

Electronic records may be secured and maintained on a cloud-based software server and operating system that resides in Federal Risk and Authorization Management Program (FedRAMP) and Federal Information Security Modernization Act (FISMA) hosting environment. Data located in the cloud-based server is firewalled and encrypted at rest and in transit. The security mechanisms for handling data at rest and in transit are in accordance with DOE encryption standards. Records are protected from unauthorized access through the following appropriate safeguards:

- *Administrative:* Access to all records is limited to lawful government purposes only, with access to electronic records based on role and either two-factor authentication or password protection. The system requires passwords to be complex and to be changed frequently. Users accessing system records undergo frequent training in Privacy Act and information security requirements. Security and privacy controls are reviewed on an ongoing basis.
- *Technical:* Computerized records systems are safeguarded on Departmental networks configured for role-based access based on job responsibilities and organizational affiliation. Privacy and security controls are in place for this system and are updated in accordance with applicable requirements as determined by NIST and DOE directives and guidance.
- *Physical:* Computer servers on which electronic records are stored are located in secured Department facilities, which are protected by security guards, identification badges, and cameras. Paper copies of all records are locked in file cabinets, file rooms, or offices and are under the control of authorized personnel. Access to these facilities is granted only to authorized personnel and each person granted access to the system must be an individual authorized to use or administer the system.

RECORD ACCESS PROCEDURES:

The Department follows the procedures outlined in title 10 CFR part 1008.4. Valid identification of the individual making the request is required before information will be processed, given, access granted, or a correction considered, to ensure that information is processed, given, corrected, or records disclosed or corrected only at the request of the proper person.

CONTESTING RECORD PROCEDURES:

Any individual may submit a request to the System Manager and request a copy of any records relating to them. In accordance with 10 CFR 1008.11, any individual may appeal the denial of a request made by him or her for information about or for access to or correction or amendment of records. An appeal shall be filed within 90 calendar days after receipt of the denial. When an appeal is filed by mail, the postmark is conclusive as to timeliness. The appeal shall be in writing and must be signed by the individual. The words ''PRIVACY ACT APPEAL'' should appear in capital letters on the envelope and the letter. Appeals of denials relating to records maintained in government-wide system of records reported by Office of Personnel Management (OPM), shall be filed, as appropriate, with the Assistant Director

for Agency Compliance and Evaluation, OPM, 1900 E Street NW, Washington, DC 20415. All other appeals relating to DOE records shall be directed to the Director, Office of Hearings and Appeals (OHA), 1000 Independence Avenue SW, Washington, DC 20585.

NOTIFICATION PROCEDURES:

In accordance with the DOE regulation implementing the Privacy Act, 10 CFR 1008, a request by an individual to determine if a system of records contains information about themselves should be directed to the U.S. Department of Energy, Headquarters, Privacy Act Officer. The request should include the requester's complete name and the time period for which records are sought.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY:

This SORN was last published in the **Federal Register**, 74 FR 999–1000, on January 9, 2009.

SIGNING AUTHORITY

This document of the Department of Energy was signed on October 9, 2024, by Ann Dunkin, Senior Agency Official for Privacy, pursuant to delegated authority from the Secretary of Energy. That document with the original signature and date is maintained by DOE. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DOE Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of the Department of Energy. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Signed in Washington, DC, on October 9, 2024.

Jennifer Hartzell,

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

[FR Doc. 2024–23780 Filed 10–15–24; 8:45 am]

BILLING CODE 6450–01–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: RP24–514–000.

Applicants: Great Basin Gas Transmission Company.

Description: Updated Statements and Schedules to 03/06/2024 Section 4 Rate Case FERC Gas Tariff Filing of Great Basin Gas Transmission Company.

Filed Date: 10/9/24.

Accession Number: 20241009–5032.

Comment Date: 5 p.m. ET 10/21/24.

Docket Numbers: RP25–47–000.

Applicants: Tennessee Gas Pipeline Company, L.L.C.

Description: 4(d) Rate Filing: Venture Global Plaquemines LNG, LLC—SP383821 to be effective 11/1/2024.

Filed Date: 10/8/24.

Accession Number: 20241008–5110.

Comment Date: 5 p.m. ET 10/21/24.

Docket Numbers: RP25–48–000.

Applicants: Tallgrass Interstate Gas Transmission, LLC.

Description: 4(d) Rate Filing: TIGT 2024–10–08 Non-Conforming Agreement Amendment to be effective 10/8/2024.

Filed Date: 10/8/24.

Accession Number: 20241008–5158.

Comment Date: 5 p.m. ET 10/21/24.

Docket Numbers: RP25–49–000.

Applicants: ANR Pipeline Company.

Description: Compliance filing: Penalty Revenue Crediting Report 2024 to be effective N/A.

Filed Date: 10/9/24.

Accession Number: 20241009–5019.

Comment Date: 5 p.m. ET 10/21/24.

Docket Numbers: RP25–50–000.

Applicants: Iroquois Gas Transmission System, L.P.

Description: 4(d) Rate Filing: 10.9.24 Negotiated Rates—Hartree Partners, LP R–7090–10 to be effective 11/1/2024.

Filed Date: 10/9/24.

Accession Number: 20241009–5069.

Comment Date: 5 p.m. ET 10/21/24.

Docket Numbers: RP25–51–000.

Applicants: Iroquois Gas Transmission System, L.P.

Description: 4(d) Rate Filing: 10.9.24 Negotiated Rates—Hartree Partners, LP R–7090–11 to be effective 11/1/2024.

Filed Date: 10/9/24.

Accession Number: 20241009–5071.

Comment Date: 5 p.m. ET 10/21/24.

Docket Numbers: RP25–52–000.

Applicants: Iroquois Gas Transmission System, L.P.

Description: 4(d) Rate Filing: 10.9.24 Negotiated Rates—Mercuria Energy America, LLC R–7540–02 to be effective 11/1/2024.

Filed Date: 10/9/24.

Accession Number: 20241009–5078.

Comment Date: 5 p.m. ET 10/21/24.

Docket Numbers: RP25–53–000.

Applicants: Iroquois Gas Transmission System, L.P.

Description: 4(d) Rate Filing: 10.9.24 Negotiated Rates—Citadel Energy Marketing, LLC R–7705–22 to be effective 11/1/2024.

Filed Date: 10/9/24.

Accession Number: 20241009–5085.

Comment Date: 5 p.m. ET 10/21/24.

Docket Numbers: RP25–54–000.

Applicants: Iroquois Gas Transmission System, L.P.

Description: 4(d) Rate Filing: 10.9.24 Negotiated Rates—Citadel Energy Marketing LLC R–7705–23 to be effective 11/1/2024.

Filed Date: 10/9/24.

Accession Number: 20241009–5089.

Comment Date: 5 p.m. ET 10/21/24.

Any person desiring to intervene, to protest, or to answer a complaint in any of the above proceedings must file in accordance with Rules 211, 214, or 206 of the Commission's Regulations (18 CFR 385.211, 385.214, or 385.206) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

The filings are accessible in the Commission's eLibrary system (*https://elibrary.ferc.gov/idmws/search/fercgensearch.asp*) by querying the docket number.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, environmental justice communities, Tribal members and others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502–6595 or *OPP@ferc.gov.*

Dated: October 9, 2024.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2024–23849 Filed 10–15–24; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG25–7–000.
Applicants: NRG THW GT LLC.
Description: NRG THW GT LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.
Filed Date: 10/9/24.
Accession Number: 20241009–5091.
Comment Date: 5 p.m. ET 10/30/24.

Take notice that the Commission received the following Complaints and Compliance filings in EL Dockets:

Docket Numbers: EL24–151–000.
Applicants: Kentucky Municipal Energy Agency.
Description: Petition for Exemption from Filing Fee of Kentucky Municipal Energy Agency.
Filed Date: 10/4/24.
Accession Number: 20241004–5107.
Comment Date: 5 p.m. ET 10/25/24.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER24–2336–001.
Applicants: Duquesne Light Company, PJM Interconnection, L.L.C.
Description: Tariff Amendment: Duquesne Light Company submits tariff filing per 35.17(b): PJM TOs' Response to the Sept. 9, 2024 Deficiency Notice in ER24–2336 to be effective 9/20/2024.
Filed Date: 10/9/24.
Accession Number: 20241009–5073.
Comment Date: 5 p.m. ET 10/30/24.
Docket Numbers: ER24–2338–001.
Applicants: PJM Interconnection, L.L.C.
Description: Tariff Amendment: Response to the Sept. 9, 2024 Deficiency Notice in ER24–2338 to be effective 12/31/9998.
Filed Date: 10/9/24.
Accession Number: 20241009–5075.
Comment Date: 5 p.m. ET 10/30/24.
Docket Numbers: ER24–2767–001.
Applicants: Pontotoc Wind, LLC.
Description: Tariff Amendment: Amendment Response to Request Additional Information to be effective 10/13/2024.
Filed Date: 10/9/24.
Accession Number: 20241009–5083.
Comment Date: 5 p.m. ET 10/30/24.
Docket Numbers: ER24–2787–000.
Applicants: Agway Energy Services, LLC.
Description: Supplement to 08/15/2024, Agway Energy Services, LLC tariff filing.
Filed Date: 10/9/24.
Accession Number: 20241009–5144.
Comment Date: 5 p.m. ET 10/21/24.
Docket Numbers: ER24–2833–001.
Applicants: Silver Peak Solar, LLC.
Description: Tariff Amendment: Amendment to 1 to be effective 8/23/2024.
Filed Date: 10/9/24.
Accession Number: 20241009–5132.
Comment Date: 5 p.m. ET 10/30/24.
Docket Numbers: ER25–63–000.
Applicants: Keystone Appalachian Transmission Company, PJM Interconnection, L.L.C.
Description: 205(d) Rate Filing: Keystone Appalachian Transmission Company submits tariff filing per 35.13(a)(2)(iii: KATCo submits Interconnection Agreement, SA No. 2532 with Duquesne to be effective 12/9/2024.
Filed Date: 10/9/24.
Accession Number: 20241009–5015.
Comment Date: 5 p.m. ET 10/30/24.
Docket Numbers: ER25–64–000.
Applicants: PJM Interconnection, L.L.C.
Description: 205(d) Rate Filing: Generator Interconnection Agreement, SA No. 7378; Project Identifier AF1–206 to be effective 9/9/2024.
Filed Date: 10/9/24.
Accession Number: 20241009–5079.
Comment Date: 5 p.m. ET 10/30/24.
Docket Numbers: ER25–65–000.
Applicants: Tri-State Generation and Transmission Association, Inc.
Description: 205(d) Rate Filing: Amendment to Rate Schedule FERC No. 16 to be effective 12/9/2024.
Filed Date: 10/9/24.
Accession Number: 20241009–5092.
Comment Date: 5 p.m. ET 10/30/24.
Docket Numbers: ER25–66–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: 205(d) Rate Filing: 2024–10–09_SA 4349 NSP-Sherco Solar 2 GIA (J1605) to be effective 10/7/2024.
Filed Date: 10/9/24.
Accession Number: 20241009–5125.
Comment Date: 5 p.m. ET 10/30/24.
Docket Numbers: ER25–67–000.
Applicants: Grace Orchard Solar II, LLC.
Description: Baseline eTariff Filing: Grace Orchard Solar II, LLC Application for Market-Based Rate Authorization to be effective 12/9/2024.
Filed Date: 10/9/24.
Accession Number: 20241009–5128.
Comment Date: 5 p.m. ET 10/30/24.
Docket Numbers: ER25–68–000.
Applicants: PJM Interconnection, L.L.C.
Description: 205(d) Rate Filing: Original GIA Service Agreement No. 7376; AF1–208 to be effective 9/9/2024.
Filed Date: 10/9/24.
Accession Number: 20241009–5169.
Comment Date: 5 p.m. ET 10/30/24.

The filings are accessible in the Commission's eLibrary system (*https://elibrary.ferc.gov/idmws/search/fercgensearch.asp*) by querying the docket number.

Any person desiring to intervene, to protest, or to answer a complaint in any of the above proceedings must file in accordance with Rules 211, 214, or 206 of the Commission's Regulations (18 CFR 385.211, 385.214, or 385.206) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, environmental justice communities, Tribal members and others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502–6595 or *OPP@ferc.gov.*

Dated: October 9, 2024.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2024–23850 Filed 10–15–24; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Sunshine Act Meetings

The following notice of meeting is published pursuant to section 3(a) of the government in the Sunshine Act (Pub. L. No. 94–409), 5 U.S.C. 552b:

AGENCY HOLDING MEETING: Federal Energy Regulatory Commission.

TIME AND DATE: October 17, 2024, 10:00 a.m.

PLACE: Room 2C, 888 First Street NE, Washington, DC 20426.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED: Agenda.

Note —Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MOR INFORMATION: Debbie-Anne A. Reese, Secretary, Telephone (202) 502–8400.

For a recorded message listing items stricken from or added to the meeting, call (202) 502–8627.

This is a list of matters to be considered by the Commission. It does not include a listing of all documents relevant to the items on the agenda. All public documents, however, may be viewed online at the Commission's website at https://elibrary.ferc.gov/eLibrary/search using the eLibrary link.

1118TH—MEETING

[Open meeting; October 17, 2024; 10:00 a.m.]

Item No.	Docket No.	Company
	ADMINISTRATIVE	
A–1	AD25–1–000	Agency Administrative Matters.
A–2	AD25–2–000	Customer Matters, Reliability, Security and Market Operations.
	ELECTRIC	
E–1	RM22–7–001	Applications for Permits to Site Interstate Electric Transmission Facilities.
E–2	RM22–2–000	Compensation for Reactive Power Within the Standard Power Factor Range.
E–3	ER20–2186–003, EL20–62–001	Fern Solar LLC.
E–4	EL14–12–016, EL15–45–015	*Association of Businesses Advocating Tariff Equity, et al.* v. *Midcontinent Independent System Operator, Inc. et al. Arkansas Electric Cooperative Corporation, et al.* v. *ALLETE, Inc., et al.*
E–5	ER24–2033–000	GridLiance High Plains LLC.
E–6	ER24–1906–000	Cheyenne Light, Fuel and Power Company.
E–7	ER24–2039–000	Deseret Generation & Transmission Co-operative, Inc.
E–8	ER24–2037–000	Tucson Electric Power Company.
E–9	ER24–2034–000	GridLiance Heartland LLC.
E–10	EC24–79–000	Chalk Point Power, LLC, Dickerson Power, LLC, and Lanyard Power Marketing, LLC.
E–11	ER13–75–013, ER15–416–003	Public Service Company of Colorado.
	ER13–77–012, ER15–433–003	Tucson Electric Power Company.
	ER13–78–013, ER15–434–003	UNS Electric Inc.
	ER13–79–011, ER15–413–003	Public Service Company of New Mexico.
	ER13–82–011, ER15–411–008	Arizona Public Service Company.
	–91–010, ER15–426–003	El Paso Electric Company.
	ER13–96–011, ER15–431–003	Black Hills Power, Inc.
	ER13–97–011, ER15–430–003	Black Hills Colorado Electric Utility Company, LP.
	ER13–105–007	NV Energy, Inc.
	ER15–423–003, ER15–428–005	Nevada Power Company.
	ER15–424–003	Sierra Pacific Power Company.
	ER13–120–011, ER15–432–003	Cheyenne Light, Fuel & Power Company.
	EL25–4–000	Basin Electric Power Cooperative, Inc.
	EL25–2–000	Tri-State Generation and Transmission Association, Inc.
	EL25–3–000	Deseret Generation & Transmission Co-operative, Inc.
E–12	EL24–64–001	*Lackawanna Energy Center LLC* v. *PJM Interconnection, L.L.C.*
E–13	ER24–99–003	PJM Interconnection, L.L.C.
E–14	ER24–1221–001	Southwest Power Pool, Inc.
E–15	RR24–5–000	North American Electric Reliability Corporation.
	GAS	
G–1	RM25–2–000	Supplemental Review of the Oil Pipeline Index Level.
	HYDRO	
H–1	P–14513–003	Idaho Irrigation District and New Sweden Irrigation District.
H–2	P–606–027	Pacific Gas and Electric Company.
	CERTIFICATES	
C–1	CP24–13–000	MountainWest Overthrust Pipeline, LLC.
C–2	CP23–543–000	Bison Pipeline LLC.
	CP23–544–000	Northern Border Pipeline Company.
	CP23–545–000	Wyoming Interstate Company, L.L.C. and Fort Union Gas Gathering, L.L.C.
C–3	CP24–1–000, CP13–27–000	Cameron Interstate Pipeline, LLC.

A free webcast of this event is available through the Commission's website. Anyone with Internet access who desires to view this event can do so by navigating to www.ferc.gov's Calendar of Events and locating this event in the Calendar. The Federal Energy Regulatory Commission provides technical support for the free webcasts. Please call (202) 502–8680 or email *customer@ferc.gov* if you have any questions.

Immediately following the conclusion of the Commission Meeting, a press briefing will be held in the Commission

Meeting Room. Members of the public may view this briefing in the designated overflow room. This statement is intended to notify the public that the press briefings that follow Commission meetings may now be viewed remotely at Commission headquarters but will not be telecast.

Issued: October 10, 2024.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2024–23947 Filed 10–11–24; 4:15 pm]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2736–046]

Idaho Power Company; Notice of Intent To Prepare an Environmental Assessment and Revising the Processing Schedule

On February 14, 2023, Idaho Power Company filed an application for a new major license for the 67.5-megawatt American Falls Hydroelectric Project (American Falls Project; FERC No. 2736). The American Falls project is located on the Snake River in Power County, Idaho, near the city of American Falls, about 25 miles southwest of Pocatello. The project is located at the American Falls Dam, owned and operated by the United States Bureau of Reclamation. The project occupies 7.37 acres of United States land administered by the U.S. Bureau of Reclamation in Power County, Idaho.

In accordance with the Commission's regulations, on February 7, 2024, 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 and the water quality certification issued by Idaho DEQ, staff does not anticipate that licensing the project would constitute a major federal action significantly affecting the quality of the human environment. On April 22, 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 American 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	January 2025.[1]
Comments on EA	February 2025.

Any questions regarding this notice may be directed to Golbahar Mirhosseini at *golbahar.mirhosseini@ferc.gov*.

Dated: October 9, 2024.

Debbie-Anne Reese,

Secretary.

[FR Doc. 2024–23848 Filed 10–15–24; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–12330–01–OA]

Announcement of Meeting of the National Environmental Education Advisory Council

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of meeting.

SUMMARY: Under the Federal Advisory Committee Act (FACA), the Environmental Protection Agency (EPA) gives notice of a virtual meeting of the National Environmental Education Advisory Council (NEE–AC). The NEE–AC was created by Congress to advise, consult with, and make recommendations to the Administrator of the Environmental Protection Agency (EPA) on matters related to activities, functions, and policies of EPA under the National Environmental Education Act (the Act).

The purpose of this meeting is to discuss specific topics of relevance by the council to provide advice and insights to the Agency on environmental education.

DATES: The National Environmental Education Advisory Council will hold a public meeting on Thursday, October 24, 2024, from 10 a.m. until 2 p.m. Eastern Standard Time. The meeting will be virtual. A link for participation will be provided upon request.

FOR FURTHER INFORMATION CONTACT: Javier Araujo, Designated Federal Officer, *araujo.javier@epa.gov,* 202–441–8981, U.S. EPA, Office of Environmental Education, William Jefferson Clinton North, Room 1426, 1200 Pennsylvania Avenue NW, Washington, DC 20460.

SUPPLEMENTARY INFORMATION: Members of the public wishing to participate virtually must contact the DFO by October 14, 2024, to receive access to the meeting. Members of the public who wish to make brief oral comments or provide a written statement to the NEE–AC must contact Javier Araujo, Designated Federal Officer, at *araujo.javier@epa.gov* or 202–441–8981 by 10 business days prior to each regularly scheduled meeting. Oral comments at this meeting will be limited to three minutes and will be accommodated as time permits.

Meeting Access: For information on access or services for individuals with disabilities or to request accommodations, please contact Javier Araujo at *araujo.javier@epa.gov* or 202–441–8981, preferably at least 10 days prior to the meeting, to give EPA as much time as possible to process your request.

Kathryn Avivah Jakob,

Director, Office of Public Engagement and Environmental Education.

[FR Doc. 2024–23782 Filed 10–15–24; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2024–0094; FRL–12275–01–OCSPP]

Pesticide Registration Maintenance Fee: Product Cancellation Order for Certain Pesticide Registrations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

[1] The 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, Public Law 118–5, 4336a, 137 Stat. 42.

SUMMARY: This notice announces EPA's order for the cancellation of certain pesticide products in association with fiscal year 2023 maintenance fee invoicing and collection. Table 1 of Unit III lists those products for which registrants have voluntarily requested cancellation pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). Table 3 of Unit III lists those products that EPA is cancelling for non-payment of annual maintenance fees, pursuant to FIFRA.

DATES: The cancellations are effective October 16, 2024.

FOR FURTHER INFORMATION CONTACT: Brenda Minnema, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: (202) 566–2840; email address: *minnema.brenda@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

This action is directed to the public in general and may be of interest to a wide range of stakeholders including environmental, human health, and agricultural advocates; the chemical industry; pesticide users; and members of the public interested in the sale, distribution, or use of pesticides. Since others also may be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action.

B. How can I get copies of this document and other related information?

The docket for these actions, identified by docket identification (ID) number EPA–HQ–OPP–2024–0094–0001, is available at *https://www.regulations.gov,* and the telephone number for the OPP Docket is (202) 566–1744.

II. Background

This cancellation order follows a notice that published in the **Federal Register** of July 26, 2024 (89 FR 60616) (FRL–11983–01) Notice of Receipt of Requests from the registrants listed in Table 2 of Unit III to voluntarily cancel these product registrations. In the July 26, 2024, notice EPA indicated that it would issue an order finalizing the cancellations, unless the Agency received substantive comments within the 30-day comment period that would merit its further review of these requests, or unless the registrants withdrew their requests. The Agency did not receive any comments or requests for withdrawal by the end of the comment period (August 25, 2024). Accordingly, EPA hereby issues in this notice a cancellation order granting the requested cancellations. Any distribution, sale, or use of the products subject to this cancellation order is permitted only in accordance with the terms of this order, including any existing stocks provisions.

FIFRA section 4(i)(1) (7 U.S.C. 136a–1(i)(1)) requires that all pesticide registrants pay an annual registration maintenance fee, due by January 15 of each year, to keep their registrations in effect. This requirement applies to all registrations granted under FIFRA section 3 (7 U.S.C. 136a) as well as those granted under FIFRA section 24(c) (7 U.S.C. 136v(c)) to meet special local needs. Registrations for which the fee is not paid are subject to cancellation by order and without a hearing pursuant to FIFRA section 4(i)(1)(M) (7 U.S.C. 136a–1(i)(1)(M)). Accordingly, no comment period was provided for the products listed in Table 3 of Unit III.

Under FIFRA, the EPA Administrator may reduce or waive maintenance fees for minor agricultural use pesticides when it is determined that the fee would be likely to cause significant impact on the availability of the pesticide for the use.

In fiscal year 2023, maintenance fees were collected in two billing cycles. An initial invoicing was sent out on December 1, 2022, reflecting the maintenance fee average annual collection target of $31 million specified under the Pesticide Registration Improvement Extension Act of 2018 (PRIA 4). The Pesticide Registration Improvement Act of 2022 (PRIA5), enacted December 29, 2022, raised the average annual collection target to $42 million. A supplemental invoicing to collect towards this increased target was sent out on January 26, 2023. In the invoicing, all holders of FIFRA section 3 registrations and FIFRA section 24(c) registrations were sent links to the lists of their active registrations, along with forms and instructions for responding. Registrants were asked to identify which of their registrations they wished to maintain in effect, and to calculate and remit the maintenance fees due for those registrations by the statutory deadline of January 17, 2023. A notice of intent to cancel was sent in December 2023 to companies who did not respond to EPA's invoices or that responded but did not pay all maintenance fees due for their registrations.

For fiscal year 2023, the Agency has waived the fees for 275 minor agricultural use or public health registrations at the request of the registrants. Maintenance fees have been paid for about 17,965 FIFRA section 3 registrations, or about 97% of the registrations on file in October 2022. Fees have been paid for about 1,810 FIFRA section 24(c) registrations, or about 85% of the total registrations on file in October 2022. Thus, cancellations for non-payment of the maintenance fee affect 131 FIFRA section 3 registrations and 44 FIFRA section 24(c) registrations.

Cancellation of registrations held by companies paying the fee at one of the capped payment amounts (see FIFRA section 4(i)(1)(D)) are considered voluntary cancellations under FIFRA section 6(f) and not cancellations for non-payment under FIFRA section 4(i)(1) because the registrations being cancelled could be maintained without an additional fee payment. These cancellations, discussed in Unit II.A, are subject to a 30-day comment period and are listed in Table 1 below.

The cancellation orders generally permit registrants to continue to sell and distribute existing stocks of the canceled products until 1 year after the date on which the fee was due. Existing stocks already in the hands of dealers or users, however, can generally be distributed, sold, or used legally until they are exhausted. Existing stocks are defined as those stocks of a registered pesticide product which are currently in the United States, and which have been packaged, labeled, and released for shipment prior to the effective date of the cancellation order.

The exceptions to these general rules are cases where more stringent restrictions on sale, distribution, or use of the products have already been imposed, through special reviews or other Agency actions. These general provisions for disposition of stocks should serve in most cases to cushion the impact of these cancellations while the market adjusts.

III. What action is the Agency taking?

This notice announces the cancellation of certain specified pesticide product registrations.

Table 1 of this unit lists products registered under FIFRA section 3 (7 U.S.C. 136a) for which the Agency has received a request for cancellation by the registrants. These registrations are listed in sequence by registration number. These registrations are cancelled by this order effective October 16, 2024 following the 30-day comment period ending August 25, 2024.

TABLE 1—PRODUCT CANCELLATIONS

Registration No.	Company No.	Product name	Active ingredient
100–1037	100	Clipper E 20 UL Tree Growth Regulator.	Paclobutrazol (125601/76738–62–0)—(2.51%).
100–885	100	Dividend XL	Difenoconazole (128847/119446–68–3)—(16.5%), Metalaxyl-M (113502/70630–17–0)—(1.38%).
100–995	100	Clipper 20 UL	Paclobutrazol (125601/76738–62–0)—(2.51%).
239–2666	239	Weed-B-Gon Ready-Spray Isomer Formula.	2,4-D, dimethylamine salt (030019/2008–39–1)—(3.05%), Dicamba, dimethylamine salt (029802/2300–66–5)—(1.3%), MCPP–P, DMA salt (031520/66423–09–4)—(5.3%).
239–2694	239	Ortho Season-Long Grass & Weed Killer.	Diquat dibromide (032201/85–00–7)—(.1%), Glyphosate (417300/1071–83–6)—(8%), Oxyfluorfen (111601/42874–03–3)—(1.5%).
239–2706	239	Ortho Season Long Weed & Grass Killer Plus Preventer Ready-Spray II.	Diquat dibromide (032201/85–00–7)—(.1%), Glyphosate, isopropylamine salt (103601/38641–94–0)—(8%), Oxyfluorfen (111601/42874–03–3)—(1.5%).
239–2707	239	Ortho Max Tree & Shrub Insect Control Ready-Spray II.	Imidacloprid (129099/138261–41–3)—(1.47%).
264–998	264	Four Way Peanut Seed Treatment Fungicide.	Captan (081301/133–06–2)—(49%), Metalaxyl (113501/57837–19–1)—(.8%), Thiophanate-methyl (102001/23564–05–8)—(13.6%), Trifloxystrobin (129112/141517–21–7)—(2%).
270–339	270	F793 Insecticide	Diflubenzuron (108201/35367–38–5)—(.24%).
279–3350	279	F6482 Turf and IVM	Metribuzin (101101/21087–64–9)—(27%), Sulfentrazone (129081/122836–35–5)—(18%).
279–3552	279	Accurate Herbicide	Metsulfuron (122010/74223–64–6)—(60%).
352–595	352	Dupont Chlorimuron Ethyl 54 DF	Chlorimuron (128901/90982–32–4)—(54%).
352–877	352	Dupont DPX–121 Herbicide	Rimsulfuron (129009/122931–48–0)—(16.7%), Thifensulfuron (128845/79277–27–3)—(16.7%).
464–616	464	Dowicide 1/PG Antimicrobial	o-Phenylphenol (NO INERT USE) (064103/90–43–7)—(63%).
464–722	464	Aqucar(TM) OPP 63 Water Treatment Microbiocide.	o-Phenylphenol (NO INERT USE) (064103/90–43–7)—(63%).
499–535	499	LX417 Lambda-Cyhalothrin	lambda-Cyhalothrin (128897/91465–08–6)—(9.7%).
538–303	538	Grubex 2	Imidacloprid (129099/138261–41–3)—(.2%).
577–558	577	Sherwin-Williams Seaguard Vinyl Anti-Foulant.	Cuprous oxide (025601/1317–39–1)—(66.9%).
577–559	577	Sherwin-Williams Seaguard Vinyl Anti-Foulant Black.	Cuprous oxide (025601/1317–39–1)—(55.7%).
577–561	577	Mil-P–15931F Formula 121 Anti-Foulant Red.	Cuprous oxide (025601/1317–39–1)—(69.69%).
577–562	577	Mil-P–15931F Formula-129 Antifoulant Black.	Cuprous oxide (025601/1317–39–1)—(57%).
675–1	675	Vani-Sol Bowl Cleanse	Hydrochloric acid (045901/7647–01–0)—(23%).
777–108	777	Gattuso GP	Citric acid (021801/77–92–9)—(3.5%).
777–129	777	Phoenix Wipes	Alkyl* dimethyl benzyl ammonium chloride *(50%C14, 40%C12, 10%C16) (069105/68424–85–1)—(.355%).
961–368	961	Lebanon Crab-Buster Plus Lawn Food.	Dithiopyr (128994/97886–45–8)—(.06%).
961–412	961	Lebanon Herbicide Granules Formula D–11.	Dithiopyr (128994/97886–45–8)—(.11%).
1022–594	1022	Cusol-1	Copper ethanolamine complex (024410/14515–52–5)—(2.92%).
1258–1042	1258	Pace Spa & Hot Tub Chlorinator	Sodium dichloroisocyanurate dihydrate (081407/51580–86–0)—(99%).
1258–1066	1258	Calcium Hypochlorite Sanitizer Granular—60.	Calcium hypochlorite (014701/7778–54–3)—(62%).
1258–1075	1258	Pace Concentrated Algaecide	Trichloro-s-triazinetrione (081405/87–90–1)—(99%).
1258–1245	1258	Arch Technical Trichloro-S-Triazinetrione.	Trichloro-s-triazinetrione (081405/87–90–1)—(99.5%).
1258–1246	1258	HTH Super Sock It Shock N' Swim Shock Treatment & Super chlorinator for Swimming.	Calcium hypochlorite (014701/7778–54–3)—(62.4%).
1258–1259	1258	HTH Duration Clean Capsules	Calcium hypochlorite (014701/7778–54–3)—(47.6%).
1258–1273	1258	Pool Breeze Pool Care System 14 Day Sanitizing Tablets.	Trichloro-s-triazinetrione (081405/87–90–1)—(99%).
1258–1274	1258	Baquacil AD	Poly(oxy-1,2-ethanediyl(dimethylimino)-1,2-ethanediyl(dimethylimino)-1,2-ethanediyl dichloride) (069183/31512–74–0)—(20%).
1258–1280	1258	Pool Breeze Pool Care System Copper Algicide.	Copper triethanolamine complex (024403/82027–59–6)—(7.1%).
1258–1283	1258	AW10	Sodium dichloroisocyanurate dihydrate (081407/51580–86–0)—(99%).
1258–1321	1258	Copper Algaecide	Copper triethanolamine complex (024403/82027–59–6)—(9%).
1258–1329	1258	AW02 Tablets	Calcium hypochlorite (014701/7778–54–3)—(47.6%), Zinc sulfate monohydrate (527200/7446–19–7)—(1.96%).
1258–1331	1258	AW01 Granular	Calcium hypochlorite (014701/7778–54–3)—(38.1%), Zinc sulfate monohydrate (527200/7446–19–7)—(11.8%).
1258–1332	1258	AW07	Calcium hypochlorite (014701/7778–54–3)—(53%).
1258–1334	1258	AW09	Calcium hypochlorite (014701/7778–54–3)—(47.1%).
1258–1337	1258	AW13	Trichloro-s-triazinetrione (081405/87–90–1)—(97.3%).

TABLE 1—PRODUCT CANCELLATIONS—Continued

Registration No.	Company No.	Product name	Active ingredient
1258–1349	1258	AW79	Sodium hypochlorite (014703/7681–52–9)—(14%).
1258–1361	1258	AW91 (Pro)	Calcium hypochlorite (014701/7778–54–3)—(75%).
1258–1363	1258	SS Solid MUP	Poly(iminoimidocarbonyliminoimidocarbonyliminohexamethylene) hydrochloride (111801/32289–58–0)—(75%).
1258–995	1258	Pace 14 Day Super Tab Concentrated Pool Chlorinator.	Trichloro-s-triazinetrione (081405/87–90–1)—(99%).
2382–104	2382	Preventic Tick Collar for Dogs	Amitraz (106201/33089–61–1)—(9%).
2724–687	2724	Security E Z E Garden Weed Killer	Trifluralin (036101/1582–09–8)—(1.75%).
2724–794	2724	WMI 0.67% Diflubenzuron Cattle Supplement.	Diflubenzuron (108201/35367–38–5)—(.67%).
2724–795	2724	WMI 0.04% Diflubenzuron Cattle	Diflubenzuron (108201/35367–38–5)—(.04%).
2724–798	2724	RF2128 Dry Concentrate	Diflubenzuron (108201/35367–38–5)—(8%).
2724–801	2724	RF 2128 Dry Concentrate MUP	Diflubenzuron (108201/35367–38–5)—(8%).
2724–816	2724	RF2163 Dry Concentrate	Diflubenzuron (108201/35367–38–5)—(.16%).
2749–591	2749	Aceto Etoxazole 72% WSB Miticide.	Etoxazole (107091/153233–91–1)—(72%).
2749–595	2749	Aceto Etoxazole 72% WP in WSP Miticide.	Etoxazole (107091/153233–91–1)—(72%).
2749–603	2749	AG36076 2.88 SC Miticide	Etoxazole (107091/153233–91–1)—(31.7%).
2749–619	2749	AG35814 B 30 SG Insecticide	Acetamiprid (099050/135410–20–7)—(30%).
2749–620	2749	AG35814 B 70 WP Insecticide	Acetamiprid (099050/135410–20–7)—(70%).
2749–621	2749	AG35814 C 70 WP Insecticide	Acetamiprid (099050/135410–20–7)—(70%).
2749–622	2749	AG35814 C 30 SG Insecticide	Acetamiprid (099050/135410–20–7)—(30%).
2935–506	2935	Wilbur-Ellis Ben-Sul 85	Sulfur (077501/7704–34–9)—(85%).
2935–555	2935	Deadlock G	Zeta-Cypermethrin (129064/1315501–18–8)—(.25%).
4972–23	4972	Protexall Ant-Kil	Boric acid (011001/10043–35–3)—(6%).
5383–202	5383	Omniphase 678	1,2-Benzisothiazolin-3-one (098901/2634–33–5)—(4.6%), Carbamic acid, butyl-, 3-iodo-2-propynyl ester (107801/55406–53–6)—(5%), Carbendazim (128872/10605–21–7)—(15%).
5383–203	5383	Omniphase 663	1,2-Benzisothiazolin-3-one (098901/2634–33–5)—(1.1%), Carbamic acid, butyl-, 3-iodo-2-propynyl ester (107801/55406–53–6)—(3%), Carbendazim (128872/10605–21–7)—(9%), Diuron (035505/330–54–1)—(15%).
7048–4	7048	Bio-Magic Rinse	Alkyl* dimethyl benzyl ammonium chloride *(60%C14, 30%C16, 5%C18, 5%C12) (069104/53516–76–0)—(6%), Alkyl* dimethyl ethylbenzyl ammonium chloride *(50%C12, 30%C14, 17%C16, 3%C18) (069111/8045–21–4)—(6%).
7319–6	7319	Lurectron Scatterbait	Methomyl (090301/16752–77–5)—(1%), cis-9-Tricosene (103201/27519–02–4)—(.26%).
7364–104	7364	Sodium Bromide Powder	Sodium bromide (013907/7647–15–6)—(98%).
7364–105	7364	AW Nova	Sodium dichloroisocyanurate dihydrate (081407/51580–86–0)—(99%).
7364–106	7364	AW Dart	Sodium bromide (013907/7647–15–6)—(98%).
7364–89	7364	Pool Pal 400 Algaecide	Alkyl* dimethyl benzyl ammonium chloride *(60%C14, 25%C12, 15%C16) (069137/68424–85–1)—(10%).
7754–41	7754	Bug Barrier II	Diethyl toluamide (080301/134–62–3)—(25%), MGK 264 (057001/113–48–4)—(5%), MGK 326 (047201/136–45–8)—(2.5%).
7946–31	7946	Arborfos HP	Dipotassium phosphite (K2HPO3) (076416/13492–26–7)—(45.8%).
9009–14	9009	So-White 6.40% Hypochlorite Dairy, Farm & Home Use.	Sodium hypochlorite (014703/7681–52–9)—(6.4%).
9198–115	9198	The Andersons Turf Fungicide with 5.0% Daconil.	Chlorothalonil (081901/1897–45–6)—(5%).
9198–207	9198	Andersons Golf Products Golden Eagle Fungicide.	Myclobutanil (128857/88671–89–0)—(1%).
9198–257	9198	The Andersons 0.067% Acelepryn Insecticide Plus 0.222% Dimension Herbicide on F.	Chlorantraniliprole (090100/500008–45–7)—(.067%), Dithiopyr (128994/97886–45–8)—(.222%).
9215–12	9215	All Clear 3 Tablets Jumbo Chlorinating Tablets7.	Trichloro-s-triazinetrione (081405/87–90–1)—(99%).
10324–17	10324	Maquat MQ2525–50	25.0000% Alkyl* dimethyl benzyl ammonium chloride *(60%C14, 30%C16, 5%C18, 5%C12) (PC:69104 CAS:53516–76–0) 25.0000% Alkyl* dimethyl ethylbenzyl ammonium chloride *(50%C12, 30%C14, 17%C16, 3%C18) (PC:69111 CAS:8045–21–4).
10324–26	10324	Maquat MC 6025–50%	50.0000% Alkyl* dimethyl benzyl ammonium chloride *(60%C14, 25%C12, 15%C16) (PC:69137 CAS:68424–85–1).
10324–98	10324	Maquat MC5815	50.0000% Alkyl* dimethyl benzyl ammonium chloride *(58%C14, 28%C16, 14%C12) (PC:69141 CAS:68424–85–1).
10707–62	10707	Biosorb 1250	23.0000% Glutaraldehyde (PC:43901 CAS:7420–89–5).
10707–63	10707	XC408 Biocide	30.0000% Alkyl* dimethyl benzyl ammonium chloride *(67%C12, 25%C14, 7%C16, 1%C18) (PC:69175 CAS:68391–01–5).
11556–111	11556	Tempo 20WP Premise Insecticide	20.0000% Cyclopropanecarboxylic acid, 3-(2,2-dichloroethenyl)-2,2-dimethyl-, cyano(4-fluoro-3-phenoxyphenyl) methyl ester (PC:128831 CAS:68359–37–5).

TABLE 1—PRODUCT CANCELLATIONS—Continued

Registration No.	Company No.	Product name	Active ingredient
11556–112	11556	Countdown EC Premise Insecticide.	24.3000% Cyclopropanecarboxylic acid, 3-(2,2-dichloroethenyl)-2,2-dimethyl-, cyano(4-fluoro-3-phenoxyphenyl) methyl ester (PC:128831 CAS:68359–37–5).
11556–113	11556	Countdown WP Premise Insecticide in Packets.	20.0000% Cyclopropanecarboxylic acid, 3-(2,2-dichloroethenyl)-2,2-dimethyl-, cyano(4-fluoro-3-phenoxyphenyl) methyl ester (PC:128831 CAS:68359–37–5).
11556–140	11556	Quickbayt Disposable Fly Bait Strip.	0.1000% (Z)-9-Tricosene (PC:103201 CAS:27519–02–4) 0.5000% Imidacloprid (PC:129099 CAS:138261–41–3).
11556–153	11556	Credo D	21.4000% Imidacloprid (PC:129099 CAS:138261–41–3).
11556–180	11556	Premise Guard Insecticide	0.0200% Cyclopropanecarboxylic acid, 3-(2,2-dibromoethenyl)-2,2-dimethyl-, cyano(3-phenoxyphenyl) methyl ester, (1R-(1.alpha.(S*),3.alpha.))- (PC:97805 CAS:66841–25–6).
11773–17	11773	Cornbelt Trifluralin	43.0000% Trifluralin (PC:36101 CAS:1582–09–8).
45385–17	45385	Chem-Tox Pyronox Oil Concentrate #3610.	10.0000% 4,7-Methano-1H-isoindole-1,3(2H)-dione, 2-(2-ethylhexyl)-3a,4,7,7a-tetrahydro- (PC:57001 CAS:113–48–4) 6.0000% Piperonyl butoxide (PC:67501 CAS:51–03–6) 3.0000% Pyrethrins (PC:69001 CAS:8003–34–7).
45385–20203	45385	Chem-Tox Pro! Roach Kill Powder	99.0000% Boric acid (PC:11001 CAS:11113–50–1).
45385–24	45385	Pyronox Dual 0.5	1.6700% 4,7-Methano-1H-isoindole-1,3(2H)-dione, 2-(2-ethylhexyl)-3a,4,7,7a-tetrahydro- (PC:57001 CAS:113–48–4) 1.0000% Piperonyl butoxide (PC:67501 CAS:51–03–6) 0.5000% Pyrethrins (PC:69001 CAS:8003–34–7).
45385–30	45385	Pyronox No.5	1.5000% Piperonyl butoxide (PC:67501 CAS:51–03–6) 0.3000% Pyrethrins (PC:69001 CAS:8003–34–7).
45385–43	45385	Chem-Tox Mal 50%-E.C.	50.0000% Malathion (NO INERT USE) (PC:57701 CAS:121–75–5).
45385–48	45385	Pyronox Oil Concentrate #1–2–3	2.9400% 4,7-Methano-1H-isoindole-1,3(2H)-dione, 2-(2-ethylhexyl)-3a,4,7,7a-tetrahydro- (PC:57001 CAS:113–48–4) 2.0000% Piperonyl butoxide (PC:67501 CAS:51–03–6) 1.0000% Pyrethrins (PC:69001 CAS:8003–34–7) Pests (48):.
45385–62	45385	Chem-Tox Wik-Rub Insecticide Concentrate.	0.6000% Piperonyl butoxide (PC:67501 CAS:51–03–6) 0.3000% Pyrethrins (PC:69001 CAS:8003–34–7).
45385–65	45385	Chem-Tox Malathion 3%	3.0000% Malathion (NO INERT USE) (PC:57701 CAS:121–75–5).
45385–69	45385	Perma-Tox Insecticide	13.3000% Permethrin, mixed cis,trans (PC:109701 CAS:52645–53–1).
45385–76	45385	Cenol Mill Spray	2.0000% Piperonyl butoxide (PC:67501 CAS:51–03–6) 0.5000% Pyrethrins (PC:69001 CAS:8003–34–7).
45385–8	45385	Chem-Tox Food Plant Spray	5.0000% Piperonyl butoxide (PC:67501 CAS:51–03–6) 0.5000% Pyrethrins (PC:69001 CAS:8003–34–7).
45385–94	45385	Iguana	26.0000% Cypermethrin (PC:109702 CAS:52315–07–8).
45385–98	45385	Cenol 0.25% Multipurpose Insecticide.	0.2500% Permethrin, mixed cis,trans (PC:109701 CAS:52645–53–1).
48302–11	48302	Sea Grand Prix 500	45.5600% Copper(I) oxide (PC:25601 CAS:1317–39–1) 2.9100% Zinc, bis(1-hydroxy-2(1H)-pyridinethionato-O,S)-, (T–4)-, (PC:88002 CAS:13463–41–7).
49547–16	49547	CLNSL	7.5000% Sodium hypochlorite (PC:14703 CAS:7681–52–9).
51032–14	51032	Micro-Sul Dusting/Wettable Sulfur	Sulfur.
52287–1	52287	Turf Fertilizer with Ronstar(R) 0.95	0.9500% Oxadiazon (PC:109001 CAS:19666–30–9).
52484–4	52484	Bioclear 2250 Antimicrobial	25.0000% Glutaraldehyde (PC:43901 CAS:7420–89–5).
52484–6	52484	Bioclear 2256 Antimicrobial	3.0000% 1-Decanaminium, N-decyl-N,N-dimethyl-, chloride (PC:69149 CAS:7173–51–5) 3.0000% Alkyl* dimethyl benzyl ammonium chloride *(50%C14, 40%C12, 10%C16) (PC:69105 CAS:68424–85–1) 25.0000% Glutaraldehyde (PC:43901 CAS:7420–89–5).
53853–7	53853	FGI–S Ready-To-Use Insecticide	0.0250% Esfenvalerate (PC:109303 CAS:66323–04–4).
53853–8	53853	FGI PY/PBO Outdoor RTU Insecticide.	1.0000% Piperonyl butoxide (PC:67501 CAS:51–03–6) 0.1000% Pyrethrins (PC:69001 CAS:8003–34–7).
57787–30	57787	Proteam 1 High Tech Tabs	5.0000% Boron sodium oxide (B4Na2O7), pentahydrate (PC:11110 CAS:12179–04–3) 91.5000% Trichloro-s-triazinetrione (PC:81405 CAS:87–90–1).
57787–36	57787	Proteam Power Magic AC+ Superoxidizer.	47.6000% Calcium hypochlorite (PC:14701 CAS:7778–54–3).
58401–13	58401	Stellar Three-Inch Tablets	99.4000% Trichloro-s-triazinetrione (PC:81405 CAS:87–90–1).
59106–9	59106	Bioclear 2500 Antimicrobial	51.1000% Glutaraldehyde (PC:43901 CAS:7420–89–5).
59682–4	59682	Bioflex	0.1570% Carbamic acid, butyl-, 3-iodo-2-propynyl ester (PC:107801 CAS:55406–53–6).
59825–5	59825	Warwick B675	99.9500% Tetraacetylethylenediamine (PC:4115 CAS:10543–57–4).
59825–6	59825	Warwick AG610	92.0000% Tetraacetylethylenediamine (PC:4115 CAS:10543–57–4).
61468–6	61468	Creosote—Manufacturing Use	98.5000% Coal tar creosote (PC:25004 CAS:8001–58–9).
61671–3	61671	For-Mite	65.9000% Formic acid (PC:214900 CAS:64–18–6).
62719–391	62719	Kerb 50–W Selective Herbicide	50.0000% Propyzamide (PC:101701 CAS:23950–58–5).
62719–72	62719	Dursban 50W in Water Soluble Packets.	50.0000% Chlorpyrifos (PC:59101 CAS:2921–88–2).
63269–1	63269	TMB 471C	25.0000% Copper sulfate pentahydrate (PC:24401 CAS:7758–99–8).
63838–19	63838	Biosene Granules	93.9000% Trichloro-s-triazinetrione (PC:81405 CAS:87–90–1).

TABLE 1—PRODUCT CANCELLATIONS—Continued

Registration No.	Company No.	Product name	Active ingredient
63838–23	63838	Envirobrom L	20.0000% 2,2-Dibromo-3-nitrilopropionamide (PC:101801 CAS:10222–01–2).
63838–31	63838	Bio-X	34.6500% Trichloro-s-triazinetrione (PC:81405 CAS:87–90–1).
63838–33	63838	Drycide	65.0000% Ethanol (PC:1501 CAS:64–17–5).
63838–35	63838	EP–Q10	1.5000% 1-Decanaminium, N-decyl-N,N-dimethyl-, chloride (PC:69149 CAS:7173–51–5) 1.5000% 1-Octanaminium, N,N-dimethyl-N-octyl-, chloride (PC:69166 CAS:5538–94–3) 4.0000% Alkyl* dimethyl benzyl ammonium chloride *(50%C14, 40%C12, 10%C16) (PC:69105 CAS:68424–85–1) 3.0000% Ammonium, decyldimethyloctyl-, chloride (PC:69165 CAS:32426–11–2).
63838–36	63838	EP–Q7.5	1.1250% 1-Decanaminium, N-decyl-N,N-dimethyl-, chloride (PC:69149 CAS:7173–51–5) 1.1250% 1-Octanaminium, N,N-dimethyl-N-octyl-, chloride (PC:69166 CAS:5538–94–3) 3.0000% Alkyl* dimethyl benzyl ammonium chloride *(50%C14, 40%C12, 10%C16) (PC:69105 CAS:68424–85–1) 2.2500% Ammonium, decyldimethyloctyl-, chloride (PC:69165 CAS:32426–11–2).
63838–38	63838	GA–50	50.0000% Glutaraldehyde (PC:43901 CAS:7420–89–5).
63982–1	63982	SKL390 Disinfectant Cleaner	0.1670% Alkyl* dimethyl benzyl ammonium chloride *(60%C14, 30%C16, 5%C18, 5%C12) (PC:69104 CAS:53516–76–0) 0.1670% Alkyl* dimethyl ethylbenzyl ammonium chloride *(68%C12, 32%C14) (PC:69154 CAS:85409–23–0).
67071–108	67071	Acticide BWL 10–F	9.0000% 1,2-Benzisothiazolin-3-one (PC:98901 CAS:2634–33–5).
67867–5	67867	Buggspray Insect Repellent for Biting Flies.	2.5000% 2,5-Pyridinedicarboxylic acid, dipropyl ester (PC:47201 CAS:136–45–8) 5.0000% 4,7-Methano-1H-isoindole-1,3(2H)-dione, 2-(2-ethylhexyl)-3a,4,7,7a-tetrahydro- (PC:57001 CAS:113–48–4) 25.0000% m-Toluamide, N,N-diethyl- (PC:80301 CAS:84603–69–0).
68539–16	68539	Agricure	85.0000% Carbonic acid, monopotassium salt (PC:73508 CAS:298–14–6).
68539–19	68539	Botry-Zen WP	45.0000% Ulocladium oudemansii (U3 Strain) (PC:102111 CAS:Unknown).
68889–1	68889	Hawaii Fly Bait Brand Olive Fruit Fly.	0.3000% Spinosad (PC:110003 CAS:168316–95–8).
69340–5	69340	Eogas AN1005	90.0000% Ethylene oxide (PC:42301 CAS:75–21–8).
69340–9	69340	AN7514	97.0000% Ethylene oxide (PC:42301 CAS:75–21–8).
69526–10	69526	PC Turf And Ornamentals	98.0000% Mineral oil—includes paraffin oil from 063503 (PC:63502 CAS:64742–65–0).
69526–11	69526	PC Herbicide Concentrate	0.3400% Acetic acid, (2,4-dichlorophenoxy)-, compd. with N-methylmethanamine (1:1) (PC:30019 CAS:2008–39–1) 0.0420% Dimethylamine 3,6-dichloro-o-anisate (PC:29802 CAS:2300–66–5) 0.2200% Mecoprop-P-dimethylammonium (PC:31520 CAS:66423–09–4).
69526–12	69526	PC RTU Herbicide	0.0340% Acetic acid, (2,4-dichlorophenoxy)-, compd. with N-methylmethanamine (1:1) (PC:30019 CAS:2008–39–1) 0.0042% Dimethylamine 3,6-dichloro-o-anisate (PC:29802 CAS:2300–66–5) 0.0220% Mecoprop-P-dimethylammonium (PC:31520 CAS:66423–09–4).
69526–16	69526	PC Herbicide RTU Plus	0.0570% Acetic acid, (2,4-dichlorophenoxy)-, compd. with N-methylmethanamine (1:1) (PC:30019 CAS:2008–39–1) 0.0070% Dimethylamine 3,6-dichloro-o-anisate (PC:29802 CAS:2300–66–5) 0.0370% Mecoprop-P-dimethylammonium (PC:31520 CAS:66423–09–4).
69681–28	69681	Clor Mor Cal-Shock SWB	47.6000% Calcium hypochlorite (PC:14701 CAS:7778–54–3).
70062–4	70062	Babolna Bio Hydroprene Technical	95.0000% 2,4-Dodecadienoic acid, 3,7,11-trimethyl-, ethyl ester, (S-(E,E))- (PC:128966 CAS:65733–18–8).
70299–10	70299	Greenclean Tablets	42.5000% Sodium percarbonate (PC:128860 CAS:15630–89–4).
70299–24	70299	Axxe Ready to Use Herbicide	5.0000% Nonanoic acid, ammonium salt (PC:31802 CAS:63718–65–0).
70299–30	70299	Nomas	5.0000% Capric acid (PC:128955 CAS:334–48–5) 5.0000% Caprylic acid (PC:128919 CAS:124–07–2) 5.0000% Nonanoic acid (PC:217500 CAS:112–05–0).
70506–255	70506	Harrier WDG	85.0000% Oryzalin (PC:104201 CAS:19044–88–3).
70644–4	70644	Nutrol LC	35.0000% Potassium phosphate, monobasic (PC:76413 CAS:7778–77–0).
70909–5	70909	Conceal Candle	3.5000% 3,7-Dimethyl-1,6-octadien-3-ol (PC:128838 CAS:78–70–6).
80286–10	80286	ISCA Myristyl Alcohol MP	100.0000% Myristyl alcohol (PC:1510 CAS:112–72–1).
80286–14	80286	ISCA CLM MP	66.5000% Citrus leafminer lepidoptera pheromone (PC:29000 CAS:888042–38–4).
80286–16	80286	Splat Tuta	0.3000% 3,8,11-Tetradecatrien-1-ol, acetate, (3E,8Z,11Z)- (PC:11472 CAS:163041–94–9).
80286–17	80286	ISCA Tuta MP	96.3100% 3,8,11-Tetradecatrien-1-ol, acetate, (3E,8Z,11Z)- (PC:11472 CAS:163041–94–9).

TABLE 1—PRODUCT CANCELLATIONS—Continued

Registration No.	Company No.	Product name	Active ingredient
80286–24	80286	ISCA Lobesia MP	77.6400% (E,Z)-7,9-Dodecadienyl acetate (PC:11471 CAS:55774–32–8).
80286–25	80286	Splat Lobesia	3.6000% (E,Z)-7,9-Dodecadienyl acetate (PC:11471 CAS:55774–32–8).
80286–26	80286	Hook RPW	3.0000% Cypermethrin (PC:109702 CAS:52315–07–8).
80286–27	80286	ISCA FAW MP	11.4400% (Z)-11-Hexadecenyl acetate (PC:129071 CAS:60037–58–3) 81.0000% 9-Tetradecen-1-ol, acetate, (9Z) (PC:129109 CAS:16725–53–4) 2.8590% Looplure (PC:11474 CAS:14959–86–5).
80286–29	80286	Splat FAW Gl4	0.4800% (Z)-11-Hexadecenyl acetate (PC:129071 CAS:60037–58–3) 3.4000% 9-Tetradecen-1-ol, acetate, (9Z) (PC:129109 CAS:16725–53–4).
80286–32	80286	MCH Bubble CAP	97.9000% 3-Methyl-2-cyclohexen-1-one (PC:219700 CAS:1193–18–6).
80286–9	80286	ISCA Lauryl Alcohol MP	98.2000% Dodecyl alcohol (PC:1509 CAS:112–53–8).
82552–2	82552	Concrobium Mold Control (MUP)	0.9500% Sodium carbonate (PC:73506 CAS:497–19–8).
82669–2	82669	Bio-UD–8 Spray	Methyl nonyl ketone 7.75.
82940–2	82940	Elicitore	12.0000% Organic acids derived from leonardite (PC:21818 CAS:Unknown).
82940–3	82940	Pm-4300organic Acids	18.5000% Organic acids derived from leonardite (PC:21818 CAS:Unknown).
84930–23	84930	ARC-Metolazine Herbicide	33.1000% Atrazine (PC:80803 CAS:1912–24–9) 26.1000% Metolachlor (PC:108801 CAS:51218–45–2).
85341–3	85341	Revere Antimicrobial Copper	96.2000% Copper as elemental (PC:22501 CAS:7440–50–8).
85493–1	85493	Browseban EC—Animal Repellent	Capsaicin.
85678–28	85678	Captan Technical II	95.5000% Captan (PC:81301 CAS:133–06–2).
86182–4	86182	STK–53	10.0000% Tea tree oil (PC:28853 CAS:68647–73–4).
86330–13	86330	Sunspray Ultra-Fine Year-Round Pesticidal Oil.	98.8000% Aliphatic petroleum solvent (PC:63503 CAS:64742–89–8).
86330–15	86330	Sunspray 6E Western	98.8000% Aliphatic petroleum solvent (PC:63503 CAS:64742–89–8).
86330–2	86330	Sunspray 7N	100.0000% Aliphatic petroleum solvent (PC:63503 CAS:64742–89–8).
86330–3	86330	Sunspray 7E	98.8000% Aliphatic petroleum solvent (PC:63503 CAS:64742–89–8).
86330–4	86330	Sunspray 11E	98.8000% Aliphatic petroleum solvent (PC:63503 CAS:64742–89–8).
86330–6	86330	Sunspray 6E	98.8000% Aliphatic petroleum solvent (PC:63503 CAS:64742–89–8).
86330–8	86330	Sunspray 9E	98.8000% Aliphatic petroleum solvent (PC:63503 CAS:64742–89–8).
86330–9	86330	Sunspray 9N	100.0000% Aliphatic petroleum solvent (PC:63503 CAS:64742–89–8).
87193–1	87193	Formula 691	0.3000% Cytokinin (as kinetin) (PC:116801 CAS:50868–58–1) 0.2500% Gibberellic acid (PC:43801 CAS:88–82–4) 0.1500% Indolebutyric acid (PC:46701 CAS:133–32–4).
87656–4	87656	Bio-Spear Sanitizing Spray	0.9000% 1-Decanaminium, N-decyl-N,N-dimethyl-, chloride (PC:69149 CAS:7173–51–5) 0.5400% 1-Octadecanaminium, N,N-dimethyl-N-(3-(trimethoxysilyl)propyl)-, chloride (PC:107401 CAS:27668–52–6).
87663–10	87663	Emerion 8200 C8910 FA Dusting Powder.	2.0000% Capric acid (PC:128955 CAS:334–48–5) 10.0000% Caprylic acid (PC:128919 CAS:124–07–2) 3.0000% Nonanoic acid (PC:217500 CAS:112–05–0).
87663–3	87663	Emerion 7020 Concentrate	40.0000% Nonanoic acid, ammonium salt (PC:31802 CAS:63718–65–0).
87845–10	87845	Colossal Pro Fungicide	29.7300% 1H–1,2,4-Triazole, 1-((2-(2,4-dichlorophenyl)-4-propyl-1,3-dioxolan-2-yl)methyl)- (PC:122101 CAS:60207–90–1) 19.6200% 1H–1,2,4-Triazole-1-ethanol, .alpha.-(2-(4-chlorophenyl)ethyl)-.alpha.-(1,1-dimethylethyl)-, (+-), (PC:128997 CAS:107534–96–3).
88089–1	88089	Sanogiene	0.4000% Chitosan (PC:128930 CAS:9012–76–4) 22.5800% Hydantoin, 1,3-bis(hydroxymethyl)-5,5-dimethyl- (PC:115501 CAS:6440–58–0) 21.4200% Hydantoin, 1-(hydroxymethyl)-5,5-dimethyl- (PC:115502 CAS:27636–82–4).
88148–2	88148	Ethylene	98.5000% Ethylene (PC:41901 CAS:74–85–1).
89110–34	89110	Bionix BCD98	98.0000% Hydantoin, 1(or 3)-bromo-3(or 1)-chloro-5,5-dimethyl- (PC:6333 CAS:32718–18–6).
89118–3	89118	VCP–06 1.65 SC Fungicide	18.4000% Azoxystrobin (PC:128810 CAS:131860–33–8).
89118–4	89118	VCP–07	10.9000% Azoxystrobin (PC:128810 CAS:131860–33–8) 5.8000% Bifenthrin (PC:128825 CAS:83322–02–5).
91040–2	91040	Waterworks Sulfosulf 75% WDG Herbicide.	75.0000% Sulfosulfuron (PC:85601 CAS:141776–32–1).
91069–2	91069	Roach E. Reaper	100.0000% Boric acid (PC:11001 CAS:11113–50–1).
91209–3	91209	Terra San	5.4000% Ethaneperoxoic acid (PC:63201 CAS:7722–84–1) 27.0000% Hydrogen peroxide (PC:595 CAS:7722–84–1).
91234–194	91234	A381.02	70.8700% Acetochlor (PC:121601 CAS:34256–82–1).
91374–2	91374	Horticol 75	100.0000% Aliphatic petroleum solvent (PC:63503 CAS:64742–89–8).
92068–3	92068	MVX Antimicrobial Coat	0.1000% Silver (PC:72501 CAS:7440–22–4).
92120–9	92120	Hazel 310.1	0.1000% Cyclopropene,1-methyl- (PC:224459 CAS:3100–04–7).

TABLE 1—PRODUCT CANCELLATIONS—Continued

Registration No.	Company No.	Product name	Active ingredient
92647–25	92647	Tigris Clop + Flumet	60.0000% 2-Pyridinecarboxylic acid, 3,6-dichloro-, potassium salt (PC:117423 CAS:58509–83–4) 18.5000% Flumetsulam (PC:129016 CAS:98967–40–9).
93051–7	93051	Rightline Sulfosulf 75 WDG Herbicide.	75.0000% Sulfosulfuron (PC:85601 CAS:141776–32–1).
93051–9	93051	Rightline Sulfosulf T&O	75.0000% Sulfosulfuron (PC:85601 CAS:141776–32–1).
93507–1	93507	Bio-Tape 48	95.0000% Diiodomethyl p-tolyl sulfone (PC:101002 CAS:20018–09–1).
93569–14	93569	Genagri Paraquat MUP	45.5000% Paraquat dichloride (PC:61601 CAS:39312–80–6).
93594–1	93594	GTI Shield ZP50	50.0000% Zinc, bis(1-hydroxy-2(1H)-pyridinethionato-O,S)-, (T–4)-, (PC:88002 CAS:13463–41–7).
93908–3	93908	Envirolyte Plus	Hypochlorous Acid .046.
94418–1	94418	Xitrexx	1.0000% 1-Octadecanaminium,N,N-dimethyl-N-[3-(trihydroxysilyl)propyl],chloride (PC:107403 CAS:199111–50–7).
94865–2	94865	Paracetic Acid Sanitizer	5.3000% Ethaneperoxoic acid (PC:63201 CAS:7722–84–1) 23.0000% Hydrogen peroxide (PC:595 CAS:7722–84–1).
95393–1	95393	Quatrus Q–428	80.0000% Alkyl* dimethyl benzyl ammonium chloride *(50%C14, 40%C12, 10%C16) (PC:69105 CAS:68424–85–1).
95393–10	95393	Quatrus Q–425	50.0000% Alkyl* dimethyl benzyl ammonium chloride *(50%C14, 40%C12, 10%C16) (PC:69105 CAS:68424–85–1).
95393–11	95393	Quatrus Q–445	50.0000% 1-Decanaminium, N-decyl-N,N-dimethyl-, chloride (PC:69149 CAS:7173–51–5).
95393–12	95393	Quatrus Q–465	50.0000% Alkyl* dimethyl benzyl ammonium chloride *(60%C14, 30%C16, 5%C18, 5%C12) (PC:69104 CAS:53516–76–0).
95393–13	95393	Quatrus Q–468	80.0000% Alkyl* dimethyl benzyl ammonium chloride *(60%C14, 30%C16, 5%C18, 5%C12) (PC:69104 CAS:53516–76–0).
95393–15	95393	Quatrus Q–2125M–80	40.0000% Alkyl* dimethyl benzyl ammonium chloride *(60%C12, 30%C14, 5%C16, 5%C18) (PC:79106 CAS:68391–01–5) 40.0000% Alkyl* dimethyl ethylbenzyl ammonium chloride *(68%C12, 32%C14) (PC:69154 CAS:85409–23–0).
95393–16	95393	Quatrus Q–2125M–50	25.0000% Alkyl* dimethyl benzyl ammonium chloride *(60%C12, 30%C14, 5%C16, 5%C18) (PC:79106 CAS:68391–01–5) 25.0000% Alkyl* dimethyl ethylbenzyl ammonium chloride *(68%C12, 32%C14) (PC:69154 CAS:85409–23–0).
95393–17	95393	Quatrus Q–2125M–50NA	25.0000% Alkyl* dimethyl benzyl ammonium chloride *(60%C14, 30%C16, 5%C18, 5%C12) (PC:69104 CAS:53516–76–0) 25.0000% Alkyl* dimethyl ethylbenzyl ammonium chloride *(68%C12, 32%C14) (PC:69154 CAS:85409–23–0).
95393–2	95393	Quatrus Q–448	80.0000% 1-Decanaminium, N-decyl-N,N-dimethyl-, chloride (PC:69149 CAS:7173–51–5).
95393–3	95393	Quatrus Q–15	7.5000% 1-Decanaminium, N-decyl-N,N-dimethyl-, chloride (PC:69149 CAS:7173–51–5) 7.5000% 1-Octanaminium, N,N-dimethyl-N-octyl-, chloride (PC:69166 CAS:5538–94–3) 20.0000% Alkyl* dimethyl 3,4-dichlorobenzyl ammonium chloride *(50%C14, 40%C12, 10%C16) (PC:169101 CAS:68989–02–6) 15.0000% Ammonium, decyldimethyloctyl-, chloride (PC:69165 CAS:32426–11–2).
95393–4	95393	Quatrus Q–050	12.5000% 1-Decanaminium, N-decyl-N,N-dimethyl-, chloride (PC:69149 CAS:7173–51–5) 12.5000% 1-Octanaminium, N,N-dimethyl-N-octyl-, chloride (PC:69166 CAS:5538–94–3) 25.0000% Ammonium, decyldimethyloctyl-, chloride (PC:69165 CAS:32426–11–2).
95393–5	95393	Quatrus Q–125	NO PEST.
95393–6	95393	Quatrus Q–405	NO PEST.
95393–7	95393	Quatrus Q–24	12.0000% 1-Decanaminium, N-decyl-N,N-dimethyl-, chloride (PC:69149 CAS:7173–51–5) 12.0000% 1-Octanaminium, N,N-dimethyl-N-octyl-, chloride (PC:69166 CAS:5538–94–3) 32.0000% Alkyl* dimethyl benzyl ammonium chloride *(50%C14, 40%C12, 10%C16) (PC:69105 CAS:68424–85–1) 24.0000% Ammonium, decyldimethyloctyl-, chloride (PC:69165 CAS:32426–11–2).
95393–8	95393	Quatrus Q–080	20.0000% 1-Decanaminium, N-decyl-N,N-dimethyl-, chloride (PC:69149 CAS:7173–51–5) 20.0000% 1-Octanaminium, N,N-dimethyl-N-octyl-, chloride (PC:69166 CAS:5538–94–3) 40.0000% Ammonium, decyldimethyloctyl-, chloride (PC:69165 CAS:32426–11–2).
95393–9	95393	Quatrus Q–408	48.0000% 1-Decanaminium, N-decyl-N,N-dimethyl-, chloride (PC:69149 CAS:7173–51–5) 32.0000% Alkyl* dimethyl benzyl ammonium chloride *(50%C14, 40%C12, 10%C16) (PC:69105 CAS:68424–85–1).

TABLE 1—PRODUCT CANCELLATIONS—Continued

Registration No.	Company No.	Product name	Active ingredient
96041–3	96041	Sani-Spray	0.1540% Alkyl* dimethyl benzyl ammonium chloride *(60%C14, 30%C16, 5%C18, 5%C12) (PC:69104 CAS:53516–76–0) 0.1540% Alkyl* dimethyl ethylbenzyl ammonium chloride *(68%C12, 32%C14) (PC:69154 CAS:85409–23–0) 21.0000% Isopropanol (PC:47501 CAS:67–63–0)
97956–1	97956	WSK Disinfecting Wipes	Alkyl* dimethyl benzyl ammonium chloride *(50%C14, 40%C12, 10%C16) .388.
98022–1	98022	Fresh	6.0000% Chitosan (PC:128930 CAS:9012–76–4).
AZ110003	56	Bait Block Rodentiicde with Peanut Butter Flavorizer.	Diphacinone.
AL120003	100	Gramoxone SL 2.0	Paraquat dichloride.
AR120005	100	Gramoxone SL 2.0	Paraquat dichloride.
AZ120005	100	Gramoxone SL 2.0	Paraquat dichloride.
FL120004	100	Gramoxone SL 2.0	Paraquat dichloride.
ID120002	100	Gramoxone SL 2.0	Paraquat dichloride.
NV120001	100	Gramoxone SL 2.0	Paraquat dichloride.
OH190001	100	Dual Magnum Herbicide	83.7000% S-Metolachlor (PC:108800 CAS:87392–12–9).
SC120003	100	Gramoxone SL 2.0	Paraquat dichloride.
TX130009	100	Gramoxone SL 2.0	Paraquat dichloride.
WI170001	100	Reflex Herbicide	Sodium salt of fomesafen (123802/108731–70–0)—(22.8%).
WY120004	100	Gramoxone SL 2.0	Paraquat dichloride (061601/1910–42–5)—(30.1%).
TX200001	228	NUP–17063 Herbicide	2, 4–DP-p, 2-ethylhexyl ester.
TX200004	228	Freefall SC Cotton Defoliant	Thidiazuron.
TX210001	228	NUP–17063 Herbicide	2, 4–DP-p, 2-ethylhexyl ester.
AR160002	264	Sivanto 200 SL	17.0900% Flupyradifurone (PC:122304 CAS:951659–40–8).
CA980023	264	Gustafson Captan 400	Captan.
NE160001	264	Sivanto 200 SL	17.0900% Flupyradifurone (PC:122304 CAS:951659–40–8).
OR050025	264	Admire Pro Systemic Protectant	Sulfentrazone (129081/122836–35–5)—(39.6%).
SC040002	264	Hoelon 3EC	Diclofop.
WA050013	264	Admire Pro Systemic Protectant	Imidacloprid.
AR070008	279	Spartan 4F	39.6000% Sulfentrazone (PC:129081 CAS:122836–35–5).
DE150003	279	F6482 45DF Herbicide	27.0000% Metribuzin (PC:101101 CAS:21087–64–9) 18.0000% Sulfentrazone (PC:129081 CAS:122836–35–5).
IA110001	279	Spartan 4F	39.6000% Sulfentrazone (PC:129081 CAS:122836–35–5).
ID140002	279	F6482 45DF Herbicide	27.0000% Metribuzin (PC:101101 CAS:21087–64–9) 18.0000% Sulfentrazone (PC:129081 CAS:122836–35–5).
IL140001	279	Authority Elite	S-Metolachlor Sulfentrazone.
KS140001	279	Authority MTZ DF	Metribuzin Sulfentrazone.
LA120014	279	Spartan 4F	39.6000% Sulfentrazone (PC:129081 CAS:122836–35–5).
LA120015	279	F6482 45DF Herbicide	27.0000% Metribuzin (PC:101101 CAS:21087–64–9) 18.0000% Sulfentrazone (PC:129081 CAS:122836–35–5).
LA140004	279	F9016–2 DF Herbicide	3.8800% Chlorimuron (PC:128901 CAS:90982–32–4) 62.1200% Sulfentrazone (PC:129081 CAS:122836–35–5).
MD150002	279	F6482 45DF Herbicide	27.0000% Metribuzin (PC:101101 CAS:21087–64–9) 18.0000% Sulfentrazone (PC:129081 CAS:122836–35–5).
MN100003	279	Spartan Charge Herbicide	Sulfentrazone Carfentrazone-ethyl.
MN150001	279	F7583–3 Herbicide	68.2500% S-Metolachlor (PC:108800 CAS:87392–12–9) 7.5500% Sulfentrazone (PC:129081 CAS:122836–35–5).
MN220006	279	F7127 SE Herbicide	3.5300% Carfentrazone-ethyl (PC:128712 CAS:128639–02–1) 31.7700% Sulfentrazone (PC:129081 CAS:122836–35–5).
MS130004	279	Spartan Charge Herbicide	Sulfentrazone Carfentrazone-ethyl.
NE140001	279	F6482 45DF Herbicide	27.0000% Metribuzin (PC:101101 CAS:21087–64–9) 18.0000% Sulfentrazone (PC:129081 CAS:122836–35–5).
OH130004	279	Spartan Charge Herbicide	Sulfentrazone Carfentrazone-ethyl.
OH140002	279	Aim EC	22.3000% Carfentrazone-ethyl (PC:128712 CAS:128639–02–1).
TN050002	279	Spartan 4F	Sulfentrazone.
TN070004	279	Spartan 4F	Sulfentrazone.
TN090003	279	Authority MTZ DF Herbicide	Metribuzin Sulfentrazone.
TN100001	279	Spartan Charge	Sulfentrazone Carfentrazone-ethyl.
TN140001	279	Spartan Charge Herbicide	Sulfentrazone Carfentrazone-ethyl.
TX120011	279	Spartan 4F	Sulfentrazone.
TX120012	279	F6482 45DF Herbicide	Metribuzin Sulfentrazone.
VA150005	279	F6482 45DF Herbicide	Metribuzin Sulfentrazone.
WI130005	279	Spartan 4F	Sulfentrazone (129081/122836–35–5)—(39.6%).
WY140001	279	F6482 45DF Herbicide	Metribuzin (101101/21087–64–9)—(27%), Sulfentrazone (129081/122836–35–5)—(18%).
AL930004	400	Dimilin 25W for Cotton/Soybean	Diflubenzuron.
CA970009	400	Dimilin 25W for Cotton/Soybean	Diflubenzuron.
CA970019	400	Dimilin 25W for Cotton/Soybean	Diflubenzuron.
CA970021	400	Dimilin 25W for Cotton/Soybean	Diflubenzuron.
FL010010	400	Micromite 25WS	Diflubenzuron.
FL090010	400	Micromite 80WG	80.0000% Diflubenzuron (PC:108201 CAS:35367–38–5).

TABLE 1—PRODUCT CANCELLATIONS—Continued

Registration No.	Company No.	Product name	Active ingredient
FL910014	400	Dimilin 25W for Cotton/Soybean	Paraquat dichloride.
GA060002	400	Dimilin 2L	Diflubenzuron.
GA060007	400	Dimilin 2L	Diflubenzuron.
ID000013	400	Dimilin 2L	22.0000% Diflubenzuron (PC:108201 CAS:35367–38–5).
LA080001	400	Dimilin 25W	Transferred (2021–06–09) New product: 70506–526.
MS870002	400	Dimilin 25W for Cotton/Soybean	Paraquat dichloride.
NV940003	400	Dimilin 25W for Cotton/Soybean	Paraquat dichloride.
OK890003	400	Dimilin 25W for Cotton/Soybean	Saflufenacil (118203/372137–35–4)—(29.74%).
SC060001	400	Dimilin 2L	Diflubenzuron.
TX110007	400	Micromite 80WG	Diflubenzuron.
WA020008	400	Dimilin 2L	Diflubenzuron.
NC120008	1015	Dow Agrosciences/Profume Gas Fumigant.	Sulfuryl flouride.
FL160001	7969	Poast Herbicide	18.0000% Sethoxydim (PC:121001 CAS:74051–80–2).
MT120003	7969	Liberty 280 SL Herbicide	24.5000% Butanoic acid, 2-amino-4-(hydroxymethylphosphinyl)-, monoammonium salt (PC:128850 CAS:77182–82–2).
NC150006	7969	Armezon Herbicide	29.7000% Topramezone (PC:123009 CAS:210631–68–8).
NE070001	7969	Status Herbicide	17.1000% 3-Pyridinecarboxylic acid, 2-{1-{{{(3,5-difluorophenyl)amino}carbonyl}hydrozono}ethyl}-, monosodium salt (PC:5107 CAS:109293–98–3).
SC170001	7969	Poast Herbicide	Sethoxydim.
SD090007	7969	Emerald Fungicide	Boscalid.
OK110002	8033	F5688 11% ME Insecticide Termiticide.	Boscalid (128008/188425–85–6)—(70%).
NY120004	8959	AB Fluridone Aquatic Herbicide	41.7000% Fluridone (PC:112900 CAS:59756–60–4).
WA170003	10163	Sonalan HFP	Ethalfluralin (113101/55283–68–6)—(35.4%).
WA170004	10163	Treflan TR–10	Trifluralin (036101/1582–09–8)—(10%).
GA080010	59639	Knack Insect Growth Regulator	11.2300% Pyriproxyfen (PC:129032 CAS:95737–68–1).
AR130012	62719	Lorsban Advanced	Diflubenzuron.
CA080014	62719	Lorsban Advanced	Chlopyrifos.
CO100004	62719	Lorsban Advanced	Chlorpyrifos.
FL040005	62719	Lorsban* 75WG	Chlorpyrifos.
FL090002	62719	Lorsban Advanced	Chlorpyrifos.
GA100001	62719	Lorsban Advanced	Chlorpyrifos.
GA180001	62719	Lorsban Advanced	Chlorpyrifos.
ID030006	62719	Lorsban 50W Insecticide in Water Soluble Packets.	Chlorpyrifos.
ID090002	62719	Lorsban Advanced	Chlorpyrifos.
ID090003	62719	Lorsban Advanced	Chlorpyrifos.
ID090004	62719	Lorsban Advanced	Chlorpyrifos.
KY090030	62719	Lorsban Advanced	Chlorpyrifos.
LA090002	62719	Lorsban Advanced	Chlorpyrifos.
LA150004	62719	Lorsban Advanced	Chlorpyrifos.
MI110006	62719	Lorsban 15G	Chlorpyrifos.
MS080007	62719	Lorsban Advanced	Chlorpyrifos.
NC090001	62719	Lorsban Advanced	Chlorpyrifos.
NC090004	62719	Lorsban Advanced	Chlorpyrifos.
OR090007	62719	Lorsban Advanced	Chlorpyrifos.
OR090008	62719	Lorsban Advanced	Chlorpyrifos.
OR090009	62719	Lorsban Advanced	Chlorpyrifos.
OR090010	62719	Lorsban Advanced	Chlorpyrifos.
OR090011	62719	Lorsban Advanced	Chlorpyrifos.
OR090012	62719	Lorsban Advanced	Chlorpyrifos.
OR090013	62719	Lorsban Advanced	Chlorpyrifos.
TX180004	62719	Lorsban Advanced	Chlorpyrifos.
VA090001	62719	Lorsban Advanced	Chlorpyrifos.
WA090002	62719	Lorsban Advanced	Chlorpyrifos.
WA090004	62719	Lorsban Advanced	Chlorpyrifos.
WA090010	62719	Lorsban Advanced	Chlorpyrifos.
WA090011	62719	Lorsban Advanced	Chlorpyrifos.
WA090012	62719	Lorsban Advanced	Chlorpyrifos.
WI130006	62719	Lorsban 15G	Chlorpyrifos.
AR120014	66222	Diuron 4L	40.0000% Diuron (PC:35505 CAS:330–54–1).
DE140001	66222	Metribuzin 75WG	75.0000% Metribuzin (PC:101101 CAS:21087–64–9).
GA120001	66222	Diuron 4L	40.0000% Diuron (PC:35505 CAS:330–54–1).
ID130004	66222	Fanfare 2 ES Insecticide/Miticide	Bifenthrin.
LA110008	66222	Parallel PCS	86.4000% Metolachlor (PC:108801 CAS:51218–45–2).
LA120008	66222	Diuron 4L	40.0000% Diuron (PC:35505 CAS:330–54–1).
MS120011	66222	Diuron 4L	40.0000% Diuron (PC:35505 CAS:330–54–1).
NJ140003	66222	Metribuzin 75WG	75.0000% Metribuzin (PC:101101 CAS:21087–64–9).
NV060009	66222	Rimon 0.83 EC	Novaluron.
PA130003	66222	Metribuzin 75WG	Metribuzin.

TABLE 1—PRODUCT CANCELLATIONS—Continued

Registration No.	Company No.	Product name	Active ingredient
WV130001	66222	Metribuzin 75WG	Metribuzin (101101/21087–64–9)—(75%).
CA100001	69526	Petro-Canada Purespray Green	Chlorpyrifos.
AL120006	69969	Avipel (Dry) Corn Seed Treatment	Anthraquinone.
AR130004	69969	Avipel (Dry) Corn Seed Treatment	Anthraquinone.
DE120001	69969	Avipel (Dry) Corn Seed Treatment	Anthraquinone.
IA170004	69969	Avipel (Dry) Corn Seed Treatment	Anthraquinone.
ID130007	69969	Avipel (Dry) Corn Seed Treatment	Anthraquinone.
LA120007	69969	Avipel (Dry) Corn Seed Treatment	Anthraquinone.
MD120001	69969	Avipel (Dry) Corn Seed Treatment	Anthraquinone.
ME120002	69969	Avipel (Dry) Corn Seed Treatment	Anthraquinone.
MO160004	69969	Avipel (Dry) Corn Seed Treatment	Anthraquinone.
MS120010	69969	Avipel (Dry) Corn Seed Treatment	Anthraquinone.
ND130001	69969	Avipel (Dry) Corn Seed Treatment	Anthraquinone.
NH120001	69969	Avipel (Dry) Corn Seed Treatment	Anthraquinone.
NJ130001	69969	Avipel (Dry) Corn Seed Treatment	Anthraquinone.
NY170006	69969	Avipel Hopper Box (Dry) Corn Seed Treatment.	Anthraquinone.
OH170001	69969	Avipel Hopper Box (Dry) Corn Seed Treatment.	Sulfentrazone Carfentrazone-ethyl.
TX130002	69969	Avipel (Dry) Corn Seed Treatment	Anthraquinone.
UT180005	69969	Avipel (Dry) Corn Seed Treatment	Anthraquinone.
VT120002	69969	Avipel (Dry) Corn Seed Treatment	Anthraquinone (122701/84–65–1)—(50%).
WI190003	69969	Avipel	Anthraquinone (122701/84–65–1)—(50%).
CA140006	71512	Beleaf 50SG Insecticide	50.0000% Flonicamid (PC:128016 CAS:158062–67–0).
CA100012	73049	Dipel DF Biological Insecticide	54.0000% Bacillus thuringiensis Subsp. Kurstaki, Strain ABTS–351, fermentaion solids, spores, and insecticidal toxins (PC:6522 CAS:68038–71–1).
CA920002	73049	Promalin Plant Growth Regulator	1.8000% Adenine, N-benzyl- (PC:116901 CAS:1214–39–7) 1.8000% Gibberellin A4 mixt. with Gibberellin A7 (PC:116902 CAS:8030–53–3).
DE090002	73049	Vectobac WDG	37.4000% Bacillus thuringiensis subspecies israelensis strain AM 65–52 solids, spores and insecticidal toxins (PC:69162 CAS:68038–71–1).
ND010004	73049	Dipel ES	23.7000% Bacillus thuringiensis Subsp. Kurstaki, Strain ABTS–351, fermentaion solids, spores, and insecticidal toxins (PC:6522 CAS:68038–71–1).
TX020001	73049	Dipel ES	Bacillus thuringiensis subspecies tenebrionis, strain NB–176 (006524/68038–71–1)—(10%).
WA040029	73049	Novodor Biological Insecticide Flowable Concentrate.	Bacillus thuringiensis subspecies tenebrionis.
UT200001	88058	Oxamyl 24 Insecticide/Nematicide	Oxamyl.

Table 2 of this unit lists the names and addresses of record for all registrants of the products in Table 1 of this unit, in sequence by EPA company number. This company number corresponds to the first part of the EPA registration numbers of the products listed in this unit.

TABLE 2—REGISTRANTS REQUESTING VOLUNTARY CANCELLATION

EPA company No.	Company name and address
56	J.T. Eaton & Co., Inc., 1393 E Highland Road, Twinsburg, OH 44087.
100	Syngenta Crop Protection, LLC, 410 Swing Road, Greensboro, NC 27419.
239	The Scotts Company, P.O. Box 190, Marysville, OH 43040.
264	Bayer Crop Science, LP, 800 N Lindbergh Blvd., St. Louis, MO 63141.
270	Farnam Companies, Inc., 1501 E Woodfield Road, Suite 200 West, Schaumburg, IL 60173.
352	Corteva Agriscience, LLC, 9330 Zionsville Road, Indianapolis, IN 46268.
464	MC (US) 3, LLC, 1652 Larkin Center Drive, Midland, MI 48642.
499	BASF Corporation, P.O. Box 13528, Research Triangle Park, NC 27709–3528.
538	The Scotts Company, P.O. Box 190, Marysville, OH 43040.
577	The Sherwin-Williams Company, 101 Prospect Ave., Cleveland, OH 44115.
675	Reckitt Benckiser, LLC, 399 Interpace Parkway, Parsippany, NJ 07054–0225.
777	Reckitt Benckiser, LLC, 399 Interpace Parkway, Parsippany, NJ 07054–0225.
961	Lebanon Seaboard Corporation, 1600 East Cumberland Street, Lebanon, PA 17042.
1022	IBC Manufacturing Co., 416 East Brooks Road, Memphis, TN 381092931.
1258	Innovative Water Care, LLC, 1300 Altura Road, Suite 125, Fort Mill, SC 29708.
2382	Virbac Ah, Inc., P.O. Box 162059, Fort Worth, TX 76161.
2724	Wellmark International, 1501 E Woodfield Road, Suite 200 West, Schaumburg, IL 60173.
2749	Aceto Life Sciences, LLC, 4 Tri Harbor Court, Port Washington, NY 11050.
2935	Wilbur-Ellis Company, LLC, 2903 S Cedar Ave., Fresno, CA 93725.

TABLE 2—REGISTRANTS REQUESTING VOLUNTARY CANCELLATION—Continued

EPA company No.	Company name and address
4972	Protexall Products, Inc., 73356 Highway 41, Pearl River, LA 70452.
5383	Troy Corporation, 8 Vreeland Road, Florham Park, NJ 07932.
7048	Edmar Chemical Company, P.O. Box 598, Chagrin Falls, OH 44022–0598.
7319	Denka Registrations BV, 4 Tar Rock Rd., Westport, CT 06880.
7364	Innovative Water Care, LLC D/B/A GLB Pool & Spa, 1400 Bluegrass Lakes Parkway, Alpharetta, GA 30004.
7754	ARI, P.O. Box 510, Orchard Hill, GA 30266.
7946	J.J. Mauget Co., 5435 Peck Road, Arcadia, CA 91006.
8660	United Industries Corp. D/B/A Sylorr Plant Corp., P.O. Box 142642, St. Louis, MO 63114–0642.
9009	Online Packaging, Inc., 4311 Liberty Lane, Plover, WI 54467.
9198	The Andersons, Inc., 1947 Briarfield Blvd., Maumee, OH 43537.
9215	Aqua Tri, 17872 Mitchell N., Irvine, CA 92614–6034.
10324	Mason Chemical Company, 9075 Centre Pointe Dr., Suite 400, West Chester, OH 45069.
10707	Baker Petrolite, LLC, 12645 West Airport Blvd., Sugar Land, TX 77478.
11556	Elanco US, Inc., 2500 Innovation Way, Greenfield, IN 46140.
11773	Van Diest Supply Company, P.O. Box 610, Webster City, IA 50595.
45385	Ctx-Cenol, Inc., 1393 East Highland Rd., Twinsburg, OH 44087.
48302	Chugoku Marine Paints (U.S.A.), Inc. D/B/A CMP Coatings, Inc., 1610 Engineers Road, Belle Chasse, LA 70037.
49547	Alen Del Norte, S.A. De C.V., c/o Delta Analytical Corp., 12510 Prosperity Drive, Suite 160, Silver Spring, MD 20904.
51032	Hondo, Inc., P.O. Box 9931, Bakersfield, CA 93389.
52287	Harrell's, LLC, P.O. Box 807, Lakeland, FL 33802.
52484	The Lubrizol Corporation, 29400 Lakeland Blvd., Wickliffe, OH 44092–8898.
53853	The Fountainhead Group, Inc. D/B/A Burgess Products, 23 Garden Street, New York Mills, NY 13417.
54555	Alzchem, LLC, 11390 Old Roswell Road, St. 124, Alpharetta, GA 30009.
57787	Haviland Consumer Products, Inc., 421 Ann Street, NW, Grand Rapids, MI 49504.
58401	Stellar Manufacturing, Co., 1647 Sauget Business Blvd., Sauget, IL 62206.
59106	The Lubrizol Corporation, 29400 Lakeland Blvd., Wickliffe, OH 44092–2298.
59682	Controlled Release Technologies, Inc., 1016 Industry Drive, Shelby, NC 28152.
59825	The Lubrizol Corporation, 29400 Lakeland Blvd., Wickliffe, OH 44092–8898.
61468	Koppers, Inc., 436 Seventh Avenue, K–1900, Pittsburgh, PA 15219–1800.
61671	Mann Lake Ltd., 501 1st Street South, Hackensack, MN 56452–2001.
63269	Thornton, Musso & Bellemin, Inc., P.O. Box 181, Zachary, LA 70791.
63838	Enviro Tech Chemical Services, Inc., 500 Winmoore Way, Modesto, CA 95358.
63982	B&B Blending, LLC, 10963 Leroy Drive, Northglenn, CO 80233.
67071	Thor Specialties, Inc., 50 Waterview Drive, Shelton, CT 06484.
67867	Bugg Products, LLC, 14505–21st Ave., N, Suite 214, Plymouth, MN 55447.
68539	Bioworks, Inc. D/B/A Bioworks, 100 Rawson Road, Suite 205, Victor, NY 14564.
68889	Tephritid Control, Inc., 87–3599 Mamalahoa Hwy., Captain Cook, HI 96704.
69340	Andersen Sterilizers, Inc., Health Science Park, 3154 Caroline Drive, Haw River, NC 27258.
69526	Petro-Canada Lubricants, Inc., 401 Plymouth Road Suite 350, Plymouth Meeting, PA 19462.
69681	Allchem Performance Products, 416 South Main Street, Corsicana, TX 75110.
70062	Management Contract Services, Inc., Landis International, Inc., P.O. Box 5126, Valdosta, GA 31603–5126.
70299	Biosafe Systems, LLC, 22 Meadow Street, East Hartford, CT 06108.
70644	Lidochem, Inc., 20 Village Court, Hazlet, NJ 07730.
70909	Biosensory, Inc., 620 Main Street, Ste. 3A, East Greenwich, RI 02818.
71049	Kim-C1, LLC, 726 W Barstow Avenue, Sute 108, Fresno, CA 93704.
73049	Valent Biosciences, LLC, 1910 Innovation Way, Suite 100, Libertyville, IL 60048.
80286	ISCA Technologies, Inc., 1230 W Spring Street, Riverside, CA 92507.
82552	Rust-Oleum Corporation, 11. E Hawthorn Parkway, Vernon Hills, IL 60061.
82669	Homs, LLC, 193 Lorax Lane, Pittsboro, NC 27312.
82940	Actagro, LLC, 4516 N Howard Avenue, Kerman, CA 93630.
85341	Revere Copper Products, Inc., One Revere Park, Rome, NY 13440.
85678	Redeagle International, LLC, 5143 S Lakeland Drive, Suite 4, Lakeland, FL 33813.
86182	Wagner Regulatory Associates, Inc., Agent For: Stockton (Israel) Ltd., P.O. Box 640, Hockessin, DE 19707.
86330	Hollyfrontier Refining & Marketing, LLC, 401 Plymouth Road, Suite 350, Plymouth Meeting, PA 19462.
87193	United Agricultural Services of America, Inc., Agent For: Custom Liquid Solutions, LLC, 534 CR 529A, Lake Panasoffkee, FL 33538.
87373	Argite, LLC, 940 NW Cary Parkway, Suite 200, Cary, NC 27513.
87656	Flex Ai, LLC, 5300 Derry Street, Harrisburg, PA 17111.
87663	Emery Oleochemicals, LLC, 4900 Este Avenue, Cincinnati, OH 45232.
87845	D. O'Shaughnessy Consulting, Inc., Agent For: Agromarketing Co., Inc., 206 Traditions Blvd., Bowling Green, KY 42103.
88089	Biomed Protect, LLC, 1100 Corporate Square Drive, Suite 220, St. Louis, MO 63132.
88148	Matheson, Inc., 1700 Scepter Road, Waverly, TN 37185.
89110	Isomeric Industries Incorporated, 1600 First Ave., Bldg. 1–A, Big Spring, TX 79720.
89118	Vive Crop Protection Inc., 500 Westover Dr., #10198, Sanford, NC 27330.
91069	Die Bugs, Die!, LLC, P.O. Box 9363, Daytona Beach, FL 32120.
91209	Bluetech Laboratories, Inc., 8 The Green, Suite 14582, Dover, DE 19901.
91234	Atticus, LLC, 940 NW Cary Parkway, Suite 200, Cary, NC 27513.
91374	Lubricant Marketing and Research, Inc., 12238 Kindred St., Houston, TX 77049.
92068	Miracle Titanium, LLC, 14241 Dallas Parkway, Dallas, TX 75254.
92120	Hazel Technologies, Inc., 320 N Sangamon Street, Suite 400, Chicago, IL 60607.
92647	Tigris, LLC, 10025 Hwy. 264 Alternate, Middlesex, NC 27557.

TABLE 2—REGISTRANTS REQUESTING VOLUNTARY CANCELLATION—Continued

EPA company No.	Company name and address
93051	Rightline, LLC, 950 Falcon Drive, Malden, MO 63863.
93507	Mayzo, Inc., 3935 Lakefield Court, Suwanee, GA 30024.
93569	Genagri, LLC, 422 Jasmine Way, Roseburg, OR 97471.
93594	Gti Chemical Solutions, Inc., P.O. Box 517, Drayton, SC 29333.
94418	Shiloh Animal Health, Inc., P.O. Box 13301, Lexington, KY 40583.
94865	Terrace Packaging Co., 2819 Southwest Blvd., Kansas City, MO 64108.
95393	Lewis & Harrison, LLC, Agent For: Quatrus, LLC, 2461 South Clark Street, Suite 710, Arlington, VA 22202.
96041	Industrial Product Formulators of America, Inc., 1790 Boyd St., Santa Ana, CA 92705.
98022	IDW Textile, LLC, Agent For: IDW Textile, LLC, 147 Bergen Court, Ridgewood, NJ 07450.

Table 3 of this unit lists all the FIFRA section 3 and section 24(c) registrations that are canceled for non-payment of the 2023 maintenance fee. These registrations are canceled by this order effective October 16, 2024 and without hearing.

TABLE 3—FIFRA SECTION 3 AND SECTION 24(C) REGISTRATIONS CANCELLED FOR NON-PAYMENT OF 2023 MAINTENANCE FEE

Registration No.	Company No.	Product name	Active ingredient
577–558	577	SHERWIN–WILLIAMS SEAGUARD VINYL ANTI–FOULANT.	Cuprous oxide—(66.9%).
577–559	577	SHERWIN–WILLIAMS SEAGUARD VINYL ANTI–FOULANT BLACK.	Cuprous oxide—(55.7%).
577–561	577	MIL–P–15931F FORMULA 121 ANTI–FOULANT RED.	Cuprous oxide—(69.69%).
577–562	577	MIL–P–15931F FORMULA–129 ANTIFOULANT BLACK.	Cuprous oxide—(57%).
777–108	777	GATTUSO GP	Citric acid—(3.5%).
777–129	777	Phoenix Wipes	Alkyl* dimethyl benzyl ammonium chloride *(50%C14, 40%C12, 10%C16)—(.355%).
1022–594	1022	CUSOL–1	Copper ethanolamine complex—(2.92%).
2382–104	2382	PREVENTIC TICK COLLAR FOR DOGS	Amitraz—(9%).
2749–591	2749	ACETO ETOXAZOLE 72% WSB MITICIDE	Etoxazole—(72%).
2749–595	2749	ACETO ETOXAZOLE 72% WP IN WSP MITICIDE.	Etoxazole—(72%).
2749–603	2749	AG36076 2.88 SC MITICIDE	Etoxazole—(31.7%).
2749–619	2749	AG35814 B 30 SG Insecticide	Acetamiprid—(30%).
2749–620	2749	AG35814 B 70 WP Insecticide	Acetamiprid—(70%).
2749–621	2749	AG35814 C 70 WP Insecticide	Acetamiprid—(70%).
2749–622	2749	AG35814 C 30 SG INSECTICIDE	Acetamiprid—(30%).
2935–506	2935	WILBUR–ELLIS BEN–SUL 85	Sulfur—(85%).
2935–555	2935	DEADLOCK G	Zeta-Cypermethrin—(.25%).
4313–22	4313	776 DISINFECTANT VIRUCIDE & CLEANER	Alkyl* dimethyl benzyl ammonium chloride *(50%C14, 40%C12, 10%C16)—(3.3%).
4875–18	4875	INDCO PF–13 SANITIZER	Sodium dichloroisocyanurate dihydrate—(25%).
4972–23	4972	PROTEXALL ANT–KIL	Boric acid—(6%).
7048–4	7048	BIO–MAGIC RINSE	Alkyl* dimethyl benzyl ammonium chloride *(60%C14, 30%C16, 5%C18, 5%C12)—(6%), Alkyl* dimethyl ethylbenzyl ammonium chloride *(50%C12, 30%C14, 17%C16, 3%C18)—(6%).
7319–6	7319	LURECTRON SCATTERBAIT	Methomyl—(1%), cis-9-Tricosene—(.26%).
7754–41	7754	BUG BARRIER II	Diethyl toluamide—(25%), MGK 264—(5%), MGK 326—(2.5%).
7946–31	7946	ARBORFOS HP	Dipotassium phosphite (K2HPO3)—(45.8%).
9009–14	9009	SO–WHITE 6.40% HYPOCHLORITE DAIRY, FARM & HOME USE.	Sodium hypochlorite—(6.4%).
9215–12	9215	All Clear 3 Tablets Jumbo Chlorinating Tablets7	Trichloro-s-triazinetrione—(99%).
9428–7	9428	SP ULTRA 8 DISINFECTANT CLEANER	Sodium hypochlorite—(8.25%).
9712–8	9712	ALGICLEAR	Simazine—(.9%).
10707–62	10707	BIOSORB 1250	Glutaraldehyde—(23%).
10707–63	10707	XC408 BIOCIDE	Alkyl* dimethyl benzyl ammonium chloride *(67%C12, 25%C14, 7%C16, 1%C18)—(30%).
11773–17	11773	CORNBELT TRIFLURALIN	Trifluralin—(43%).
48302–11	48302	SEA GRAND PRIX 500	Cuprous oxide—(45.56%), Zinc pyrithione—(2.91%).
49547–16	49547	CLNSL	Sodium hypochlorite—(7.5%).
51032–14	51032	MICRO–SUL DUSTING/WETTABLE SULFUR	Sulfur—(90%).
52287–1	52287	TURF FERTILIZER WITH RONSTAR(R) 0.95	Oxadiazon—(.95%).
52484–4	52484	BIOCLEAR 2250 ANTIMICROBIAL	Glutaraldehyde—(25%).

TABLE 3—FIFRA SECTION 3 AND SECTION 24(C) REGISTRATIONS CANCELLED FOR NON-PAYMENT OF 2023 MAINTENANCE FEE—Continued

Registration No.	Company No.	Product name	Active ingredient
52484–6	52484	BIOCLEAR 2256 ANTIMICROBIAL	1-Decanaminium, N-decyl-N,N-dimethyl-, chloride—(3%), Alkyl* dimethyl benzyl ammonium chloride *(50%C14, 40%C12, 10%C16)—(3%), Glutaraldehyde—(25%).
53853–7	53853	FGI–S Ready-To-Use Insecticide	Esfenvalerate—(.025%).
53853–8	53853	FGI PY/PBO OUTDOOR RTU INSECTICIDE	Piperonyl butoxide—(1%), Pyrethrins—(.1%).
57242–2	57242	METHOMYL 5G GRANULES	Methomyl—(5%).
57787–30	57787	PROTEAM 1 HIGH TECH TABS	Boron sodium oxide (B4Na2O7), pentahydrate—(5%), Trichloro-s-triazinetrione—(91.5%).
57787–36	57787	Proteam Power Magic AC+ Superoxidizer	Calcium hypochlorite—(47.6%).
58401–13	58401	STELLAR THREE–INCH TABLETS	Trichloro-s-triazinetrione—(99.4%).
59682–4	59682	BIOFLEX	Carbamic acid, butyl-, 3-iodo-2-propynyl ester—(.157%).
59905–6	59905	SHELL–GUARD	Boron sodium oxide (B8Na2O13), tetrahydrate—(25.31%).
59905–9	59905	ARMOR–GUARD	Boron sodium oxide (B8Na2O13), tetrahydrate—(98%).
59905–12	59905	SHELLGUARD READY–TO–USE (RTU) WOOD PRESERVATIVE/INSECT CONTROL.	Boron sodium oxide (B8Na2O13), tetrahydrate—(10%).
61671–3	61671	FOR–MITE	Formic acid—(65.9%).
61966–4	61966	INSECT CONTROL CONCENTRATE	Capsaicin—(.42%), Oil of mustard—(3.7%).
62401–4	62401	NORDICO FOOD CONTACT SURFACE SANITIZING TOWEL PLUS.	Alkyl* dimethyl benzyl ammonium chloride *(60%C14, 30%C16, 5%C18, 5%C12)—(1.87%), Alkyl* dimethyl ethylbenzyl ammonium chloride *(68%C12, 32%C14)—(1.87%).
62401–5	62401	NORDICO CLEANING AND DISINFECTANT FORMULA.	Alkyl* dimethyl benzyl ammonium chloride *(60%C14, 30%C16, 5%C18, 5%C12)—(.475%), Alkyl* dimethyl ethylbenzyl ammonium chloride *(68%C12, 32%C14)—(.475%).
62401–7	62401	NORDICO FOOD CONTACT SURFACE SANITIZING SLEEVELETS.	Alkyl* dimethyl benzyl ammonium chloride *(60%C14, 30%C16, 5%C18, 5%C12)—(1.87%), Alkyl* dimethyl ethylbenzyl ammonium chloride *(68%C12, 32%C14)—(1.87%).
63269–1	63269	TMB 471C	Copper sulfate pentahydrate—(25%).
63982–1	63982	SKL390 Disinfectant Cleaner	Alkyl* dimethyl benzyl ammonium chloride *(60%C14, 30%C16, 5%C18, 5%C12)—(.167%), Alkyl* dimethyl ethylbenzyl ammonium chloride *(68%C12, 32%C14)—(.167%).
67071–108	67071	ACTICIDE BWL 10–F	1,2-Benzisothiazolin-3-one—(9%).
67867–5	67867	BUGGSPRAY INSECT REPELLENT FOR BITING FLIES.	Diethyl toluamide—(25%), MGK 264—(5%), MGK 326—(2.5%).
68539–16	68539	AGRICURE	Potassium bicarbonate—(85%).
68539–19	68539	BOTRY-Zen WP	Ulocladium oudemansii (U3 Strain)—(45%).
68889–1	68889	HAWAII FLY BAIT BRAND OLIVE FRUIT FLY	Spinosad—(.3%).
69340–5	69340	EOGAS AN1005	Ethylene oxide—(90%).
69340–9	69340	AN7514	Ethylene oxide—(97%).
69526–10	69526	PC TURF AND ORNAMENTALS	Mineral oil—includes paraffin oil from 063503—(98%).
69526–11	69526	PC HERBICIDE CONCENTRATE	2,4-D, dimethylamine salt—(.34%), Dicamba, dimethylamine salt—(.042%), MCPP–P, DMA salt—(.22%).
69526–12	69526	PC RTU HERBICIDE	2,4-D, dimethylamine salt—(.034%), Dicamba, dimethylamine salt—(.0042%), MCPP–P, DMA salt—(.022%).
69526–16	69526	PC HERBICIDE RTU PLUS	2,4-D, dimethylamine salt—(.057%), Dicamba, dimethylamine salt—(.007%), MCPP–P, DMA salt—(.037%).
69681–28	69681	CLOR MOR CAL–SHOCK SWB	Calcium hypochlorite—(47.6%).
70062–4	70062	BABOLNA BIO HYDROPRENE TECHNICAL	2,4-Dodecadienoic acid, 3,7,11-trimethyl-, ethyl ester, (S-(E,E))—95%).
70299–10	70299	GREENCLEAN TABLETS	Sodium percarbonate—(42.5%).
70299–24	70299	AXXE READY TO USE HERBICIDE	Pelargonic acid, ammonium salt—(5%).
70299–30	70299	NoMAS	Capric acid—(5%), Caprylic acid—(5%), Nonanoic acid—(5%).
70644–4	70644	NUTROL LC	Potassium phosphate, monobasic—(35%).
70909–5	70909	CONCEAL CANDLE	Linalool—(3.5%).
71280–6	71280	MIGRATOL BP–1	Permethrin—(1%).
71280–7	71280	MIGRATOL BPX–002	Permethrin—(10%).
72468–7	72468	FLO–X/MOLDWASH/WOOD PRESERVATIVE/MOLD CONTROL.	Boron sodium oxide (B8Na2O13), tetrahydrate—(10%).

TABLE 3—FIFRA SECTION 3 AND SECTION 24(C) REGISTRATIONS CANCELLED FOR NON-PAYMENT OF 2023 MAINTENANCE FEE—Continued

Registration No.	Company No.	Product name	Active ingredient
72468–8	72468	FLO–X/MOLDWASH PRE–MOISTENED WIPES	Boron sodium oxide (B8Na2O13), tetrahydrate—(9.8%).
74473–1	74473	MCV IODINATED RESIN	Iodine—(46%).
74473–2	74473	MCV LOW RESIDUAL IODINATED RESIN	Iodine—(40%).
74517–1	74517	ZYDOX AD–05	Sodium chlorite—(7.5%).
80286–9	80286	ISCA LAURYL ALCOHOL MP	Lauryl alcohol—(98.2%).
80286–10	80286	ISCA MYRISTYL ALCOHOL MP	Myristyl alcohol—(100%).
80286–14	80286	ISCA CLM MP	(Z,Z,E)-7,11,13-Hexadecatrienal—(66.5%).
80286–16	80286	SPLAT TUTA	(E,Z,Z)-3,8,11-Tetradecatrien-1-ol acetate—(.3%).
80286–17	80286	ISCA TUTA MP	(E,Z,Z)-3,8,11-Tetradecatrien-1-ol acetate—(96.31%).
80286–24	80286	ISCA Lobesia MP	(E,Z)-7,9-Dodecadien-1-ol acetate—(77.64%).
80286–25	80286	SPLAT Lobesia	(E,Z)-7,9-Dodecadien-1-ol acetate—(3.6%).
80286–26	80286	Hook RPW	Cypermethrin—(3%).
80286–27	80286	ISCA FAW MP	(Z)-11-Hexadecenyl acetate—(11.44%), Z)-7-Dodecenyl acetate—(2.859%), Z-9-Tetradecen-1-yl acetate—(81%).
80286–29	80286	SPLAT FAW GL4	(Z)-11-Hexadecenyl acetate—(.48%), Z-9-Tetradecen-1-yl acetate—(3.4%).
80286–32	80286	MCH BUBBLE CAP	3-Methyl-2-cyclohexen-1-one—(97.9%).
82552–2	82552	CONCROBIUM MOLD CONTROL (MUP)	Sodium carbonate—(.95%).
82669–2	82669	BIO–UD–8 SPRAY	Methyl nonyl ketone—(7.75%).
82940–2	82940	Elicitore	Humates (as derived from Leonardite)—(12%).
82940–3	82940	PM–4300ORGANIC ACIDS	Humates (as derived from Leonardite)—(18.5%).
84368–1	84368	URTHPRO CLEANER, DISINFECTANT, AND FUNGICIDE.	Ethanol—(29.4%).
84630–2	84630	SILVERCLEAR TM DG300	Alkyl* dimethyl benzyl ammonium chloride *(50%C12, 30%C14, 17%C16, 3%C18)—(.91%), Silver nitrate—(.53%).
84930–23	84930	ARC–METOLAZINE HERBICIDE	Atrazine—(33.1%), Metolachlor—(26.1%).
85199–4	85199	BURROWS E WRAP	Ethoxyquin—(.1%).
85199–11	85199	BURROWS CE WRAP	Copper carbonate, basic—(1.3%), Ethoxyquin—(.1%).
85249–1	85249	HEIQ AGS–20	Silver nanoparticles—(19.3%).
85249–2	85249	HEIQ AGS–20 U	Silver nanoparticles—(19.3%).
85341–3	85341	Revere Antimicrobial Copper	Copper as elemental—(96.2%).
85493–1	85493	BROWSEBAN EC–ANIMAL REPELLENT	Capsaicin—(2%).
85678–28	85678	CAPTAN TECHNICAL II	Captan—(95.5%).
86182–4	86182	STK–53	Oils, tea-tree—(10%.).
86330–2	86330	SUNSPRAY 7N	Aliphatic petroleum solvent—(100%).
86330–3	86330	SUNSPRAY 7E	Aliphatic petroleum solvent—(98.8%).
86330–4	86330	SUNSPRAY 11E	Aliphatic petroleum solvent—(98.8%).
86330–6	86330	SUNSPRAY 6E	Aliphatic petroleum solvent—(98.8%).
86330–8	86330	SUNSPRAY 9E	Aliphatic petroleum solvent—(98.8%).
86330–9	86330	SUNSPRAY 9N	Aliphatic petroleum solvent—(100%).
86330–13	86330	SUNSPRAY ULTRA–FINE YEAR–ROUND PESTICIDAL OIL.	Aliphatic petroleum solvent—(98.8%).
86330–15	86330	SUNSPRAY 6E WESTERN	Aliphatic petroleum solvent—(98.8%).
86374–3	86374	ECOPEL ALL–FAMILY INSECT REPELLENT TOWELETTE.	Picaridin—(20%).
86865–1	86865	RESULTIX TM	Isopropyl myristate—(50%).
87193–1	87193	Formula 691	Cytokinin (as kinetin)—(.3%), Gibberellic acid—(.25%), Indole-3-butyric acid—(.15%).
87469–1	87469	MOLD PROOFER PAINT	Carbamic acid, butyl-, 3-iodo-2-propynyl ester—(.0063%).
87583–1	87583	BIO–PROTECT 7200	1-Octadecanaminium, N,N-dimethyl-N-(3-(trimethoxysilyl)propyl)-, chloride—(71.2%).
87583–2	87583	BIO–PROTECT AM500	1-Octadecanaminium, N,N-dimethyl-N-(3-(trimethoxysilyl)propyl)-, chloride—(5%).
87583–3	87583	BIO–PROTECT AM50	1-Octadecanaminium, N,N-dimethyl-N-[3-(trihydroxysilyl)propyl],chloride—(.5%).
87583–5	87583	BIO–PROTECT DP	1-Decanaminium, N,N-dimethyl-N-octyl-, chloride—(4.8%), 1-Decanaminium, N-decyl-N,N-dimethyl-, chloride—(2.88%), 1-Octadecanaminium,N,N-dimethyl-N-[3-(trihydroxysilyl)propyl],chloride—(35.6%), 1-Octanaminium, N,N-dimethyl-N-octyl-, chloride—(1.92%), Alkyl* dimethyl benzyl ammonium chloride *(50%C14, 40%C12, 10%C16)—(6.4%).

TABLE 3—FIFRA SECTION 3 AND SECTION 24(C) REGISTRATIONS CANCELLED FOR NON-PAYMENT OF 2023 MAINTENANCE FEE—Continued

Registration No.	Company No.	Product name	Active ingredient
87656–4	87656	Bio-Spear Sanitizing Spray	1-Decanaminium, N-decyl-N,N-dimethyl-, chloride—(.9%), 1-Octadecanaminium, N,N-dimethyl-N-(3-(trimethoxysilyl)propyl)-, chloride—(.54%).
87663–3	87663	Emerion 7020 Concentrate	Pelargonic acid, ammonium salt—(40%).
87663–10	87663	EMERION 8200 C8910 FA DUSTING POWDER	Capric acid—(2%), Caprylic acid—(10%), Nonanoic acid—(3%).
87845–10	87845	Colossal Pro Fungicide	Propiconazole—(29.73%), Tebuconazole—(19.62%).
88089–1	88089	SANOGIENE	2,4-Imidazolidinedione, 1,3-bis(hydroxymethyl)-5,5-dimethyl—(22.58%), 2,4-Imidazolidinedione, 1-(hydroxymethyl)-5,5-dimethyl—(21.42%), Chitosan—(.4%).
88144–1	88144	Aircraft Insecticide 2% Permethrin	Permethrin—(2%).
88148–2	88148	ETHYLENE	Ethylene—(98.5%).
89118–3	89118	VCP–06 1.65 SC Fungicide	Azoxystrobin—(18.4%).
89118–4	89118	VCP–07	Azoxystrobin—(10.9%), Bifenthrin—(5.8%).
89265–1	89265	Noxilizer NO2 Sterilant	Nitrogen dioxide—(99.5%).
89883–2	89883	OXY BLAST 50 HYDROGEN PEROXIDE SOLUTION.	Hydrogen peroxide—(50%).
90326–1	90326	WIPE OUT	Abamectin—(.0012%).
91040–2	91040	WATERWORKS SULFOSULF 75% WDG HERBICIDE.	Sulfosulfuron—(75%).
91069–2	91069	ROACH E. REAPER	Boric acid—(100%).
91116–1	91116	PreventX 24/7 Antimicrobial Surface Protectant	1-Octadecanaminium, N,N-dimethyl-N-(3-(trimethoxysilyl)propyl)-, chloride—(.84%).
91209–3	91209	TERRA SAN	Ethaneperoxoic acid—(5.4%), Hydrogen peroxide—(27%).
91374–2	91374	HORTICOL 75	Aliphatic petroleum solvent—(100%).
91620–3	91620	Multiply	Cytokinin (as kinetin)—(.016%), Indole-3-butyric acid—(.094%).
91733–1	91733	LOFT Insect Repellent Fabric Treatment	Permethrin—(.52%).
91799–1	91799	INFINITY MICROBE SHIELD	1-Octadecanaminium, N,N-dimethyl-N-[3-(trihydroxysilyl)propyl],chloride—(3.6%).
92068–3	92068	MVX ANTIMICROBIAL COAT	Silver—(.1%).
92120–9	92120	Hazel 310.1	1-Methylcyclopropene—(.1%).
92198–1	92198	Fantex EHR–US	1-Decanaminium, N-decyl-N,N-dimethyl-, chloride—(20%), Alkyl* dimethyl benzyl ammonium chloride *(65%C12, 25%C14, 10%C16)—(18%).
92647–25	92647	Tigris Clop + Flumet	Clopyralid, potassium salt—(60%), Flumetsulam—(18.5%).
93051–7	93051	RIGHTLINE SULFOSULF 75 WDG HERBICIDE	Sulfosulfuron—(75%).
93051–9	93051	Rightline Sulfosulf T&O	Sulfosulfuron—(75%).
93354–1	93354	BIOPROTECT P CONCENTRATE	1-Octadecanaminium, N,N-dimethyl-N-(3-(trimethoxysilyl)propyl)-, chloride—(5%).
93507–1	93507	BIO–TAPE 48	Diiodomethyl p-tolyl sulfone—(95%).
93569–14	93569	GenAgri Paraquat MUP	Paraquat dichloride—(45.5%).
93594–1	93594	GTI SHIELD ZP50	Zinc pyrithione—(50%).
93744–1	93744	PATHCO Disinfectant	Ethaneperoxoic acid—(6.61%), Hydrogen peroxide—(29.72%).
93908–3	93908	Envirolyte Plus	Hypochlorous Acid—(.046%).
94418–1	94418	Xitrexx	1-Octadecanaminium, N,N-dimethyl-N-[3-(trihydroxysilyl)propyl],chloride—(1%).
94865–2	94865	PARACETIC ACID SANITIZER	Ethaneperoxoic acid—(5.3%), Hydrogen peroxide—(23%).
95393–1	95393	QUATRUS Q–428	Alkyl* dimethyl benzyl ammonium chloride *(50%C14, 40%C12, 10%C16)—(80%).
95393–2	95393	QUATRUS Q–448	1-Decanaminium, N-decyl-N,N-dimethyl-, chloride—(80%).
95393–3	95393	QUATRUS Q–15	1-Decanaminium, N,N-dimethyl-N-octyl-, chloride—(15%), 1-Decanaminium, N-decyl-N,N-dimethyl-, chloride—(7.5%), 1-Octanaminium, N,N-dimethyl-N-octyl-, chloride—(7.5%), Alkyl* dimethyl 3,4-dichlorobenzyl ammonium chloride *(50%C14, 40%C12, 10%C16)—(20%).
95393–4	95393	QUATRUS Q–050	1-Decanaminium, N,N-dimethyl-N-octyl-, chloride—(25%), 1-Decanaminium, N-decyl-N,N-dimethyl-, chloride—(12.5%), 1-Octanaminium, N,N-dimethyl-N-octyl-, chloride—(12.5%).

TABLE 3—FIFRA SECTION 3 AND SECTION 24(C) REGISTRATIONS CANCELLED FOR NON-PAYMENT OF 2023 MAINTENANCE FEE—Continued

Registration No.	Company No.	Product name	Active ingredient
95393–5	95393	QUATRUS Q–125	Alkyl (67% C12, 25% C14, 7% C16, 1% C18) dimethyl benzyl ammonium chlorides—(50%).
95393–6	95393	QUATRUS Q–405	1-Decanaminium, N-decyl-N,N-dimethyl-, chloride—(30%), Alkyl* dimethyl benzyl ammonium chloride *(50%C14, 40%C12, 10%C16)—(20%).
95393–7	95393	QUATRUS Q–24	1-Decanaminium, N,N-dimethyl-N-octyl-, chloride—(24%), 1-Decanaminium, N-decyl-N,N-dimethyl-, chloride—(12%), 1-Octanaminium, N,N-dimethyl-N-octyl-, chloride—(12%), Alkyl* dimethyl benzyl ammonium chloride *(50%C14, 40%C12, 10%C16)—(32%).
95393–8	95393	QUATRUS Q–080	1-Decanaminium, N,N-dimethyl-N-octyl-, chloride—(40%), 1-Decanaminium, N-decyl-N,N-dimethyl-, chloride—(20%), 1-Octanaminium, N,N-dimethyl-N-octyl-, chloride—(20%).
95393–9	95393	QUATRUS Q–408	1-Decanaminium, N-decyl-N,N-dimethyl-, chloride—(48%), Alkyl* dimethyl benzyl ammonium chloride *(50%C14, 40%C12, 10%C16)—(32%).
95393–10	95393	QUATRUS Q–425	Alkyl* dimethyl benzyl ammonium chloride *(50%C14, 40%C12, 10%C16)—(50%).
95393–11	95393	QUATRUS Q–445	1-Decanaminium, N-decyl-N,N-dimethyl-, chloride—(50%).
95393–12	95393	QUATRUS Q–465	Alkyl* dimethyl benzyl ammonium chloride *(60%C14, 30%C16, 5%C18, 5%C12)—(50%).
95393–13	95393	QUATRUS Q–468	Alkyl* dimethyl benzyl ammonium chloride *(60%C14, 30%C16, 5%C18, 5%C12)—(80%).
95393–15	95393	QUATRUS Q–2125M–80	Alkyl* dimethyl benzyl ammonium chloride *(60%C12, 30%C14, 5%C16, 5%C18)—(40%), Alkyl* dimethyl ethylbenzyl ammonium chloride *(68%C12, 32%C14)—(40%).
95393–16	95393	QUATRUS Q–2125M–50	Alkyl* dimethyl benzyl ammonium chloride *(60%C12, 30%C14, 5%C16, 5%C18)—(25%), Alkyl* dimethyl ethylbenzyl ammonium chloride *(68%C12, 32%C14)—(25%).
95393–17	95393	QUATRUS Q–2125M–50NA	Alkyl* dimethyl benzyl ammonium chloride *(60%C14, 30%C16, 5%C18, 5%C12)—(25%), Alkyl* dimethyl ethylbenzyl ammonium chloride *(68%C12, 32%C14)—(25%).
95588–1	95588	CAL HYPO MAX 68%	Calcium hypochlorite—(68%).
95984–1	95984	The KleanTek Sanis 275	Hypochlorous Acid—(.0275%).
96041–3	96041	SANI–SPRAY	Alkyl* dimethyl benzyl ammonium chloride *(60%C14, 30%C16, 5%C18, 5%C12)—(.154%), Alkyl* dimethyl ethylbenzyl ammonium chloride *(68%C12, 32%C14)—(.154%), Isopropyl alcohol—(21%).
97755–1	97755	Swipe Clean 7030 IPA	Isopropyl alcohol—(62.7%).
97956–1	97956	WSK Disinfecting Wipes	Alkyl* dimethyl benzyl ammonium chloride *(50%C14, 40%C12, 10%C16)—(.388%).
98022–1	98022	FRESH	Chitosan—(6%).
98191–1	98191	SurfaceAide 1000	1-Octadecanaminium, N,N-dimethyl-N-(3-(trimethoxysilyl)propyl)-, chloride—(1.44%).
98223–1	98223	Pro Oxide	Chlorine dioxide—(2%).
98884–3	98884	1st Galaxy Disinfectant Wet Wipes.	
100079–1	100079	Nemo ON MUP	Neem oil—(100%).
100079–2	100079	Nemo	Neem oil—(70%).
100312–1	100312	ASN Guard 3690 Antimicrobial Concentrate	1-Octadecanaminium, N,N-dimethyl-N-(3-(trimethoxysilyl)propyl)-, chloride—(5%).
100312–2	100312	ASN GUARD 3690 ANTIBACTERIAL RTU	1-Octadecanaminium, N,N-dimethyl-N-(3-(trimethoxysilyl)propyl)-, chloride—(.5%).
100629–2	100629	STIZE	1-Decanaminium, N-decyl-N,N-dimethyl-, chloride—(1.5%).
100984–1	100984	Stern Distributor's 3 Jumbo Tabs	Trichloro-s-triazinetrione—(99%).
AL120006	69969	AVIPEL (DRY) CORN SEED TREATMENT	Anthraquinone—(50%).
AZ110003	56	BAIT BLOCK RODENTIICDE WITH PEANUT BUTTER FLAVORIZER.	Diphacinone—(.005%).
CA100001	69526	PETRO–CANADA PURESPRAY GREEN	Mineral oil—includes paraffin oil from 063503.
CA110008	88588	Chateau WDG Herbicide	Flumioxazin—(51%).
CA140006	71512	BELEAF 50SG INSECTICIDE	Flonicamid—(50%).
DE120001	69969	AVIPEL (DRY) CORN SEED TREATMENT	Anthraquinone—(50%).

TABLE 3—FIFRA SECTION 3 AND SECTION 24(C) REGISTRATIONS CANCELLED FOR NON-PAYMENT OF 2023 MAINTENANCE FEE—Continued

Registration No.	Company No.	Product name	Active ingredient
IA170004	69969	AVIPEL (DRY) CORN SEED TREATMENT	Anthraquinone—(50%).
ID130007	69969	AVIPEL (DRY) CORN SEED TREATMENT	Anthraquinone—(50%).
LA120007	69969	AVIPEL (DRY) CORN SEED TREATMENT	Anthraquinone—(50%).
MD120001	69969	AVIPEL (DRY) CORN SEED TREATMENT	Anthraquinone—(50%).
ME120002	69969	AVIPEL (DRY) CORN SEED TREATMENT	Anthraquinone—(50%).
MO160004	69969	AVIPEL (DRY) CORN SEED TREATMENT	Anthraquinone—(50%).
MS120010	69969	AVIPEL (DRY) CORN SEED TREATMENT	Anthraquinone—(50%).
NC120008	1015	DOW AGROSCIENCES/PROFUME GAS FUMIGANT.	Sulfuryl fluoride—(99.8%).
NC130001	69969	AVIPEL (DRY) CORN SEED TREATMENT	Anthraquinone—(50%).
ND130001	69969	AVIPEL (DRY) CORN SEED TREATMENT	Anthraquinone—(50%).
NH120001	69969	AVIPEL (DRY) CORN SEED TREATMENT	Anthraquinone—(50%).
NJ130001	69969	AVIPEL (DRY) CORN SEED TREATMENT	Anthraquinone—(50%).
NY170006	69969	AVIPEL HOPPER BOX (DRY) CORN SEED TREATMENT.	Anthraquinone.
OH170001	69969	AVIPEL HOPPER BOX (DRY) CORN SEED TREATMENT.	Anthraquinone.
TX090004	86311	BOLLGARD II COTTON	Bacillus thuringiensis Cry2Ab protein and the genetic material necessary for its production (vector GHBK11) in cotton.
TX110003	86311	BOLLGARD II COTTON	Bacillus thuringiensis Cry2Ab2 protein and the genetic material necessary for its production [PV–GHBK11] in event MON 15985 cotton—(.< 0.009%), Bacillus thuringiensis CrylAc protein and the genetic material necessary for its production [PV–GHBK04] in event MON 15985 cotton -(.< 0.00052%).
TX130002	69969	AVIPEL (DRY) CORN SEED TREATMENT	Anthraquinone—(50%).
UT180005	69969	AVIPEL (DRY) CORN SEED TREATMENT	Anthraquinone—(50%).
VT120002	69969	AVIPEL (DRY) CORN SEED TREATMENT	Anthraquinone—(50%).
WI190003	69969	AVIPEL	Anthraquinone—(50%).

Table 4 of this unit lists the names and addresses of record for all registrants of the products in Table 3 of this unit, in sequence by EPA company number. This company number corresponds to the first part of the EPA registration numbers of the products listed in this unit.

TABLE 4—REGISTRANTS FOR WHICH REGISTRATIONS ARE BEING CANCELLED FOR NON-PAYMENT OF 2023 MAINTENANCE FEES

Company No.	Company name
56	J.T. EATON & CO., INC., 1393 E. HIGHLAND ROAD, TWINSBURG, OH, 44087.
577	THE SHERWIN–WILLIAMS COMPANY, 101 PROSPECT AVE, CLEVELAND, OH, 44115.
777	RECKITT BENCKISER LLC., 399 INTERPACE PARKWAY, PARSIPPANY, NJ, 07054.
1015	DOUGLAS PRODUCTS AND PACKAGING COMPANY LLC, 1550 EAST OLD 210 HIGHWAY, LIBERTY, MO, 64068.
1022	IBC MANUFACTURING CO, 416 EAST BROOKS ROAD, MEMPHIS, TN, 38109.
2382	VIRBAC AH, INC., P.O. BOX 162059, FORT WORTH, TX, 76161.
2749	ACETO LIFE SCIENCES, L.L.C., D/B/A ACTYLIS, 4 TRI HARBOR COURT, PORT WASHINGTON, NY, 11050.
2935	WILBUR–ELLIS COMPANY LLC, 2903 S. CEDAR AVE., FRESNO, CA, 93725.
4313	CARROLLCLEAN, 2900 W KINGSLEY RD, GARLAND, TX, 75041.
4875	INDCO INC., P.O. BOX 109, GLOUCESTER CITY, NJ, 08030.
4972	PROTEXALL PRODUCTS INC, 73356 HIGHWAY 41, PEARL RIVER, LA, 70452.
7048	EDMAR CHEMICAL CO, P.O. BOX 598, CHAGRIN FALLS, OH, 44022.
7319	DENKA REGISTRATIONS BV, P.O. BOX 337, BARNEVELD, ,3770.
7754	ARI, P.O. BOX 510, ORCHARD HILL, GA, 30266.
7946	J. J. MAUGET CO., 5435 PECK ROAD, ARCADIA, CA, 91006.
9009	ONLINE PACKAGING INC, 4311 LIBERTY LANE, PLOVER, WI, 54467.
9215	AQUA TRI, 17872 MITCHELL N., IRVINE, CA, 92614.
9428	SUN–PINE CORPORATION, P.O. BOX 287, BRANDON, MS, 39043.
9712	UNITED SUPPLIES FOR AQUARIUMS AND PETS, 2138 WEST 17TH ST, LONG BEACH, CA, 90813.
10707	BAKER PETROLITE, LLC, 12645 WEST AIRPORT BLVD., SUGAR LAND, TX, 77478.
11773	VAN DIEST SUPPLY COMPANY, P.O. BOX 610, WEBSTER CITY, IA, 50595.
48302	CHUGOKU MARINE PAINTS (U.S.A.), INC., 1610 ENGINEERS ROAD, BELLE CHASSE, LA, 70037.
49547	ALEN DEL NORTE, S.A. DE C.V., BLVD. DIAZ ORDAZ NO 1000, SANTA CATARINA N.L. 66350, MEXICO.
51032	HONDO, INC., P.O. BOX 9931, BAKERSFIELD, CA, 93389.
52287	HARRELL'S, LLC, P.O. BOX 807, LAKELAND, FL, 33802.
52484	THE LUBRIZOL CORPORATION, 29400 LAKELAND BLVD., WICKLIFFE, OH, 44092.
53853	THE FOUNTAINHEAD GROUP, INC., 23 GARDEN STREET, NEW YORK MILLS, NY, 13417.

TABLE 4—REGISTRANTS FOR WHICH REGISTRATIONS ARE BEING CANCELLED FOR NON-PAYMENT OF 2023 MAINTENANCE FEES—Continued

Company No.	Company name
57242	GLADES FORMULATING CORPORATION, P.O. BOX 1690, BELLE GLADE, FL, 33430.
57787	HAVILAND CONSUMER PRODUCTS, INC., 421 ANN STREET, NW, GRAND RAPIDS, MI, 49504.
58401	STELLAR MANUFACTURING CO, 1647 SAUGET BUSINESS BLVD., SAUGET, IL, 62206.
59682	CONTROLLED RELEASE TECHNOLOGIES INC, 1016 INDUSTRY DRIVE, SHELBY, NC, 28152.
59905	PERMA–CHINK SYSTEMS INC, 17635 N.E. 67TH CT., REDMOND, WA, 98052.
61671	MANN LAKE LTD., 501 1ST STREET SOUTH, HACKENSACK, MN, 56452.
61966	CHAMPON MILLENIUM CHEMICALS, INC., 14 S.E. 4TH STREET, SUITE 36, BOCA RATON, FL, 33432.
62401	PACON MANUFACTURING CORPORATION, 400 PIERCE STREET, SOMERSET, NJ, 06851.
63269	THORNTON, MUSSO & BELLEMIN, INC., P.O. BOX 181, ZACHARY, LA, 70791.
63982	B&B BLENDING LLC., 10963 LEROY DRIVE, NORTHGLENN, CO, 80233.
67071	THOR GMBH, LANDWEHRSTRASSE 1, D–67346 SPEYER, , ,.
67867	BUGG PRODUCTS LLC, 14505–21ST AVE. N, SUITE 214, PLYMOUTH, MN, 55447.
68539	BIOWORKS, INC., 100 RAWSON ROAD, SUITE 205, VICTOR, NY, 14564.
68889	TEPHRITID CONTROL, INC., 87–3599 MAMALAHOA HWY., CAPTAIN COOK, HI, 96704.
69340	ANDERSEN STERILIZERS, INC., HEALTH SCIENCE PARK, 3154 CAROLINE DRIVE, HAW RIVER, NC, 27258.
69526	PETRO–CANADA LUBRICANTS INC., D/B/A INTELLIGRO, 385 SOUTHDOWN ROAD, MISSISSAUGA, ONTARIO L5J 2Y3.
69681	ALLCHEM PERFORMANCE PRODUCTS, INC., 416 SOUTH MAIN STREET, CORSICANA, TX, 75110.
69969	ARKION LIFE SCIENCES, LLC, 551 MEWS DRIVE SUITE J, NEW CASTLE, DE, 19720.
70062	BABOLNA BIOENVIRONMENTAL CENTRE PRIVATE LIMITED COMPANY, 1107 BUDAPEST, SZALLAS U. 6.
70299	BIOSAFE SYSTEMS, LLC, 22 MEADOW STREET, EAST HARTFORD, CT, 06108.
70644	LIDOCHEM, LLC, 179 CALLE MAGDALENA, SUITE 100, ENCINITAS, CA, 92024.
70909	BIOSENSORY, INC., 620 MAIN STREET, STE. 3A, EAST GREENWICH, RI, 02818.
71280	PREMIUM ENVIRONMENTAL PRODUCTS, LLC, 90 ROXBURY ROAD, PLANTVILLE, CT, 06479.
71512	ISK BIOSCIENCES CORPORATION, 7470 AUBURN ROAD, SUITE A, CONCORD, OH, 44077.
72468	PRECHEM, INC., 9663 SANTA MONICA BLVD., #593, BEVERLY HILLS, CA, 90210.
74473	WATER SECURITY CORPORATION, 1455 KLEPPE LANE, SPARKS, NV, 89431.
74517	ZYCHEM TECHNOLOGIES, LTD., STEPHEN STREET, SLIGO, IRELAND,.
80286	ISCA TECHNOLOGIES, INC., 1230 W. SPRING STREET, RIVERSIDE, CA, 92507.
82552	RUST–OLEUM CORPORATION, 11. E. HAWTHORN PARKWAY, VERNON HILLS, IL, 60061.
82669	HOMS LLC, 193 LORAX LANE, PITTSBORO, NC, 27312.
82940	ACTAGRO, LLC, 4516 N. HOWARD AVENUE, KERMAN, CA, 93630.
84368	URTHTECH, LLC, 915 E. MAPLE ROAD, BIRMINGHAM, MI, 48009.
84630	TRANSTEX TECHNOLOGIES INC., 3405 BOULEVARD CASAVANT WEST, SUITE 8, SAINT-HYACINTHE, QUEBEC J2S OB8.
84930	ARCANA, LLC, 2225 Q STREET, AURORA, NE, 68818.
85199	PAC PAPER, LLC, 6416 NW WHITNEY ROAD, VANCOUVER, WA, 98665.
85249	HEIQ MATERIALS AG, RUETISTRASSE 12, 8952 SCHLIEREN, ZURICH.
85341	REVERE COPPER PRODUCTS, INC, ONE REVERE PARK, ROME, NY, 13440.
85493	REPELLEX USA, INC., P.O. BOX 396, NILES, MI, 49120.
85678	REDEAGLE INTERNATIONAL LLC, 5143 S. LAKELAND DRIVE, SUITE 4, LAKELAND, FL, 33813.
86182	STOCKTON (ISRAEL) LTD., 17 HA MEFALSIM STR., PETACH TIKVA 4951447.
86311	TEXAS BOLL WEEVIL ERADICATION FOUNDATION, P.O. BOX 5089, ABELINE, TX, 79608.
86330	HF SINCLAIR REFINING & MARKETING LLC, 401 PLYMOUTH ROAD, SUITE 350, PLYMOUTH MEETING, PA, 19462.
86374	ECOPEL CORPORATION LIMITED, VICTORIA HOUSE, 49 CLARENDON ROAD, WATFORD WD17 1HX.
86865	PIEDMONT ANIMAL HEALTH INC., 204 MUIRS CHAPEL ROAD, SUITE 200, GREENSBORO, NC, 27410.
87193	UNITED AGRICULTURAL SERVICES OF AMERICA, INC., 534 CR 529A, LAKE PANASOFFKEE, FL, 33538.
87469	BETTERBILT, LLC, 3137 EAST 26TH STREET, VERNON, CA, 90058.
87583	PURESHIELD, INC., 230 S. BROAD ST. SUITE 1201, PHILADELPHIA, PA, 19102.
87656	FLEX AI, LLC, 5300 DERRY STREET, HARRISBURG, PA, 17111.
87663	EMERY OLEOCHEMICALS, LLC, 4900 ESTE AVENUE, CINCINNATI, OH, 45232.
87845	AGROMARKETING CO, INC, 314 ESTATE COURT, MIDLAND, ON L4R 5H2, -, M.
88089	BIOMED PROTECT, LLC, 1100 CORPORATE SQUARE DRIVE, SUITE 220, ST LOUIS, MO, 63132.
88144	ARMED FORCES PEST MANAGEMENT BOARD, 2461 LINDEN LANE, SILVER SPRINGS, MD, 20190.
88148	MATHESON, INC, 1700 SCEPTER ROAD, WAVERLY, TN, 37185.
88588	CALIFORNIA PEPPER COMMISSION, 531-D NORTH ALTA AVE., DINUBA, CA, 93618.
89118	VIVE CROP PROTECTION, INC., 6275 NORTHAM DRIVE, SUITE 1, MISSISSAUGA, ONTARIO L4V 1Y8.
89265	NOXILIZER, INC, 1334 ASHTON ROAD, SUITE E, HANOVER, MD, 21706.
89883	ESSENTIAL WATER SOLUTIONS, INC, 327 HILLCREST DRIVE, STORY CITY, IA, 50248.
90326	B & K DISTRIBUTORS LLC, 29214 LYON OAKS DRIVE, WIXOM, MI, 48393.
91040	CLIFTON WATERWORKS LLC, 12644 CHAPEL ROAD, SUITE 108, CLIFTON, VA, 20124.
91069	DIE BUGS, DIE! (LLC), P.O. BOX 9363, DAYTONA BEACH, FL, 32120.
91116	JENNSCO, LLC, 1050 GLENBROOK WAY, SUITE 480, HENDERSONVILLE, TN, 37075.
91209	BLUETECH LABORATORIES, INC., 8 THE GREEN, SUITE 14582, DOVER, DE, 19901.
91374	LUBRICANT MARKETING AND RESEARCH, INC. D/B/A LUBRIMAR, 12238 KINDRED ST., HOUSTON, TX, 77049.
91620	SUNTTON BIOCHEMICAL LTD., 220 BREW STREET, SUITE 301, PORT MOODY, BRITISH COLUMBIA V3H 0H6.
91733	BROOKWOOD COMPANIES INCORPORATED, 485 MADISON AVENUE, SUITE 500, NEW YORK, NY, 10022.
91799	MICROBE SHIELD WORLDWIDE LLC., 4811 LYONS TECHNOLOGY PARKWAY, SUITE 29, COCONUT CREEK, FL, 33073.
92068	MIRACLE TITANIUM LLC, 14241 DALLAS PARKWAY, DALLAS, TX, 75254.
92120	HAZEL TECHNOLOGIES, INC., 320 N. SANGAMON STREET- SUITE 400, CHICAGO, IL, 60607.

TABLE 4—REGISTRANTS FOR WHICH REGISTRATIONS ARE BEING CANCELLED FOR NON-PAYMENT OF 2023 MAINTENANCE FEES—Continued

Company No.	Company name
92198	HYGENICA, ENTERPRISE DRIVE, FOUR ASHES, WOLVERHAMPTON WV10 7DF.
92647	TIGRIS, LLC, 10025 HWY. 264 ALTERNATE, MIDDLESEX, NC, 27557.
93051	RIGHTLINE, LLC, 950 FALCON DRIVE, MALDEN, MO, 63863.
93354	VIACLEAN TECHNOLOGIES, 230 S. BROAD STREET, SUITE 1201, PHILADELPHIA, PA, 19102.
93507	MAYZO, INC., 3935 LAKEFIELD COURT, SUWANEE, GA, 30024.
93569	GENAGRI, LLC, 422 JASMINE WAY, ROSEBURG, OR 97471.
93594	GTI CHEMICAL SOLUTIONS, INC., P.O. BOX P.O. BOX 517, DRAYTON, SC, 29333.
93744	PATHCOLAB, LLC, 419 2ND STREET SOUTH, SUITE 1, STILLWATER, MN, 55082.
93908	AQUA ENGINEERED SOLUTION INC., 222 MOOSE MEADOW ROAD, WILLINGTON, CT, 06279.
94418	SHILOH ANIMAL HEALTH, INC., P.O. BOX 13301, LEXINGTON, KY, 40583.
94865	TERRACE PACKAGING CO., 2819 SOUTHWEST BLVD, KANSAS CITY, MO, 64108.
95393	QUATRUS, LLC, 2461 SOUTH CLARK STREET, SUITE 710, ARLINGTON, VA, 22202.
95588	BRINTEL INC., 4600 E WASHINGTON STREET, SUITE 300, PHOENIX, AZ, 85034.
95984	THE KLEANTEK, LLC, 14246 80TH AVE NE, KIRKLAND, WA, 98034.
96041	INDUSTRIAL PRODUCT FORMULATORS OF AMERICA, INC., 1790 BOYD ST, SANTA ANA, CA, 92705.
97755	COMMUNITY CHEMICAL, 11111 INKJET WAY, WILLIS, TX,.
97956	ZHANGZHOU WANSIKE ELECTRONICS CO., LTD, 90TH, NORTH OF LONGWEN ROAD, LONGWEN DISTRICT, ZHANGZHOU, FUJIAN, 363000.
98022	IDW TEXTILE LLC., 147 Bergen Court, Ridgewood, NJ, 07450.
98191	CS Coatings, LLC, 1190 Rolling Hills Drive, Bloomfield Hills, MI, 48302.
98223	Environmental Surface Solutions, 825 S Schodack Rd, Castleton, NY, 12033.
98884	First Galaxy Enterprises, Inc., 2600 E Southlake Blvd#120–220, Southlake, TX, 76092.
100079	Nemo, 555 W. Lambert Road Unit N, Brea, CA, 92821.
100312	ASN Technologies Pte. Ltd, 60 Paya Lebar Road, #10–08 Paya Lebar Square, Singapore 40905.
100629	FLORIDA BIOTECH, LLC, 100 S. ASHLEY DR., SUITE 600, TAMPA, FL, 33602.
100984	Stern Distributors, 3400 W DESERT INN RD Ste 9, LAS VEGAS, NV, 89102.

IV. Summary of Public Comments Received and Agency Response to Comments

During the public comment period provided, EPA received no comments in response to the July 26, 2024, **Federal Register** notice announcing the Agency's receipt of the requests for voluntary cancellations of products listed in Table 1 of Unit III.

V. Cancellation Order

Pursuant to FIFRA section 6(f) (7 U.S.C. 136d(f)), EPA hereby approves the requested cancellations of the registrations identified in Tables 1 and 3 of Unit III. Accordingly, the Agency hereby orders that the product registrations identified in Tables 1 and 3 of Unit III. are canceled. The effective date of the cancellations that are the subject of this notice is October 16, 2024. Any distribution, sale, or use of existing stocks of the products identified in Table 1 of Unit III. in a manner inconsistent with any of the provisions for disposition of existing stocks set forth in Unit VII. will be a violation of FIFRA. No distribution, sale, or use of existing stocks of the products identified in Table 3 is permitted, as set forth in Unit VII, and any future distribution or sale of the products identified in Table 3 by registrants identified in Table 4 constitutes a violation of FIFRA.

VI. What is the Agency's authority for taking this action?

Section 6(f)(1) of FIFRA (7 U.S.C. 136d(f)(1)) provides that a registrant of a pesticide product may at any time request that any of its pesticide registrations be canceled or amended to terminate one or more uses. FIFRA further provides that, before acting on the request, EPA must publish a notice of receipt of any such request in the **Federal Register**. Thereafter, following the public comment period, the EPA Administrator may approve such a request. The notice of receipt for this action was published for comment in the **Federal Register** of July 26, 2024. The comment period closed on August 25, 2024.

Section 4(i)(1)(M) provides that EPA may, by order and without hearing, cancel any registration for which the required annual maintenance fee payment is not received by the statutory deadline. For all products listed in Table 3, maintenance fee payments were due by January 17, 2023, but have not been remitted to the Agency.

VII. Provisions for Disposition of Existing Stocks

Existing stocks are those stocks of registered pesticide products which are currently in the United States, and which were packaged, labeled, and released for shipment prior to the effective date of the cancellation action. The existing stocks provisions for the products subject to this order are as follows.

Registrants listed in Table 2 of Unit III may continue to sell and distribute existing stocks of products listed in Table 1 of Unit III until the date of publication of this **Federal Register** notice. Thereafter, the registrants are prohibited from selling or distributing products listed in Table 1, except for export in accordance with FIFRA section 17 (7 U.S.C. 136o), or proper disposal. Persons other than the registrants listed in Table 2 may sell, distribute, or use existing stocks of products listed in Table 1 of Unit III. until existing stocks are exhausted, provided that such sale, distribution, or use is consistent with the terms of the previously approved labeling on, or that accompanied, the canceled products.

No sale or distribution of products listed in Table 3 shall be permitted. Under EPA's existing stocks policy, if a registrant fails to pay the appropriate maintenance fee and the product subject to that fee is later canceled, the registrant will generally not be allowed to sell or distribute existing stocks of the cancelled product more than 1 year after the date the maintenance fee was due. Here, registrants of products listed in Table 3 were required to submit maintenance fees by January 17, 2023. More than one year has elapsed since that date, so no sale or distribution of existing stocks is being permitted.

Persons other than registrants listed in Table 4 may sell, distribute, or use existing stocks of products listed in Table 3 until existing stocks are exhausted, provided that such sale, distribution, or use is consistent with the terms of the previously approved labeling on, or that accompanied, the canceled products.

Authority: 7 U.S.C. 136 *et seq.*

Dated: September 26, 2024.

Charles Smith,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 2024–23381 Filed 10–15–24; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OECAd-2024–0420; FRL–12264–01–OECA]

Access by U.S. Environmental Protection Agency (EPA) Contractor and Subcontractors to Confidential Business Information (CBI) Submitted Under Clean Air Act (CAA), Act To Prevent Pollution From Ships (APPS) and the American Innovation and Manufacturing Act (AIM)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The United States Environmental Protection Agency's (EPA's) Office of Enforcement and Compliance Assurance (OECA) plans to authorize a contractor and several subcontractors to access information that will be submitted to the EPA under the Clean Air Act (CAA), the Act to Prevent Pollution from Ships (APPS) and the American Innovation and Manufacturing Act (AIM) that may be claimed as, or may be determined to be, confidential business information (CBI).

DATES: Comments must be received on or before October 21, 2024. The contractor's and subcontractors' access to information collected under the CAA, the APPS and the AIM, will begin on October 22, 2024.

ADDRESSES: You may send comments, identified by Docket ID No. EPA HQ–OECA–2024–0420, by any of the following methods:

- *Federal eRulemaking Portal: https://www.regulations.gov/* (our preferred method). Follow the online instructions for submitting comments.
- *Email: docket.oeca@epa.gov.* Include Docket ID No. EPA HQ–OECA–2024–0420 in the subject line of the message.

Instructions: All submissions received must include the Docket ID No. for this rulemaking. Comments received may be posted without change to *https://www.regulations.gov/,* including any personal information provided.

FOR FURTHER INFORMATION CONTACT: Griffith Brown, Air Enforcement Division, Office of Enforcement and Compliance Assurance (Mail Code 8MSU), Environmental Protection Agency, 1595 Wynkoop St., Denver, CO 80202; telephone number: (202) 250–8551; email address: *brown.griffith@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Does this notice apply to me?

This action is directed to the general public. However, this action may be of particular interest to certain parties, including the following: owners and operators of stationary sources subject to the CAA including, but not limited to, State Implementation Plans (SIPs), hazardous air pollutants (HAPs, MACT Rules) under Section 112, permits including New Source Review and Prevention of Significant Deterioration (NSR/PSD), New Source Performance Standards (NSPS), and Prevention of Accidental Releases under Section 112(r); motor vehicle manufacturers and importers; engine manufacturers and importers; motor vehicle fuel and fuel additive producers and importers; manufacturers, importers, users and distributors of hydrofluorocarbons (HFCs); manufacturers, importers and distributors of motor vehicle and engine emission control equipment and parts; and any other parties subject to the regulations found in 40 CFR parts 52, 60, 63–80, 82, 84–86, 89–92, 94, 98, 600, 1033, 1036, 1037, 1039, 1042, 1043, 1045, 1048, 1051, 1054, 1060, 1065, 1068, and 1090.

This **Federal Register** notice may be of particular relevance to parties that have submitted data to the EPA under the above-listed regulations. Because other parties may also be interested, the EPA has not attempted to describe all the specific parties that may be affected by this action. If you have further questions regarding the applicability of this action to a particular party, please contact the person listed in **FOR FURTHER INFORMATION CONTACT.**

II. How can I get copies of this document and other related information?

A. Electronically

The EPA has established a public docket for this **Federal Register** notice under Docket ID No. EPA–HQ–OECA–2024–0420.

All documents in the docket are identified in the docket index available at *http://www.regulations.gov.* Although listed in the index, some information is not publicly available, such as CBI or other information for which disclosure is restricted by statute.

B. EPA Docket Center

Materials listed under Docket ID No. EPA–HQ–OECA–2024–0420 will be available for public viewing at the EPA Docket Center (EPA/DC), EPA West, Room 3334, 1301 Constitution Avenue NW, Washington, DC 20004. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is (202) 566–1744, and the telephone number for the Air Docket is (202) 566–1742.

III. Description of Programs and Potential Disclosure of Information Claimed as CBI to Contractor and Subcontractors

The EPA's OECA has responsibility for protecting public health and the environment by enforcing standards for air pollution. In order to implement various CAA, APPS and AIM programs, OECA collects compliance reports and other information from the regulated industry. Occasionally, the information submitted to, or obtained by, the EPA is claimed to be CBI by persons submitting data to the EPA. Information submitted under such a claim is handled in accordance with the EPA's regulations at 40 CFR part 2, subpart B, and in accordance with the EPA procedures that are consistent with those regulations. When the EPA has determined that disclosure of information claimed as CBI to EPA contractors or subcontractors is necessary, the corresponding contract must address the appropriate use and handling of the information by the EPA contractor and subcontractors and the EPA contractor and subcontractors must require its personnel who require access to information claimed as CBI to sign written non-disclosure agreements before they are granted access to data.

In accordance with 40 CFR 2.301(h), the EPA has determined that EPA contractor Eastern Research Group, Incorporated (ERG), 14555 Avion Parkway, Suite 200, Chantilly, VA 20151, and ERG subcontractors Allen Lyons Consulting LLC; CohnReznick LLP; and James J. Carroll, CPA (collectively referred to as ''subcontractors'' in this notice) require access to CBI submitted to the EPA under the CAA, APPS, and the AIM for the work they perform under Contract Number 68HERC24D0009. We are providing notice and an opportunity to

comment on their access to information claimed as CBI. We are issuing this **Federal Register** notice to inform all affected submitters that we plan to grant access to material that may be claimed as CBI to ERG and its subcontractors on a need-to-know basis.

Under Contract Number 68HERC24D0009, ERG provides enforcement support for the EPA's regulatory and enforcement activities, including field inspections, investigations, audits, and other CAA regulatory and enforcement support that involve access to information claimed as CBI. ERG also employs subcontractors, who support these activities, under the above-listed contract. ERG and its subcontractors require access to information claimed as CBI to support EPA enforcement activities described above. Access to data, including information claimed as CBI, will commence six days after the date of publication of this notice in the **Federal Register**, and will continue until October 21, 2029. If the contract and associated subcontracts are extended, this access will continue for the remainder of the ERG contract without further notice. If the contract expires prior to October 21, 2029, the access will cease at that time. If ERG employs additional subcontractors to support the EPA on a regular basis or on a limited or one-time basis under the above-listed contract, and those subcontractors require access to CBI, the EPA will notify affected companies of the contemplated disclosure and provide them with an opportunity to comment by either sending them a letter or by publishing an additional notice in the **Federal Register**.

Parties who wish to obtain further information about this **Federal Register** notice, or about OECA's disclosure of information claimed as CBI to ERG and its subcontractors, may contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

Dated: October 9, 2024.

Mary E. Greene,

Director, Air Enforcement Division.

[FR Doc. 2024–23842 Filed 10–15–24; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OAR–2022–0449; FRL 10095–02–OAR]

Proposed Information Collection Request; Comment Request; GreenChill Advanced Refrigeration Partnership (Revision)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The U.S. Environmental Protection Agency (EPA) is planning to submit an information collection request (ICR), ''GreenChill Advanced Refrigeration Partnership (Revision)'' (EPA ICR No. 2349.03, OMB Control No. 2060–0702) 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 revision of the information collection request, which is currently approved through July 31, 2027. This notice allows for 60 days for public comments.

DATES: Comments must be submitted on or before December 16, 2024.

ADDRESSES: Submit your comments, referencing Docket ID No. EPA–HQ–QAR–2022–0449, to EPA online using *www.regulations.gov* (our preferred method), by email to: *a-and-r-docket@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.

FOR FURTHER INFORMATION CONTACT: Annie Kee, Stratospheric Protection Division—Office of Air and Radiation, (3204A), Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: (202) 564–2056; email address: *kee.annie@epa.gov.*

SUPPLEMENTARY INFORMATION: This is a proposed revision of the ICR, which is currently approved through July 31, 2027. 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 Paperwork Reduction Act (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 automated electronic, mechanical, or other technological collection techniques or other 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: GreenChill is a voluntary partnership program sponsored by EPA that encourages food retailers and manufacturers to adopt cost effective technologies and practices that reduce refrigerant emissions and improve operational efficiency. The GreenChill Program works with the food retail industry to lower barriers inhibiting the implementation of technologies and practices that reduce refrigerant emissions. The Program effectively promotes the adoption of emission reduction practices and technologies by engaging GreenChill Partners to set an annual refrigerant emission reduction goal and develop a refrigerant management plan reflecting the company's implementation objectives. Implementation of the Partners' refrigeration management plan to reduce refrigerant emissions enhances the protection of the environment and may

save Partners money and improve operational efficiency. The GreenChill Program offers the opportunity for any individual store to earn GreenChill Certification when it demonstrates that the amount of refrigerant used is below a specified limit, based on the store's MBTU/hour cooling load, that the refrigerant emitted from the store in the prior 12 months is below a specified level, and that in certain cases the store employs additional advanced technology, training, and other best practices. Information submitted for the certification of individual stores is compared to set criteria. The certification of a store provides the opportunity for broad recognition within the food retail industry and with the store's customers.

Form Numbers:

- GreenChill Advanced Refrigeration Partnership Agreement for Chemical Manufacturers—EPA Form No.: 5900–214; OMB Control No.: 2060–0702
- GreenChill Advanced Refrigeration Partnership Agreement for Supermarket Partners—EPA Form No.: 5900–214; OMB Control No.: 2060–0702
- GreenChill Advanced Refrigeration Partnership Agreement for Refrigeration Systems Manufacturers—EPA Form No.: 5900–214; OMB Control No.: 2060–0702
- GreenChill Installed Refrigerant and Emissions Corporate Report for Food Retail –EPA Form No.: 5900–213; OMB Control No.: 2060–0702
- Refrigeration System Manufacturers Corporate Reporting Form—EPA Form No.: 5900–591; OMB Control No.: 2060–0702
- Corporate Refrigerant Management Plan Template for GreenChill Partners—EPA Form No.: 5900–592; OMB Control No.: 2060–0702
- GreenChill Store Certification Application Workbook—EPA Form No.: 5900–590; OMB Control No.: 2060–0702

Respondents/affected entities: Entities potentially affected by the information requirements covered under this ICR are listed under the North American Industry Classification System (NAICS) code for 445110 Supermarkets and Other Grocery Retailers (except Convenience Retailers).

Respondent's obligation to respond: Voluntary.

Estimated number of respondents: 809 (per year).

Frequency of response: Annual, and when desired.

Total estimated burden: 6,213 hours (per year) (burden is defined at 5 CFR 1320.03(b)).

Total estimated cost: $503,131 (per year), includes $0 annualized capital or operation and maintenance costs.

Changes in estimates: There is an increase of 350 hours in the total estimated respondent burden compared with the ICR currently approved by OMB. This increase is due to the updated Store Certification Program criteria and additional information and documentation required to be submitted.

Cynthia A. Newberg,

Director, Stratospheric Protection Division.

[FR Doc. 2024–23835 Filed 10–15–24; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Sunshine Act Meetings

TIME AND DATE: 10:00 a.m. on October 17, 2024.

PLACE: This Board meeting will be open to public observation only by webcast. Visit *https://www.fdic.gov/news/board-matters/video.html* for a link to the webcast. FDIC Board Members and staff will participate from FDIC Headquarters, 550 17th Street NW, Washington, DC.

Observers requiring auxiliary aids (*e.g.,* sign language interpretation) for this meeting should email *DisabilityProgram@fdic.gov* to make necessary arrangements.

STATUS: Open to public observation via webcast.

MATTERS TO BE CONSIDERED: The Federal Deposit Insurance Corporation's Board of Directors will meet to consider the following matters:

Discussion Agenda

Briefing: Semi-annual Update on the Deposit Insurance Fund (DIF) Restoration Plan.

Summary Agenda

No substantive discussion of the following items is anticipated. The Board will resolve these matters with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Designated Reserve Ratio for 2025.

Delay of Compliance Date for Subpart A Amendments to FDIC Official Sign and Advertising Rule.

Minutes of a Board of Directors' Meeting Previously Distributed.

Supplementary Information: This Sunshine Act notice is being issued to give notice of a revision to the title of a matter listed on the Sunshine Act notice previously issued regarding the October 17, 2024 meeting. The matter titled as ''Delay of Compliance Date for [Certain] [Subpart A] Amendments to FDIC Official Sign and Advertising Rule'' on the previous notice, issued October 10, 2024, is now titled ''Delay of Compliance Date for Subpart A Amendments to FDIC Official Sign and Advertising Rule.''

CONTACT PERSON FOR MORE INFORMATION: Direct requests for further information concerning the meeting to Debra A. Decker, Executive Secretary of the Corporation, at 202–898–8748.

Authority: 5 U.S.C. 552b

Dated at Washington, DC, on October 11, 2024.

Federal Deposit Insurance Corporation.

James P. Sheesley,

Assistant Executive Secretary.

[FR Doc. 2024–24013 Filed 10–11–24; 4:15 pm]

BILLING CODE 6714–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Sunshine Act Meetings

TIME AND DATE: 10:00 a.m. on October 17, 2024.

PLACE: This Board meeting will be open to public observation only by webcast. Visit *https://www.fdic.gov/news/board-matters/video.html* for a link to the webcast. FDIC Board Members and staff will participate from FDIC Headquarters, 550 17th Street NW, Washington, DC.

Observers requiring auxiliary aids (*e.g.,* sign language interpretation) for this meeting should email *DisabilityProgram@fdic.gov* to make necessary arrangements.

STATUS: Open to public observation via webcast.

MATTERS TO BE CONSIDERED: The Federal Deposit Insurance Corporation's Board of Directors will meet to consider the following matters:

Discussion Agenda

Briefing: Semi-annual Update on the Deposit Insurance Fund (DIF) Restoration Plan.

Summary Agenda

No substantive discussion of the following items is anticipated. The Board will resolve these matters with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Designated Reserve Ratio for 2025.

Delay of Compliance Date for [Certain] [Subpart A] Amendments to FDIC Official Sign and Advertising Rule.

Minutes of a Board of Directors' Meeting Previously Distributed.

CONTACT PERSON FOR MORE INFORMATION: Direct requests for further information concerning the meeting to Debra A. Decker, Executive Secretary of the Corporation, at 202–898–8748.

Authority: 5 U.S.C. 552b

Dated at Washington, DC, on October 10, 2024.

Federal Deposit Insurance Corporation.

James P. Sheesley,

Assistant Executive Secretary.

[FR Doc. 2024–23909 Filed 10–11–24; 11:15 am]

BILLING CODE 6714–01–P

FEDERAL MARITIME COMMISSION

[Docket No. 24–10]

TZ SSE Buyer, LLC, Complainant v. Yang Ming Marine Transport Corp., Respondent; Notice of Filing of Amended Complaint

Served: October 8, 2024.

Notice is given that an amended complaint has been filed with the Federal Maritime Commission (the ''Commission'') by TZ SSE Buyer, LLC (the ''Complainant'') against Yang Ming Marine Transport Corp. (the ''Respondent''). Complainant states that the Commission has jurisdiction over the amended complaint pursuant to 46 U.S.C. 41301 through 41309 and personal jurisdiction over the Respondent as an ocean common carrier, as defined in 46 U.S.C. 40102(18), that has entered into a service contract, as defined in 46 U.S.C. 40102(21), with the original complainants.

Complainant is a Delaware limited liability company with a principal place of business in Toledo, Ohio. Impact Products, LLC and Safety Zone, LLC (the ''original complainants'') filed the verified complaint in this proceeding on February 7, 2024, and subsequently filed for Chapter 11 bankruptcy and sold the claims asserted in this proceeding to Complainant. The original complainants are shippers as this term is defined under 46 U.S.C. 40102(23) with offices in Ohio, Tennessee, and Connecticut, among other locations.

Complainant identifies Respondent as a company existing under the laws of Taiwan with a principal place of business in Keelung, Taiwan and as a global ocean carrier who acts in the United States by and through its agent, Yang Ming (America) Corp., a Texas company with an office in Houston, Texas.

Complainant alleges that Respondent violated 46 U.S.C. 41102(c) and 41104(a)(10) and 46 CFR 545.5. Complainant alleges these violations arose from assessment of demurrage, detention, per diem, and yard storage charges during periods of time in which the charges were not just or reasonable because of circumstances outside the control of the original parties and their agents and service providers, and from the acts or omissions of the Respondent that led to the assessment of these charges.

An answer to the amended complaint must be filed with the Commission as provided in Chief Administrative Law Judge Erin M. Wirth's October 4, 2024, Order Granting Motion for Leave to File Amended Complaint. The full text of the amended complaint and this order can be found in the Commission's electronic Reading Room at *https://www2.fmc.gov/readingroom/proceeding/24-10/.*

The initial decision of the presiding judge shall be issued by February 14, 2025, and the final decision of the Commission shall be issued by August 29, 2025.

David Eng,

Secretary.

[FR Doc. 2024–23845 Filed 10–15–24; 8:45 am]

BILLING CODE 6730–02–P

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

Sunshine Act Meetings

TIME AND DATE: 1 p.m., Wednesday, October 16, 2024.

PLACE: The meeting will be held via remote means and/or in the Richard V. Backley Hearing Room, Room 511, 1331 Pennsylvania Avenue NW, Suite 504 North, Washington, DC 20004.

STATUS: Closed.

MATTERS TO BE CONSIDERED: The Commission will conduct a meeting closed to the public to consider a personnel matter. Commissioners will attend the meeting. Staff members who provide technological support may also be present as necessary. This meeting is closed to the public pursuant to 5 U.S.C. 552b(c)(6) in order to protect the privacy interests of personnel involved in the action under consideration. The Commission determined that shorter than usual notice for a meeting was required by official agency business.

CONTACT PERSON FOR MORE INFORMATION: Sarah Stewart (202) 434–9935/(202) 708–9300 for TDD Relay/1–800–877–8339 for toll free.

Authority: 5 U.S.C. 552b.

Dated: October 11, 2024.

Sarah L. Stewart,

Deputy General Counsel.

[FR Doc. 2024–23938 Filed 10–11–24; 4:15 pm]

BILLING CODE 6735–01–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (Act) (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the applications are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The public portions of the applications listed below, as well as other related filings required by the Board, if any, are available for immediate inspection at the Federal Reserve Bank(s) indicated below and at the offices of the Board of Governors. This information may also be obtained on an expedited basis, upon request, by contacting the appropriate Federal Reserve Bank and from the Board's Freedom of Information Office at *https://www.federalreserve.gov/foia/request.htm.* Interested persons may express their views in writing on the standards enumerated in paragraph 7 of the Act.

Comments received are subject to public disclosure. In general, comments received will be made available without change and will not be modified to remove personal or business information including confidential, contact, or other identifying information. Comments should not include any information such as confidential information that would not be appropriate for public disclosure.

Comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors, Ann E. Misback, Secretary of the Board, 20th Street and Constitution Avenue NW, Washington, DC 20551–0001, not later than October 31, 2024.

A. Federal Reserve Bank of Kansas City (Jeffrey Imgarten, Assistant Vice President) 1 Memorial Drive, Kansas City, Missouri 64198–0001. Comments can also be sent electronically to *KCApplicationComments@kc.frb.org:*

1. *Theodore Elam, as co-trustee of the Caroline L. Cameron 2005 GSTE Trust, the Liza A. Cameron 2005 GSTE Trust, the Claire J. Cameron 2005 GSTE Trust, and the Camellia Cameron 2005 GSTE*

Trust, all of Oklahoma City, Oklahoma, (collectively, the ''Separated Lynda L. Cameron Family Trusts''); to acquire voting shares of First Fidelity Bancorp, Inc., and thereby indirectly acquire voting shares of First Fidelity Bank, both of Oklahoma City, Oklahoma.

In addition, *the William Cameron Legacy Trust, Oklahoma City, Oklahoma, Brian Raftery, as trustee, Westfield, New Jersey; and the Separated Lynda L. Cameron Family Trusts;* to join the Cameron Family Group, a group acting in concert, to acquire voting shares of First Fidelity Bancorp, Inc., and thereby indirectly acquire voting shares of First Fidelity Bank. Theodore Elam was previously permitted by the Federal Reserve System to become a member of the Cameron Family Group.

2. *Chat Carleton York, as Business Advisor and Direction Advisor, Fort Worth, Texas; David Keese, as Direction Advisor, McKinney, Texas; Greg Massey, as Special Power Holder, Durant, Oklahoma; and Argent Trust Company, Nashville, Tennessee, as trustee of the following trusts: John L. Massey 2003 Exempt Family Trust FBO Abigail R. Massey, the John L. Massey 2003 Exempt Family Trust FBO Boaz A. Massey, the John L. Massey 2003 Exempt Family Trust FBO Charity A. Massey, the John L. Massey 2003 Exempt Family Trust FBO Dara R. Massey, the John L. Massey 2003 Exempt Family Trust FBO Elizabeth J. Massey, the John L. Massey 2003 Exempt Family Trust FBO Faith S. Massey, the John L. Massey 2003 Exempt Family Trust FBO Gabriel J. Massey, the John L. Massey 2003 Exempt Family Trust FBO Isaiah B. Massey, the John L. Massey 2003 Exempt Family Trust FBO John M. Massey, Jr., the John L. Massey 2003 Exempt Family Trust FBO Micah N. B. Massey, the Gregory L Massey 2003 Exempt Trust, the Gregory L. and Laura K. Massey 2012 Family Trust FBO Blake L. Massey, the Gregory L. and Laura K. Massey 2012 Family Trust FBO Brooke E. Massey, and the Gregory L. and Laura K. Massey 2012 Family Trust FBO Gregory Corbin Massey, all of Nashville, Tennessee;* to acquire voting shares of Spend Life Wisely Company, Inc. (the ''Company''), and thereby indirectly acquire First United Bank and Trust Company (the ''Bank''), both of Durant, Oklahoma. Greg Massey was previously permitted by the Federal Reserve System to acquire control of voting shares of the Company.

In addition, *Abigail R. Massey, North Pole, Arkansas, as special power holder of the John L. Massey 2003 Exempt Family Trust FBO Abigail R. Massey; Boaz A. Massey, Shawnee, Oklahoma, as special power holder of the John L. Massey 2003 Exempt Family Trust FBO Boaz A. Massey; Charity A. Massey, Shawnee, Oklahoma, as special power holder of the John L. Massey 2003 Exempt Family Trust FBO Charity A. Massey; Dara R. Massey, Shawnee, Oklahoma, as special power holder of the John L. Massey 2003 Exempt Family Trust FBO Dara R. Massey; Elizabeth J. Massey, Celina, Texas, as special power holder of the John L. Massey 2003 Exempt Family Trust FBO Elizabeth J. Massey; Faith S. Massey, Roseburg, Oregon, as special power holder of the John L. Massey 2003 Exempt Family Trust FBO Faith S. Massey; Gabriel J. Massey, Shawnee, Oklahoma, as special power holder of the John L. Massey 2003 Exempt Family Trust FBO Gabriel J. Massey; Isaiah B. Massey, Shawnee, Oklahoma, as special power holder of the John L. Massey 2003 Exempt Family Trust FBO Isaiah B. Massey; John M. Massey, Jr., Shawnee, Oklahoma, as special power holder of the John L. Massey 2003 Exempt Family Trust FBO John M. Massey, Jr.; and Michah N.B. Massey, Shawnee, Oklahoma, as special power holder of the John L. Massey 2003 Exempt Family Trust FBO Micah N. B. Massey;* to become members of the Massey Family Group, a group acting in concert, to acquire voting shares in the Company, and thereby indirectly acquire voting shares of the Bank.

Finally, *Blake L. Massey, Southaven, Mississippi, individually, and as special power holder of the Gregory L. and Laura K. Massey 2012 Family Trust FBO Blake Massey; and Brooke Massey Chilton, Melissa, Texas, individually, and as special power holder of the Gregory L. and Laura K. Massey 2012 Family Trust FBO Brooke Massey;* to become members of the Massey Family Group, a group acting in concert, to retain voting shares of the Company, and thereby indirectly retain voting shares of the Bank.

Board of Governors of the Federal Reserve System.

Michele Taylor Fennell,

Associate Secretary of the Board.

[FR Doc. 2024–23856 Filed 10–15–24; 8:45 am]

BILLING CODE P

GENERAL SERVICES ADMINISTRATION

[Notice–Q–2024–06; Docket No. 2024–0002; Sequence No. 47]

Federal Secure Cloud Advisory Committee Notification of Upcoming Meeting

AGENCY: Federal Acquisition Service (Q), General Services Administration (GSA).

ACTION: Meeting notice.

SUMMARY: As stipulated by the Federal Advisory Committee Act (FACA), as amended, GSA is hereby giving notice of an open public meeting of the Federal Secure Cloud Advisory Committee (FSCAC). Information on attending and providing public comment is under the **SUPPLEMENTARY INFORMATION** section.

DATES: The open public meeting will be held virtually on Thursday, November 14, 2024, from 12:00 p.m. to 3:00 p.m., Eastern Time (ET). The meeting materials, registration information, and agendas for the meeting will be made available prior to the meeting online at *https://gsa.gov/fscac.* Additional information can be found under the **SUPPLEMENTARY INFORMATION** section of this notice. The meeting will be open to the public for the entire time.

ADDRESSES: The meeting will be accessible via webcast. Registration is required for the meeting and will be made available prior to the meeting online at *https://gsa.gov/fscac,* by selecting the ''Federal Secure Cloud Advisory Committee meetings'' tab on the left, and then selecting the ''November 14, 2024—Virtual'' meeting accordion in order to view all meeting materials, agenda, and registration information. Registrants will receive the webcast information before the meeting.

FOR FURTHER INFORMATION CONTACT: Michelle White, Designated Federal Officer (DFO), FSCAC, GSA, 703–489–4160, *fscac@gsa.gov.*

SUPPLEMENTARY INFORMATION:

Background

GSA, in compliance with the FedRAMP Authorization Act of 2022 (the Act), established the FSCAC, a statutory advisory committee in accordance with the provisions of FACA, as amended (5 U.S.C. 1001 *et seq.*). The Federal Risk and Authorization Management Program (FedRAMP) within GSA is responsible for providing a standardized, reusable approach to security assessment and authorization for cloud computing products and services that process unclassified information used by

agencies. The FSCAC will provide advice and recommendations to the Administrator of GSA, the FedRAMP Board, and agencies on technical, financial, programmatic, and operational matters regarding the secure adoption of cloud computing products and services. The FSCAC will ensure effective and ongoing coordination of agency adoption, use, authorization, monitoring, acquisition, and security of cloud computing products and services to enable agency mission and administrative priorities. The purposes of the Committee are:

- To examine the operations of FedRAMP and determine ways that authorization processes can continuously be improved, including the following:
  - Measures to increase agency reuse of FedRAMP authorizations.
  - Proposed actions that can be adopted to reduce the burden, confusion, and cost associated with FedRAMP authorizations for cloud service providers.
  - Measures to increase the number of FedRAMP authorizations for cloud computing products and services offered by small businesses concerns (as defined by section 3(a) of the Small Business Act (15 U.S.C. 632(a)).
  - Proposed actions that can be adopted to reduce the burden and cost of FedRAMP authorizations for agencies.
- Collect information and feedback on agency compliance with, and implementation of, FedRAMP requirements.
- Serve as a forum that facilitates communication and collaboration among the FedRAMP stakeholder community.

The FSCAC will meet no fewer than three (3) times a calendar year. Meetings shall occur as frequently as needed, called, and approved by the DFO.

Purpose of the Meeting and Agenda

The November 14, 2024 public meeting will be dedicated to continued deliberations in order to develop an initial draft of recommendations to the GSA Administrator on their initial two (2) priority initiatives of (1) identifying and documenting top challenges and proposing solutions around the barrier to entry for Cloud Service Providers (CSPs) with a focus on small businesses, third party assessment organizations (3PAOs), and small & large agencies, and (2) identifying and documenting ways to expedite the authorization process for Cloud Service Offerings (CSOs), such as exploring agile authorizations and other potential cost reductions, both labor and financial, with a focus on small businesses.

Members of the public will have the opportunity to provide oral public comments during this meeting, and may also submit public comments in writing prior to this meeting by completing the public comment form on our website, *https://gsa.gov/fscac.* The meeting agenda will be posted on *https://gsa.gov/fscac* prior to the meeting and can be accessed by selecting the ''Federal Secure Cloud Advisory Committee meetings'' tab on the left, and then selecting the ''November 14, 2024—Virtual'' meeting accordion in order to view all meeting materials, agenda, and registration information.

Meeting Attendance

The virtual meeting is open to the public. The meeting materials, registration information, and agenda will be made available prior to the meeting online at *https://gsa.gov/fscac,* by selecting the ''Federal Secure Cloud Advisory Committee meetings'' tab on the left, and then selecting the ''November 14, 2024—Virtual'' meeting accordion. Registration for attending the virtual meeting is highly encouraged by 5:00 p.m. EST, on Monday, November 11, 2024. After registration, individuals will receive instructions on how to attend the meeting via email.

For information on services for individuals with disabilities, or to request accommodation for a disability, please email the FSCAC staff at *FSCAC@gsa.gov* at least 10 days prior to the meeting date. Live captioning may be provided virtually.

Public Comment

Members of the public attending will have the opportunity to provide oral public comment during the FSCAC meeting. Written public comments can be submitted at any time by completing the public comment form on our website, *https://gsa.gov/fscac,* located under the ''Get Involved'' section. All written public comments will be provided to FSCAC members in advance of the meeting if received by Wednesday, November 6, 2024.

Margaret Dugan

Service-Level Liaison, Federal Acquisition Service, General Services Administration.

[FR Doc. 2024–23788 Filed 10–15–24; 8:45 am]

BILLING CODE 6820–34–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Healthcare Research and Quality

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Agency for Healthcare Research and Quality, HHS.

ACTION: Notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of* 1995, this notice announces the intention of the Agency for Healthcare Research and Quality (AHRQ) to request that the Office of Management and Budget (OMB) approve the reinstatement with change of the information collection project ''Patient Safety Organization Certification for Initial Listing and Related Forms, Patient Safety Confidentiality Complaint Form, and Common Formats'', OMB No. 0935–0143 for which approval expired on September 30, 2024. This information collection was previously published in the **Federal Register** on August 12th, 2024 and allowed 60 days for public comment. AHRQ received no substantive comments from members of the public. The purpose of this notice is to allow an additional 30 days for public comment.

DATES: Comments on this notice must be received by November 15, 2024.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Doris Lefkowitz, AHRQ Reports Clearance Officer, (301) 427–1477, or by email *REPORTSCLEARANCEOFFICER@ahrq.hhs.gov.*

SUPPLEMENTARY INFORMATION:

Proposed Project

Title: Patient Safety Organization Certification for Initial Listing and Related Forms, Patient Safety Confidentiality Complaint Form, and Common Formats.

OMB No.: 0935–0143.

OMB Expiration Date: September 30th, 2024.

Type of Request: Reinstatement, with change, of previously approved collection for which approval has expired.

The Patient Safety and Quality Improvement Act of 2005 (the Patient Safety Act), signed into law on July 29, 2005, was enacted in response to growing concern about patient safety in the United States and the Institute of Medicine's 1999 report, ''To Err is Human: Building a Safer Health System''. The Patient Safety Act signifies the Federal Government's commitment to fostering a culture of patient safety among health care providers; it offers a mechanism for creating an environment in which the causes of risks and hazards to patient safety can be thoroughly and honestly examined and discussed without fear of penalties and liabilities. It provides for the voluntary formation of Patient Safety Organizations (PSOs) that can collect, aggregate, and analyze confidential information reported voluntarily by health care providers. By analyzing substantial amounts of patient safety event information across multiple institutions, PSOs are able to identify patterns of failures and propose measures to eliminate or reduce risks and hazards.

In order to implement the Patient Safety Act, the Department of Health and Human Services (HHS) issued the Patient Safety and Quality Improvement Final Rule (Patient Safety Rule, 42 CFR part 3), which became effective on January 19, 2009. The Patient Safety Rule outlines the requirements that entities must meet to become and remain listed as PSOs, the process by which the Secretary of HHS (Secretary) will accept certifications and list PSOs, and provisions pertaining to the confidentiality and privilege protections for patient safety work product (PSWP).

When specific statutory requirements are met, the information collected and the analyses and deliberations regarding the information receive confidentiality and privilege protections under this legislation. The Secretary delegated authority to the Director of the Office for Civil Rights (OCR) to interpret and enforce the confidentiality protections of the Patient Safety Act (**Federal Register**, 71 FR 28701–2, May 17, 2006). Civil money penalties may be imposed for knowing or reckless impermissible disclosures of identifiable PSWP. AHRQ implements and administers the rest of the statute's provisions.

Pursuant to the Patient Safety Rule (42 CFR 3.102), an entity that seeks to be listed as a PSO by the Secretary must certify that it meets certain requirements and, upon listing, would meet other criteria. To remain listed for renewable three-year periods, a PSO must re-certify that it meets these obligations and would continue to meet them while listed. The Patient Safety Act and Patient Safety Rule also impose other obligations discussed below that a PSO must meet to remain listed. In accordance with the requirements of the Patient Safety Rule (see, *e.g.,* 42 CFR 3.102(a)(1), 3.102(b)(2)(i)(E), 3.102(d)(1), and 3.112), the entities seeking to be listed and to remain listed must complete the proposed forms, in order to attest to compliance with statutory criteria and the corresponding regulatory requirements.

Proposed Revisions

The following forms have revisions for clarification which are described below:

1. PSO Certification for Initial Listing—This form has been revised to include clarification on the role of the primary point of contact.

2. PSO Certification for Continued Listing—This form has been revised to include clarifications on the role of the primary point of contact, more precise language about whether there are any changes to the parent organization or any additional parent organizations and an additional note to clarify how users should determine the response to the standardized way they collect patient safety work product (PSWP).

3. PSO Profile form—The form has been revised to add a new clinical discipline, ''Clinical Dialysis Services''.

4. PSO Change of Listing Form—This form has been revised to note clarifications for the parent and the point of contact sections.

5. PSO Voluntary Relinquishment Form—This form has been revised to include a change from street to mailing address for future contacts with delisted PSOs.

6. Patient Safety Confidentiality Complaint Form—The form has two parts, the complaint form and the consent form. The complaint form was updated (1) to conform the notice to individuals about confidentiality of identifying information submitted on the complaint form with the existing approved OCR HIPAA Rules complaint form and (2) to update OCR contact information. The consent form was updated (1) to conform notice to individuals about confidentiality of identifying information submitted on the consent form with the existing approved OCR HIPAA Rules consent form, (2) to more fully describe OCR authorities allowing collection of information in Privacy Act of 1974 notices, and (3) to update OCR contact information.

7. Common Formats—Since the last approval, AHRQ has released Common Formats Event Reporting for Diagnostic Safety, Version 1.0 (CFER–DS V1.0) and the Common Formats for Surveillance-Hospital V1.0 (CFS–H V1.0), which is a revision/update from the last version (CFS- H V0.3 Beta).

OMB previously approved the Common Formats and forms described above in 2008, 2011, 2014, 2018, and 2021. AHRQ will use these forms, other than the Patient Safety Confidentiality Complaint Form, to obtain information necessary to carry out its authority to implement the Patient Safety Act and Patient Safety Rule. This includes obtaining initial and subsequent certifications from entities seeking to be or remain listed as PSOs and for making the statutorily required determinations prior to and during an entity's period of listing as a PSO. The PSO Division, housed in AHRQ's Center for Quality Improvement and Patient Safety, uses this information. OCR will use the Patient Safety Confidentiality Complaint Form to collect information for the initial assessment of an incoming complaint. The form is modeled on OCR's form for complaints alleging violations of the privacy of protected health information.

Method of Collection

The PSO forms are available in a format that allows completion and submission of the information online. AHRQ has updated the electronic submission of all forms, except the Patient Safety Confidentiality Compliant For which is administered by OCR, including the capability of the system to auto populate certain fields based on prior submissions by the PSOs. In addition, paper forms can be downloaded, completed and submitted through electronic mail, to *pso@ahrq.hhs.gov,* or via postal mail. The Common Formats, accompanying user guide, and technical specifications are available as printable electronic files on the PSOPPC website at *www.PSOPPC.org.*

In addition to paper submission of complaints, OCR facilitates electronic submission of complaints. First, the Patient Safety Confidentiality Complaint Form is available on the OCR website at *https://www.hhs.gov/hipaa/filing-a-complaint/patient-safety-confidentiality/index.html.* The form is available to be downloaded electronically to a user's own computer in a form that allows a complainant to fill out the form electronically if they so choose. The Patient Safety Confidentiality Complaint Form can then be printed and submitted, or submitted electronically via electronic mail. Second, the form is available in a

format that allows completion and submission of the information online.

Estimated Annual Respondent Burden

Exhibit 1 shows the estimated annualized burden hours for the respondent to provide the requested information and Exhibit 2 shows the estimated annualized cost burden associated with the respondents' time to provide the requested information. The total burden hours are estimated to be 100,811.58 hours annually and the total cost burden is estimated to be $4,946,824.23 annually.

1. PSO Certification for Initial Listing Form: The average annual burden for the collection of information requested by the certification forms for initial listing is based upon a total average estimate of 11 respondents per year and an estimated time of 18 hours per response. The estimated response number includes submissions by not only entities listed as PSOs, but also entities that submit initial listing forms that do not become PSOs.

2. PSO Certification for Continued Listing Form: The average annual burden for the collection of information requested by the certification form for continued listing has an estimated time of eight hours per response and 40 responses annually.

3. PSO Two Bona Fide Contracts Requirement Certification Form: The average annual burden for the collection of information requested by the PSO Two Bona Fide Contract Certification Form is based upon an estimate of 56 respondents per year and an estimated one hour per response.

4. PSO Disclosure Statement Form: The overall annual burden for the collection of information requested by the PSO Disclosure Statement Form is based upon an estimate of 3 respondents per year and estimated 3 hours per response.

5. PSO Profile Form: The overall annual burden for the collection of information requested by the PSO Profile Form is based upon an estimate of 74 respondents per year and an estimated three hours per response.

6. PSO Change of Listing Information Form: The average annual burden for the collection of information requested by the PSO Change of Listing Information Form is based upon an estimate of 51 respondents per year and an estimated time of five minutes per response.

7. PSO Voluntary Relinquishment Form: The average annual burden for the collection of information requested by the PSO Voluntary Relinquishment Form is based upon a total average estimate of four respondents per year and an estimated time of thirty minutes per response.

8. OCR Patient Safety Confidentiality Complaint Form: The overall annual burden estimate of one hour for the collection of information requested by the form is based on an estimate of one respondent per year and an estimated twenty minutes per response.

9. Common Formats: AHRQ estimates that 5% FTE of a patient safety manager at a facility will be spent to administer the Common Formats, which is approximately 100 hours a year.

EXHIBIT 1—ESTIMATED ANNUALIZED BURDEN HOURS

Form	Number of respondents	Number of responses per respondent	Hours per response	Total burden Hours
1. PSO Certification for Initial Listing Form	11	1	18	198
2. PSO Certification for Continued Listing Form	40	1	8	320
3. PSO Two Bona Fide Contracts Requirement Form	56	1	1	56
4. PSO Disclosure Statement Form	3	1	3	9
5. PSO Profile Form	74	1	3	222
6. PSO Change of Listing Information	51	1	05/60	4.25
7. PSO Voluntary Relinquishment Form	4	1	30/60	2
8. OCR Patient Safety Confidentiality Complaint Form	1	1	20/60	.33
9. Common Formats	1,000	1	100	100,000
Total	.....	NA	NA	100,811.58

EXHIBIT 2—ESTIMATED ANNUALIZED COST BURDEN

Form	Total burden hours	Average hourly wage rate *	Total cost
1. PSO Certification for Initial Listing Form	198	$49.07	$9,715.86
2. PSO Certification for Continued Listing Form	320	49.07	15,702.40
3. PSO Two Bona Fide Contracts Requirement Form	56	49.07	2,747.92
4. PSO Disclosure Statement Form	9	49.07	441.63
5. PSO Profile Form	222	49.07	10,893.54
6. PSO Change of Listing Form	4.25	49.07	208.55
7. PSO Voluntary Relinquishment Form	2	49.07	98.14
8. OCR Patient Safety Confidentiality Complaint Form	.33	49.07	15.35
9. Common Formats	100,000	49.07	4,907,000
Total	.....	.....	4,946,824.23

* Based upon the mean of the hourly average wages for healthcare practitioner and technical occupations, 29–0000, National Compensation Survey, May 2023, ''U.S. Department of Labor, Bureau of Labor Statistics.'' *https://www.bls.gov/oes/current/oes290000.htm*

Request for Comments

In accordance with the Paperwork Reduction Act, 44 U.S.C. 3501–3520, comments on AHRQ's information collection are requested with regard to any of the following: (a) whether the proposed collection of information is necessary for the proper performance of AHRQ's health care research and health care information dissemination functions, including whether the

information will have practical utility; (b) the accuracy of AHRQ's estimate of burden (including hours and costs) of the proposed collection(s) of information; (c) ways to enhance the quality, utility and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information upon the respondents, including the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and included in the Agency's subsequent request for OMB approval of the proposed information collection. All comments will become a matter of public record.

Dated: October 3, 2024.

Marquita Cullom,

Associate Director.

[FR Doc. 2024–23708 Filed 10–15–24; 8:45 am]

BILLING CODE 4160–90–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day–25–0572]

Agency Forms Undergoing Paperwork Reduction Act Review

In accordance with the Paperwork Reduction Act of 1995, the Centers for Disease Control and Prevention (CDC) has submitted the information collection request titled ''CDC and ATSDR Health Message Testing System (HMTS)'' to the Office of Management and Budget (OMB) for review and approval. CDC previously published a ''Proposed Data Collection Submitted for Public Comment and Recommendations'' notice on June 4, 2024 to obtain comments from the public and affected agencies. CDC received one non-substantive comment. This notice serves to allow an additional 30 days for public and affected agency comments.

CDC will accept all comments for this proposed information collection project. The Office of Management and Budget is particularly interested in comments that:

(a) 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;

(b) Evaluate the accuracy of the agencies 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;

(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; and

(e) Assess information collection costs.

To request additional information on the proposed project or to obtain a copy of the information collection plan and instruments, call (404) 639–7570. 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. Direct written comments and/or suggestions regarding the items contained in this notice to the Attention: CDC Desk Officer, Office of Management and Budget, 725 17th Street NW, Washington, DC 20503 or by fax to (202) 395–5806. Provide written comments within 30 days of notice publication.

Proposed Project

CDC and ATSDR Health Message Testing System (HMTS) (OMB Control No. 0920–0572, Exp. 10/31/2024)—Extension—Office of Communications (OC), Centers for Disease Control and Prevention (CDC)

Background and Brief Description

Before CDC disseminates a health message to the public, the message always undergoes scientific review. However, even though the message is based on sound scientific content, there is no guarantee that the public will understand a health message or that the message will move people to take recommended action. Communication theorists and researchers agree that for health messages to be as clear and influential as possible, target audience members or representatives must be involved in developing the messages and provisional versions of the messages must be tested with members of the target audience. Increasingly, there are circumstances when CDC must move swiftly to protect life, prevent disease, or calm public anxiety. Health message testing is even more important in these instances, because of the critical nature of the information need.

In the interest of timely health message dissemination, many programs forgo the important step of testing messages on dimensions such as clarity, salience, appeal, and persuasiveness (*i.e.,* the ability to influence behavioral intention). Skipping this step avoids the delay involved in the standard OMB review process, but at a high potential cost. Untested messages can waste communication resources and opportunities because the messages can be perceived as unclear or irrelevant. Untested messages can also have unintended consequences, such as jeopardizing the credibility of federal health officials.

The CDC/ATSDR Health Message Testing System (HMTS), a Generic information collection, enables programs across CDC and ATSDR to collect the information they require in a timely manner to:

- Ensure quality and prevent waste in the dissemination of health information by CDC to the public;
- Refine message concepts and test draft materials for clarity, salience, appeal, and persuasiveness to target audiences;
- Guide the action of health communication officials who are responding to health emergencies, Congressionally-mandated campaigns with short timeframes, media-generated public concern, time-limited communication opportunities, trends, and the need to refresh materials or dissemination strategies in an ongoing campaign.

Each testing instrument will be based on specific health issues or topics. Although it is not possible to develop one instrument for use in all instances, the same kinds of questions are asked in most message testing. This package includes generic questions and formats that can be used to develop health message testing data collection instruments. These include a list of screening questions, comprised of demographic and introductory questions, along with other questions that can be used to create a mix of relevant questions for each proposed message testing data collection method. However, programs may request to use additional questions if needed. Message testing questions will focus on issues such as comprehension, impressions, personal relevance, content and wording, efficacy of response, channels, and spokesperson/sponsor. Such information will enable message developers to enhance the effectiveness of messages for intended audiences. Data collection methods proposed for

HMTS include intercept interviews, telephone interviews, focus groups, online surveys, and cognitive interviews. In almost all instances, data will be collected by outside organizations under contract with CDC.

For many years, CDC programs have used HMTS to test and refine message concepts and test draft materials for clarity, salience, appeal, and persuasiveness to target audiences. Having this Generic Clearance available has enabled them to test their information and get critical health information out to the public quickly. Over the last three years, more than 27 messages have been tested using this OMB Clearance package.

CDC's Division of Tuberculosis Elimination was approved to conduct program evaluation for their Latent Tuberculosis Infection (LTBI) Awareness Campaign within target audiences—non-US-born Vietnamese and Filipino persons and the healthcare professionals (primary care physicians, nurse practitioners, and physician assistants) that serve them. Assessing the immediate effects of campaign materials provides helpful insights that can be used to inform adjustments of campaign materials for intended audiences.

CDC's Division of Nutrition, Physical Activity, and Obesity (DNPAO) is tasked with leading our nation's efforts to prevent chronic diseases by promoting good nutrition, regular physical activity, and a healthy weight. One of the key ways DNPAO does this is by providing state and community partners with practical tools to promote healthy lifestyles such as the SCHMC communication resources. It is imperative that this ad testing be conducted so that CDC/DNPAO can best support grantees and local partners by providing timely information about how specific ads resonate with key audiences. The insights gained from the ad testing also provided DNPAO with timely information to inform development of additional ads and communication materials that they will resonate with audiences and lead to intended actions/behavior changes related to increasing physical activity, reducing sugary drink consumption, and improving infant and toddler nutrition.

The National Center for Injury Prevention and Control (NCIPC) collected data to assess older adults' perceptions of products developed as part of the expansion phase of CDC's Still Going Strong Campaign. Digital products were developed as part of this effort to expand the campaign to address social connectedness and isolation. The messages conveyed the importance of social connectedness to health to maintaining a high quality of life as we age. Participants learned about how social connectedness as well as physical and mental health are interconnected and critical to the well-being of older adults.

Over 5,400 burden hours were used during the previous approval period. Because the availability of this ICR has been so critical to programs in disseminating their materials and information to the public in a timely manner, the Office of Communications is requesting approval for an estimated 2,470 annual burden hours for this three-year Extension of the information collection. There is no cost to the respondents other than their time.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
Public Health Professionals, Health Care Providers, State and Local Public Health Officials, Emergency Responders, General Public.	Moderator's Guides, Eligibility Screeners, Interview Guides, Opinion Surveys, Consent Forms.	18,525	1	8/60

Jeffrey M. Zirger,

Lead, Information Collection Review Office, Office of Public Health Ethics and Regulations, Office of Science, Centers for Disease Control and Prevention.

[FR Doc. 2024–23860 Filed 10–15–24; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day-25–24GU]

Agency Forms Undergoing Paperwork Reduction Act Review

In accordance with the Paperwork Reduction Act of 1995, the Centers for Disease Control and Prevention (CDC) has submitted the information collection request titled ''Assessing Adoption and Implementation of the National Institute of Occupational Safety and Health's (NIOSH) Outputs'' to the Office of Management and Budget (OMB) for review and approval. CDC previously published a ''Proposed Data Collection Submitted for Public Comment and Recommendations'' notice on June 28, 2024, to obtain comments from the public and affected agencies. CDC received two non-substantive comments related to the previous notice. This notice serves to allow an additional 30 days for public and affected agency comments.

CDC will accept all comments for this proposed information collection project. The Office of Management and Budget is particularly interested in comments that:

(a) 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;

(b) Evaluate the accuracy of the agencies 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;

(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; and

(e) Assess information collection costs.

To request additional information on the proposed project or to obtain a copy of the information collection plan and instruments, call (404) 639–7570. 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. Direct written comments and/or suggestions regarding the items contained in this notice to the Attention: CDC Desk Officer, Office of Management and Budget, 725 17th Street NW, Washington, DC 20503 or by fax to (202) 395–5806. Provide written comments within 30 days of notice publication.

Proposed Project

Assessing Adoption and Implementation of the National Institute of Occupational Safety and Health's (NIOSH) Outputs—New—National Institute of Occupational Safety and Health's (NIOSH), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

The Centers for Disease Control and Prevention (CDC), National Institute for Occupational Safety and Health (NIOSH), is requesting approval of a new Generic information collection for a period of three years under the project titled, ''Assessing Adoption and Implementation of the National Institute of Occupational Safety and Health's (NIOSH) Outputs.''

With the continuation of the Government Performance and Results Act and the more recent passage of the Foundations of Evidence-Based Policy Making Act, there is an increased need for federal agencies to measure and demonstrate their impact. However, measuring impact is challenging, especially for organizations that have a science-driven mission because of the time it takes to move from basic to applied research. Demonstrating attribution (cause and effect relationships) is particularly challenging for research organizations.

NIOSH research is often designed to collect implementation and adoption data through document reviews of NIOSH records, including grantee final reports, and through interviews with NIOSH researchers (federal employees). While commonly recognized metrics, these data sources are not comprehensive, representative, or informative of the adoption and implementation of NIOSH products and efforts. Further, the design and execution of research projects has hindered research and program leaders prioritizing information collections to understand and assess the adoption and implementation of research efforts and products.

The proposed generic information collection package would allow researchers to expeditiously pursue efforts to provide NIOSH with critical information to inform mission-driven needs. Additionally, the proposed efforts go beyond simply measuring customer satisfaction and rather seek to advance NIOSH's burden, need, and impact framework for future research while also endeavoring to execute the Office of Management and Budget's (OMB) guidance regarding the Foundations of Evidence-Based Policymaking Act.

Respondents are expected to consist of users and potential users of NIOSH products including subject matter expects, former NIOSH funding recipients, and intermediary and end users. CDC requests OMB approval for an estimated 17,150 total burden hours with an estimated annual burden of 6,069 hours. There is no cost to respondents other than their time to participate.

Estimated Annualized Burden Hours

Type of respondent	Type of data collection instrument	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
Subject matter experts	Survey instrument (single, pre and post, or poll) including demographics.	5,000	1	20/60
	Informed consent form	250	1	5/60
	Interview or focus group guide	250	1	1
Former NIOSH funding recipients	Survey instrument (single, pre and post, or poll) including demographics.	200	1	20/60
	Informed consent form	25	1	5/60
	Interview or focus group guide	25	1	1
Intermediary or end users (e.g., employers, workers, manufactures, labor/professional associations, policymakers).	Survey instrument (single, pre and post, or poll) including demographics.	10,000	1	20/60
	Informed consent form	650	1	5/60
	Interview or focus group guide	650	1	1

Jeffrey M. Zirger,

Lead, Information Collection Review Office, Office of Public Health Ethics and Regulations, Office of Science, Centers for Disease Control and Prevention.

[FR Doc. 2024–23859 Filed 10–15–24; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2024–P–4163]

Determination That NOXAFIL (Posaconazole) Delayed-Release Tablets, 100 Grams Was Not Withdrawn From Sale for Reasons of Safety or Effectiveness

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA, Agency, or we) has determined that NOXAFIL (posaconazole) delayed-release tablets, 100 grams (g), was not withdrawn from sale for reasons of safety or effectiveness. This determination means that FDA will not begin procedures to withdraw approval of abbreviated new drug applications (ANDAs) that refer to this drug product, and it will allow FDA to continue to approve ANDAs that refer to the product as long as they meet relevant legal and regulatory requirements.

FOR FURTHER INFORMATION CONTACT: Awo Archampong-Gray, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New

Hampshire Ave., Bldg. 51, Rm. 6243, Silver Spring, MD 20993–0002, 301–796–0110, *Awo.Archampong-Gray@fda.hhs.gov*.

SUPPLEMENTARY INFORMATION: Section 505(j) of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 355(j)) allows the submission of an ANDA to market a generic version of a previously approved drug product. To obtain approval, the ANDA applicant must show, among other things, that the generic drug product: (1) has the same active ingredient(s), dosage form, route of administration, strength, conditions of use, and (with certain exceptions) labeling as the listed drug, which is a version of the drug that was previously approved, and (2) is bioequivalent to the listed drug. ANDA applicants do not have to repeat the extensive clinical testing otherwise necessary to gain approval of a new drug application (NDA).

Section 505(j)(7) of the FD&C Act requires FDA to publish a list of all approved drugs. FDA publishes this list as part of the ''Approved Drug Products With Therapeutic Equivalence Evaluations,'' which is known generally as the ''Orange Book.'' Under FDA regulations, drugs are removed from the list if the Agency withdraws or suspends approval of the drug's NDA or ANDA for reasons of safety or effectiveness or if FDA determines that the listed drug was withdrawn from sale for reasons of safety or effectiveness (21 CFR 314.162).

A person may petition the Agency to determine, or the Agency may determine on its own initiative, whether a listed drug was withdrawn from sale for reasons of safety or effectiveness. This determination may be made at any time after the drug has been withdrawn from sale, but must be made prior to approving an ANDA that refers to the listed drug (§ 314.161 (21 CFR 314.161)). FDA may not approve an ANDA that does not refer to a listed drug.

NOXAFIL (posaconazole) delayed-release tablets, 100 g, is the subject of NDA 205053, held by Merck Sharp & Dohme Corp., and initially approved on November 25, 2013. Noxafil delayed-release tablets are indicated for the treatment of invasive aspergillosis in adults and pediatric patients 13 years of age and older. In addition, NOXAFIL is indicated for the prophylaxis of invasive Aspergillus and Candida infections in patients who are at high risk of developing these infections due to being severely immunocompromised, such as hematopoietic stem cell transplant recipients with graft-versus-host disease or those with hematologic malignancies with prolonged neutropenia from chemotherapy as follows; for NOXAFIL delayed-release tablets: adults and pediatric patients 2 years of age and older who weigh greater than 40 kilograms.

NOXAFIL (posaconazole) delayed-release tablets, 100 g, is currently listed in the ''Discontinued Drug Product List'' section of the Orange Book.

Aizant Drug Research Solutions Private Limited, submitted a citizen petition dated September 2, 2024 (Docket No. FDA–2024–P–4163), and amended on September 4, 2024, under 21 CFR 10.30, requesting that the Agency determine whether NOXAFIL (posaconazole) delayed-release tablets, NDA 205053 was withdrawn from sale for reasons of safety or effectiveness.

After considering the citizen petition and reviewing Agency records and based on the information we have at this time, FDA has determined under § 314.161 that NOXAFIL (posaconazole) delayed-release tablets, 100 g, was not withdrawn for reasons of safety or effectiveness. The petitioner has identified no data or other information suggesting that NOXAFIL (posaconazole) delayed-release tablets, 100 g, was withdrawn for reasons of safety or effectiveness. We have carefully reviewed our files for records concerning the withdrawal of NOXAFIL (posaconazole) delayed-release tablets, 100 g, from sale. We have also independently evaluated relevant literature and data for possible postmarketing adverse events. We have found no information that would indicate that this drug product was withdrawn from sale for reasons of safety or effectiveness.

Accordingly, the Agency will continue to list NOXAFIL (posaconazole) delayed-release tablets, 100 g, in the ''Discontinued Drug Product List'' section of the Orange Book. The ''Discontinued Drug Product List'' delineates, among other items, drug products that have been discontinued from marketing for reasons other than safety or effectiveness. If FDA determines that labeling for this drug product should be revised to meet current standards, the Agency will advise ANDA applicants to submit such labeling.

Dated: October 9, 2024.

Eric Flamm,

Acting Associate Commissioner for Policy.

[FR Doc. 2024–23811 Filed 10–15–24; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

[Document Identifier: OS–0990–0281]

Agency Information Collection Request; 30-Day Public Comment Request

AGENCY: Office of the Secretary, HHS.

ACTION: Notice.

SUMMARY: In compliance with the requirement of the Paperwork Reduction Act of 1995, the Office of the Secretary (OS), Department of Health and Human Services, is publishing the following summary of a proposed collection for public comment.

SUMMARY: In compliance with the requirement of the Paperwork Reduction Act of 1995, the Office of the Secretary (OS), Department of Health and Human Services, is publishing the following summary of a proposed collection for public comment.

DATES: Comments on the ICR must be received on or before November 15, 2024.

ADDRESSES: Submit your comments to *Sherrette.Funn@hhs.gov* or by calling (202) 795–7714.

FOR FURTHER INFORMATION CONTACT: When submitting comments or requesting information, please include the document identifier 0990–0281–30D and project title for reference, to Sherrette A. Funn, email: *Sherrette.Funn@hhs.gov,* or call (202) 795–7714 the Reports Clearance Officer.

SUPPLEMENTARY INFORMATION: Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Title of the Collection: Prevention Communication Formative Research.

Type of Collection: Extension.

OMB No: 0990–0281—Office of Disease Prevention and Health Promotion.

Abstract: The Office of Disease Prevention and Health Promotion (ODPHP) is focused on developing and disseminating health information to the public. ODPHP faces an increasingly urgent interest in finding effective ways to communicate health information to

America's diverse population. ODPHP strives to be responsive to the needs of America's diverse audiences while simultaneously serving all Americans across a range of channels, from print to new communication technologies. To carry out prevention information efforts, ODPHP is committed to conducting formative and usability research to provide guidance on the development and implementation of their communication and education efforts. The information collected will be used to improve communication, products, and services that support key office activities including: Healthy People, Dietary Guidelines for Americans, Food Is Medicine, Physical Activity Guidelines for Americans, MyHealthfinder, the Move Your Way® Campaign, the President's Council on Sports, Fitness & Nutrition, health literacy and healthy aging. ODPHP communicates through its website (*www.health.gov*) and through other channels including social media, print materials, interactive training modules, and reports. This request builds on previous formative research approaches to place more emphasis on Web-based data collection to allow greater geographical diversity among respondents, to decrease respondent burden, and to save government costs. Data collection will be qualitative and quantitative and may include in-depth interviews, focus groups, web-based surveys, omnibus surveys, card sorting, and various forms of usability testing of materials and interactive tools to assess the public's understanding of disease prevention and health promotion content, responses to prototype materials, and barriers to effective use.

The program is requesting a 3-year extension of its clearance.

ANNUALIZED BURDEN HOUR TABLE

Forms (if necessary)	Number of respondents	Number of responses per respondents	Average burden per response	Total burden hours
In-depth interviews—Screener	500	1	10/60	83
In-depth interviews—Instrument	167	1	1.00	167
Focus groups—Screener	975	1	10/60	162.5
Focus groups—Instrument	325	1	1.50	487.5
Intercept interviews	1750	1	5/60	146
Cognitive testing of instruments—Screener	50	1	10/60	8
Cognitive testing of instruments—Cognitive test	17	1	2.00	34
Web-based surveys—Screener	10,000	1	5/60	833
Web-based surveys—Survey	3,333	1	15/60	833
Omnibus surveys	700	1	10/60	117
Gatekeeper reviews	109	1	30/60	54
Card sorting—Screener	200	1	10/60	33
Card sorting—Card sort	67	1	1.00	67
Usability and prototype testing of materials (print and web)—Screener	600	1	10/60	100
Usability and prototype testing of materials (print and web)—usability tests	208	1	1.00	208
Total	.....	.....	.....	3,333

Sherrette A. Funn,

Paperwork Reduction Act Reports Clearance Officer, Office of the Secretary.

[FR Doc. 2024–23795 Filed 10–15–24; 8:45 am]

BILLING CODE 4150–32–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Basic Biology of Blood, Heart, and Vasculature.

Date: November 7, 2024.

Time: 10:00 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Aisha Lanette Walker, Ph.D., Scientific Review Officer, Center for Scientific Review, 6701 Rockledge Drive, Bethesda, MD 20892, 301–594–3527, *aisha.walker@nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Fellowships: Oncology.

Date: November 7–8, 2024.

Time: 10:00 a.m. to 8:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Reigh-Yi Lin, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Rm. 4152, MSC 7846, Bethesda, MD 20892, (301) 827–6009, *lin.reigh-yi@nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; S10 Instrumentation: Flow Cytometry.

Date: November 7, 2024.

Time: 11:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Jessica Smith, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 402–3717, *jessica.smith6@nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Topics in Pathogenic Eukaryotes.

Date: November 7, 2024.

Time: 2:00 p.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Velasco Cimica, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 594–1760, *velasco.cimica@nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business: Musculoskeletal Sciences in Diagnostics, Devices, and Rehabilitation.

Date: November 12–13, 2024.

Time: 8:00 a.m. to 8:30 p.m.

Agenda: To review and evaluate grant applications.

Address: Melrose Hotel, 2430 Pennsylvania Ave. NW, Washington, DC 20037.

Meeting Format: In Person.

Contact Person: Amber Taylor Collins, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 827–5245, *amber.collins@nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business: Applied Immunology and Vaccine Development.

Date: November 12–13, 2024.

Time: 8:30 a.m. to 8:00 p.m.

Agenda: To review and evaluate grant applications.

Address: Residence Inn Bethesda, 7335 Wisconsin Avenue, Bethesda, MD 20814.

Meeting Format: In Person.

Contact Person: Dayadevi Jirage, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4422, Bethesda, MD 20892, (301) 867–5309, *jiragedb@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business: Cancer Diagnosis and Treatments (CDT).

Date: November 12–13, 2024.

Time: 9:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Victor A. Panchenko, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 802B2, Bethesda, MD 20892, (301) 867–5309, *victor.panchenko@nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis; Panel Fellowships: Vascular and Hematological Systems, Surgical Sciences, Biomedical Imaging, and Bioengineering.

Date: November 12–13, 2024.

Time: 9:00 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Courtney Elaine Watkins, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 496–3093, *courtney.watkins2@nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Fellowships: Infectious Disease and Immunology A.

Date: November 12–13, 2024.

Time: 9:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Maria Chiara G. Monaco-Kushner, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Dr., Bethesda, MD 20892, (301) 555–1212, *monaco@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Fellowships: Behavioral Neuroscience.

Date: November 12–13, 2024.

Time: 10:00 a.m. to 8:30 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: John Drake Morgan, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Dr., Room 1015A, Bethesda, MD 20892, (301) 827–9283, *morganjod@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: October 10, 2024.

Victoria E. Townsend,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2024–23874 Filed 10–15–24; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel; Center of Excellence for Systems Modeling of Infection and Immunity across Biological Scales (U54 Clinical Trial Not Allowed).

Date: November 21–22, 2024.

Time: 10:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3G45, Rockville, MD 20892 (Video Assisted Meeting).

Contact Person: Vanitha Sundaresa Raman, Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3G45, Rockville, MD 20892, 301–761–7949, *vanitha.raman@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: October 10, 2024.

Lauren A. Fleck,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2024–23838 Filed 10–15–24; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the Division of Intramural Research Board of Scientific Counselors, NIAID.

The meeting will be closed to the public as indicated below in accordance with the provisions set forth in section 552b(c)(6), title 5 U.S.C., as amended for the review, discussion, and evaluation of individual intramural programs and projects conducted by the National Institute of Allergy and Infectious Diseases, including consideration of personnel qualifications and performance, and the competence of individual investigators, the disclosure

of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Division of Intramural Research Board of Scientific Counselors, NIAID.

Date: December 9–11, 2024.

Time: 8:00 a.m. to 10:15 a.m.

Agenda: To review and evaluate personnel qualifications and performance, and competence of individual investigators.

Address: National Institute of Allergy and Infectious Diseases, National Institutes of Health, Building 50, Conference Room 1227/1233, 50 Center Drive, Bethesda, MD 20892.

Contact Person: Laurie Lewallen, Committee Manager, Division of Intramural Research, National Institute of Allergy and Infectious Diseases, National Institutes of Health, Building 33, Room 1N24, 33 North Drive, Bethesda, MD 20892, 301–761–6362, *Laurie.Lewallen@nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: October 10, 2024.

Lauren A. Fleck,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2024–23836 Filed 10–15–24; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Drug Abuse; Notice of Closed Meetings

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel; Microglial Pathophysiology in Comorbid Substance Use Disorder (SUD) and HIV.

Date: November 5, 2024.

Time: 2:00 p.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institute of Health, National Institute on Drug Abuse, 301 North Stonestreet Avenue, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Meysam Yazdankhah, Ph.D., Scientific Review Officer, Scientific Review Branch, Office of Extramural Policy, National Institute on Drug Abuse, NIH, 301 North Stonestreet Avenue, MSC 6021, Bethesda, MD 20892, (301) 402–6965, *meysam.yazdankhah@nih.gov*.

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel; Mechanistic Studies on Social Behavior in Substance Use Disorder.

Date: November 19, 2024.

Time: 11:00 a.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institute of Health, National Institute on Drug Abuse, 301 North Stonestreet Avenue, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Caitlin Elizabeth Angela Moyer, Ph.D., Scientific Review Officer, Scientific Review Branch, Office of Extramural Policy, National Institute on Drug Abuse, NIH, 301 North Stonestreet Avenue, MSC 6021, Bethesda, MD 20892, (301) 443–4577, *caitlin.moyer@nih.gov*.

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel; High Priority HIV and Substance Use Research.

Date: November 20, 2024.

Time: 11:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institute of Health, National Institute on Drug Abuse, 301 North Stonestreet Avenue, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Trinh T. Tran, Ph.D., Scientific Review Officer, Scientific Review Branch, Office of Extramural Policy, National Institute on Drug Abuse, NIH, 301 North Stonestreet Avenue, MSC 6021, Bethesda, MD 20892, (301) 827–5843, *trinh.tran@nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.277, Drug Abuse Scientist Development Award for Clinicians, Scientist Development Awards, and Research Scientist Awards; 93.278, Drug Abuse National Research Service Awards for Research Training; 93.279, Drug Abuse and Addiction Research Programs, National Institutes of Health, HHS)

Dated: October 10, 2024.

Lauren A. Fleck,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2024–23837 Filed 10–15–24; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

[Docket No. CISA–2024–0028]

Request for Comment on Product Security Bad Practices Guidance

AGENCY: Cybersecurity and Infrastructure Security Agency (CISA), Department of Homeland Security (DHS).

ACTION: Notice of availability; request for comment.

SUMMARY: The Cybersecurity Division (CSD) within the Cybersecurity and Infrastructure Security Agency (CISA) requests feedback on draft Product Security Bad Practices guidance. Additionally, CISA requests input on analysis or approaches currently absent from the guidance.

DATES: Written comments are requested on or before December 2, 2024. Submissions received after the deadline for receiving comments may not be considered.

ADDRESSES: You may submit comments, identified by docket number CISA–2024–0028, by following the instructions below for submitting comments via the Federal eRulemaking Portal at *http://www.regulations.gov.*

Instructions: All comments received must include the agency name and docket number Docket Number CISA–2024–0028. All comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. CISA reserves the right to publicly republish relevant and unedited comments in their entirety that are submitted to the docket. Do not include personal information such as account numbers, social security numbers, or the names of other individuals. Do not submit confidential business information or otherwise sensitive or protected information.

Docket: For access to the docket to read the draft Product Security Bad Practices Guidance or comments received, go to *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Kirk Lawrence; 202–617–0036; *SecureByDesign@cisa.dhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Public Participation

Interested persons are invited to comment on this notice by submitting written data, views, or arguments using the method identified in the aforementioned **ADDRESSES** section. All members of the public including, but not limited to, specialists in the field, academic experts, members of industry, public interest groups, and those with relevant economic expertise are invited to comment.

II. Background

In line with CISA's Secure by Design initiative, software manufacturers should ensure security is a core consideration from the onset of software development. CISA's draft, voluntary

Product Security Bad Practices guidance provides an overview of product security practices that are deemed exceptionally risky, particularly for organizations supporting critical infrastructure or national critical functions (NCFs), and it provides recommendations for software manufacturers to voluntarily mitigate these risks. The guidance contained in the document is non-binding, and while CISA encourages organizations to avoid these bad practices, the document imposes no requirement on them to do so.

The draft guidance is scoped to software manufacturers who develop software products and services, including on-premises software, cloud services, and software as a service (SaaS), used in support of critical infrastructure or NCFs.

By choosing to follow the recommendations in the draft guidance, manufacturers will signal to customers that they are taking ownership of customer security outcomes, a key secure by design principle.

CISA strongly encourage all software manufacturers to avoid the product security bad practices included in the Product Security Bad Practices guidance. The Product Security Bad Practices guidance is co-sealed with the Federal Bureau of Investigation.

III. List of Topics for Commenters

CISA seeks comments on the draft Product Security Bad Practices guidance, in the following three categories. Note: the categories are explained in detail in the draft guidance itself, available at *https://www.cisa.gov/resources-tools/resources/product-security-bad-practices.*

1. Product properties, which describe the observable security-related qualities of a software product itself. Listed bad practices are:

a. A new product line is developed using a memory unsafe language or the manufacturer does not publish a memory safety roadmap by January 1, 2026.

b. The product includes user-provided input directly in the raw contents of a SQL database query string.

c. The product includes user-provided input directly in the raw contents of an operating system command string.

d. The product includes default passwords.

e. The product contains, at the time of release, a component with an exploitable vulnerability present on CISA's Known Exploited Vulnerabilities (KEV) Catalog.

f. The product uses open-source software components that have critical known exploitable vulnerabilities.[1]

2. Security features, which describe the security functionalities that a product supports. Listed bad practices are:

a. The baseline version of the product does not support multi-factor authentication.

b. The baseline version of the product does not make audit logs available.

3. Organizational processes and policies, which describe actions taken by a software manufacturer to ensure strong transparency in its approach to security. Listed bad practices are:

a. The organization fails to publish Common Vulnerabilities and Exposures (CVEs) with Common Weakness Enumerations (CWEs) in a timely manner (or at all).

b. The organization fails to publish a vulnerability disclosure policy.

CISA also welcomes comments on other areas or approaches currently absent from the guidance.

This notice is issued under the authority of 6 U.S.C. 652 and 659.

Jeffrey E. Greene,

Executive Assistant Director for Cybersecurity, Cybersecurity and Infrastructure Security Agency, Department of Homeland Security.

[FR Doc. 2024–23869 Filed 10–15–24; 8:45 am]

BILLING CODE 9111–LF–P

DEPARTMENT OF HOMELAND SECURITY

[Docket Number DHS–2024–0028]

Agency Information Collection Activities: Office of the Immigration Detention Ombudsman (OIDO) Intake Form, DHS Form 405, OMB Control No. 1601–0030

AGENCY: Department of Homeland Security (DHS).

ACTION: 60-Day notice and request for comments.

SUMMARY: The Department of Homeland Security will submit the following Information Collection Request (ICR) to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted until December 16, 2024. This process is conducted in accordance with 5 CFR 1320.1

ADDRESSES: You may submit comments, identified by docket number Docket # DHS–2024–0028, at:

○ Federal eRulemaking Portal: *http://www.regulations.gov.* Please follow the instructions for submitting comments.

Instructions: All submissions received must include the agency name and docket number Docket # DHS–2024–0028. All comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided.

Docket: For access to the docket to read background documents or comments received, go to *http://www.regulations.gov.*

SUPPLEMENTARY INFORMATION: The Department of Homeland Security's (DHS) Office of the Immigration Detention Ombudsman (OIDO) is an independent office tasked with resolving individual complaints from or about individuals in immigration detention regarding the potential violation of immigration detention standards or other potential misconduct. OIDO was established by Congress (sec. 106 of the Consolidated Appropriations Act, 2020, Pub. L. 116–93).

DHS Form 405—''Case Intake Form'' is intended for use by individuals wishing to submit a complaint to OIDO. Information collected will provide the office with details about the allegations the submitter seeks to have OIDO address. DHS is revising the information collection to refine several questions in Form 405 and to include an additional form, ''Privacy Waiver Authorizing Disclosure to a Third Party''. Information collected on the ''Privacy Waiver Authorizing Disclosure to a Third Party'' will allow OIDO to disclose permitted information to a third party, such as the detained individual's relatives and/or representatives.

The information collected on Form 405—''Case Intake Form'' allows OIDO to identify: (1) the individual submitting the complaint and their contact information; (2) the detained individual who is the subject of the complaint; (3) the government-owned or contracted facility where the individual is or was detained and for how long; and (4) relevant details about the complaint. All of this information will be used by OIDO to investigate, resolve, and if appropriate, provide redress.

Based on usability testing recommendations, DHS is revising Form 405. The form will be shortened by reducing extraneous sections, such as Question 12a (Category), Question 12b

[1] A critical vulnerability is one that has an Attack Vector of ''network,'' Privileges Required of ''None,'' does not require user interaction, and has a ''high'' impact on at least two of the Confidentiality, Integrity, and Availability loss vectors.

(Sub-Category), and Question 16. Please *see* the Narrative of Changes Table, a supplementary document, noting the revisions.

OIDO will use the additional form, ''Privacy Waiver Authorizing Disclosure to a Third Party'', to obtain the detained individual's authorization to disclose permitted information and/or records about that individual to a third party. Information collected on the ''Privacy Waiver Authorizing Disclosure to a Third Party'' will allow OIDO to disclose permitted information to a third party, such as the detained individual's relatives and/or representatives.

The use of DHS Form 405—''Case Intake Form'' is the most efficient means for collecting and processing the required data. The form is available for download from the OIDO website. The PDF form can be completed online and submitted to OIDO by email or mail. Additionally, DHS Form 405—''Case Intake Form'' can be submitted electronically via the myOIDO portal (*https://myoido.dhs.gov/en-US/*).

After approval of the ''Privacy Waiver Authorizing Disclosure to a Third-Party'' form, an electronic version will be developed so that submitters may complete and file it via the OIDO website. Additionally, the form will be available for download from the OIDO website. The PDF form will be able to be completed online, printed out, and submitted to OIDO by email or mail or handed in person at a detention facility.

This information collection does not have an impact on small businesses or other small entities. If this information is not collected, OIDO will not be able to accomplish its Congressional mandate to provide assistance to individuals who may be affected by misconduct, excessive force, or other violations of law or detention standards. DHS will conduct this collection in a manner consistent with the general information collection guidelines in 5 CFR 1320.5(d)(2). The assurance of confidentiality provided to the respondents for this information collection is based on the Privacy Impact Assessment for the Immigration Detention Ombudsman Case Management System (IDCMS) (June 21, 2021). Additionally, the information collected is covered by DHS/ALL–020 Department of Homeland Security Internal Affairs, April 28, 2014, 79 FR 23361 and DHS/ALL–025 Law Enforcement Authority in Support of the Protection of Property Owned, Occupied, or Secured by the Department of Homeland Security System of Records, June 14, 2017, 82 FR 27274.

This information collection was constructed in compliance with regulations and authorities under the purview of the DHS Privacy Office, DHS OCIO, DHS Records Management, and OMB regulations regarding data collection, use, sharing, storage, information security, and retrieval of information.

The addition of the ''*Privacy Waiver Authorizing Disclosure to a Third Party*'' form and the removal of several questions from OIDO ''*Case Intake Form*'' resulted in a change in the collection burden.

The Office of Management and Budget is particularly interested in comments which:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

3. Enhance the quality, utility, and clarity of the information to be collected; and

4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses.

Analysis

Agency: Department of Homeland Security (DHS).

Title: Office of the Immigration and Detention Ombudsman (OIDO) Intake Form.

OMB Number: 1601–0030.

Frequency: Annually.

Affected Public: Individuals in Immigration Detention.

Number of Respondents: 5,436.

Estimated Time per Respondent: 1 hour.

Total Burden Hours: 5,436.

Robert Porter Dorr,

Executive Director, Business Management Directorate.

[FR Doc. 2024–23858 Filed 10–15–24; 8:45 am]

BILLING CODE 9112–FL–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R8–ES–2024–N041; FXES11130800000–245–FF08E00000]

Endangered and Threatened Wildlife and Plants; Initiation of 5-Year Status Reviews for 59 Pacific Southwest Species

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of initiation of reviews; request for information.

SUMMARY: We, the U.S. Fish and Wildlife Service, are initiating 5-year status reviews under the Endangered Species Act for 59 species. A 5-year status review is based on the best scientific and commercial data available at the time of the review; therefore, we are requesting submission of any new information on these species that has become available since the last reviews.

DATES: To ensure consideration of your information in our reviews, we must receive your comments or information on or before December 16, 2024. However, we will continue to accept new information about any species at any time.

ADDRESSES: For instructions on how to submit information for a species, see table 1 in the **SUPPLEMENTARY INFORMATION** section.

FOR FURTHER INFORMATION CONTACT: To request information on specific species, contact the appropriate person in the table in the **SUPPLEMENTARY INFORMATION** section or, for general information, contact Bjorn Erickson, via phone at (916) 414–6741, via email at *peter_erickson@fws.gov,* or via U.S. mail at U.S. Fish and Wildlife Service, 2800 Cottage Way, Suite W–2606, Sacramento, CA 95825. Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

SUPPLEMENTARY INFORMATION: We, the U.S. Fish and Wildlife Service, are initiating 5-year status reviews under the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), for 32 animal species and 27 plant species. A 5-year status review is based on the best scientific and commercial data available at the time of the review; therefore, we are requesting submission

of any such information that has become available since the last review for the species, particularly information on the status, threats, and recovery of the species.

Why do we conduct a 5-year review?

Under the ESA, we maintain Lists of Endangered and Threatened Wildlife and Plants (which we collectively refer to as the List) in title 50 of the Code of Federal Regulations (CFR) at 50 CFR 17.11 (for wildlife) and 50 CFR 17.12 (for plants). Section 4(c)(2)(A) of the ESA requires us to review each listed species' status at least once every 5 years. Our regulation at 50 CFR 424.21 requires that we publish a notice in the **Federal Register** announcing that a species is under active review. For additional information about 5-year reviews, refer to our fact sheet at *https://www.fws.gov/project/five-year-status-reviews.*

What information do we consider in our review?

A 5-year status review considers all new information available at the time of the review. In conducting these reviews, we consider the best scientific and commercial data that have become available since the current listing determination or most recent status review of each species, such as:

A. Species biology, including but not limited to population trends, distribution, abundance, demographics, and genetics;

B. Habitat conditions, including but not limited to amount, distribution, and suitability;

C. Conservation measures that have been implemented that benefit the species;

D. Threat status and trends in relation to the five listing factors (as defined in section 4(a)(1) of the ESA); and

E. Other new information, data, or corrections, including but not limited to taxonomic or nomenclatural changes, identification of erroneous information contained in the List, and improved analytical methods.

Any new information will be considered during the 5-year status review and will also be useful in evaluating the ongoing recovery programs for the species.

Which species are under review?

This notice announces 5-year status reviews for the species listed in table 1.

TABLE 1—SPECIES UNDER REVIEW

Common name	Scientific name	Listing status	Locations where the species is known to occur	Contact person, email, phone	Contact's mailing address (U.S. mail)
ANIMALS					
Mammals					
Fisher, Southern Sierra Nevada DPS.	*Pekania pennanti*	E	CA	Amber Aguilera, *fw8sfwocomments@fws.gov,* 916–414–6626.	USFWS, 2800 Cottage Way, Suite W–2605, Sacramento, CA 95825.
Fox, San Joaquin kit	*Vulpes macrotis mutica*	E	CA	Amber Aguilera, *fw8sfwocomments@fws.gov,* 916–414–6626.	USFWS, 2800 Cottage Way, Suite W–2605, Sacramento, CA 95825.
Kangaroo rat, Fresno	*Dipodomys nitratoides exilis*	E	CA	Amber Aguilera, *fw8sfwocomments@fws.gov,* 916–414–6626.	USFWS, 2800 Cottage Way, Suite W–2605, Sacramento, CA 95825.
Kangaroo rat, giant	*Dipodomys ingens*	E	CA	Amber Aguilera, *fw8sfwocomments@fws.gov,* 916–414–6626.	USFWS, 2800 Cottage Way, Suite W–2605, Sacramento, CA 95825.
Kangaroo rat, Morro Bay	*Dipodomys heermanni morroensis.*	E	CA	Samantha Lantz, *samantha_lantz@fws.gov,* 805–677–3314.	USFWS, 2493 Portola Road, Suite B, Ventura CA 93003.
Kangaroo rat, Stephens'	*Dipodomys stephensii*	Th	CA	Bradd Bridges, *bradd_bridges@fws.gov,* 760–431–9440.	USFWS, 2177 Salk Avenue, Suite 250, Carlsbad, CA 92008.
Kangaroo rat, Tipton	*Dipodomys nitratoides nitratoides.*	E	CA	Amber Aguilera, *fw8sfwocomments@fws.gov,* 916–414–6626.	USFWS, 2800 Cottage Way, Suite W–2605, Sacramento, CA 95825.
Marten, Pacific	*Martes caurina*	T	CA, OR	Nora Papian, *fw8_afwo_comments@fws.gov,* 707–822–7201.	USFWS, 1655 Heindon Road, Arcata, CA 95521.
Mouse, Pacific pocket	*Perognathus longimembris pacificus.*	E	CA	Bradd Bridges, *bradd_bridges@fws.gov,* 760–431–9440.	USFWS, 2177 Salk Avenue, Suite 250, Carlsbad, CA 92008.
Rabbit, riparian brush	*Sylvilagus bachmani riparius*	E	CA	Amber Aguilera, *fw8sfwocomments@fws.gov,* 916–414–6626.	USFWS, 2800 Cottage Way, Suite W–2605, Sacramento, CA 95825.
Shrew, Buena Vista Lake	*Sorex ornatus relictus*	E	CA	Amber Aguilera, *fw8sfwocomments@fws.gov,* 916–414–6626.	USFWS, 2800 Cottage Way, Suite W–2605, Sacramento, CA 95825.
Woodrat, riparian (=San Joaquin Valley).	*Neotoma fuscipes riparia*	E	CA	Amber Aguilera, *fw8sfwocomments@fws.gov,* 916–414–6626.	USFWS, 2800 Cottage Way, Suite W–2605, Sacramento, CA 95825.
Birds					
Rail, California Ridgway's	*Rallus longirostris obsoletus*	E	CA	Steven Detwiler, *steven_detwiler@fws.gov,* 916–930–2640.	USFWS, 650 Capitol Mall, Suite 8–300, Sacramento, CA 95814.
Rail, light-footed Ridgway's	*Rallus longirostris levipes*	E	CA	Bradd Bridges, *bradd_bridges@fws.gov,* 760–431–9440.	USFWS, 2177 Salk Avenue, Suite 250, Carlsbad, CA 92008.
Shrike, San Clemente loggerhead.	*Lanius ludovicianus mearnsi*	E	CA	Bradd Bridges, *bradd_bridges@fws.gov,* 760–431–9440.	USFWS, 2177 Salk Avenue, Suite 250, Carlsbad, CA 92008.

TABLE 1—SPECIES UNDER REVIEW—Continued

Common name	Scientific name	Listing status	Locations where the species is known to occur	Contact person, email, phone	Contact's mailing address (U.S. mail)
Tern, California least	*Sterna antillarum browni*	E	CA	Bradd Bridges, *bradd_bridges@fws.gov,* 760–431–9440.	USFWS, 2177 Salk Avenue, Suite 250, Carlsbad, CA 92008.
Reptiles					
Lizard, blunt-nosed leopard	*Gambelia silus*	E	CA	Amber Aguilera, *fw8sfwocomments@fws.gov;* 916–414–6626.	USFWS, 2800 Cottage Way, Suite W–2605, Sacramento, CA 95825.
Snake, giant garter	*Thamnophis gigas*	T	CA	Amber Aguilera, *fw8sfwocomments@fws.gov,* 916–414–6626.	USFWS, 2800 Cottage Way, Suite W–2605, Sacramento, CA 95825.
Snake, San Francisco garter	*Thamnophis sirtalis tetrataenia*	E	CA	Amber Aguilera, *fw8sfwocomments@fws.gov,* 916–414–6626.	USFWS, 2800 Cottage Way, Suite W–2605, Sacramento, CA 95825.
Whipsnake (=striped racer), Alameda.	*Masticophis lateralis euryxanthus.*	T	CA	Amber Aguilera, *fw8sfwocomments@fws.gov,* 916–414–6626.	USFWS, 2800 Cottage Way, Suite W–2605, Sacramento, CA 95825.
Fishes					
Chub, Mohave tui	Gila bicolor mohavensis	E	CA	Bradd Bridges, *bradd_bridges@fws.gov,* 760–431–9440.	USFWS, 2177 Salk Avenue, Suite 250, Carlsbad, CA 92008.
Pupfish, Ash Meadows Amargosa.	*Cyprinodon nevadensis mionectes.*	E	NV	Kellie Berry, *kellie_berry@fws.gov,* 702–515–5459.	USFWS, 4701 North Torrey Pines Drive, Las Vegas, NV 89130.
Trout, Paiute cutthroat	*Oncorhynchus clarkii seleniris*	T	CA	Anne Mankowski, *RFWOmail@fws.gov,* 775–861–6300.	USFWS, 1340 Financial Boulevard, Suite 234, Reno, NV 89502.
Amphibians					
Salamander, desert slender	*Batrachoseps aridus*	E	CA	Bradd Bridges, *bradd_bridges@fws.gov,* 760–431–9440.	USFWS, 2177 Salk Avenue, Suite 250, Carlsbad, CA 92008.
Salamander, Santa Cruz long-toed.	*Ambystoma macrodactylum croceum.*	E	CA	Samantha Lantz, *samantha_lantz@fws.gov,* 805–677–3314.	USFWS, 2493 Portola Road, Suite B, Ventura CA 93003.
Insects					
Butterfly, Behren's silverspot	*Speyeria zerene behrensii*	E	CA, OR	Nora Papian, *fw8_afwo_comments@fws.gov,* 707–822–7201.	USFWS, 1655 Heindon Road, Arcata, CA 95521.
Butterfly, lotis blue	*Lycaeides argyrognomon lotis*	E	CA	Nora Papian, *fw8_afwo_comments@fws.gov,* 707–822–7201.	USFWS, 1655 Heindon Road, Arcata, CA 95521.
Butterfly, callippe silverspot	*Speyeria callippe callippe*	E	CA	Amber Aguilera, *fw8sfwocomments@fws.gov,* 916–414–6626.	USFWS, 2800 Cottage Way, Suite W–2605, Sacramento, CA 95825.
Moth, Kern primrose sphinx	*Euproserpinus euterpe*	T	CA	Amber Aguilera, *fw8sfwocomments@fws.gov,* 916–414–6626.	USFWS, 2800 Cottage Way, Suite W–2605, Sacramento, CA 95825.
Butterfly, Lange's metalmark	*Apodemia mormo langei*	E	CA	Steven Detwiler, *steven_detwiler@fws.gov,* 916–930–2640.	USFWS, 650 Capitol Mall, Suite 8–300, Sacramento, CA 95814.
Naucorid, Ash Meadows	*Ambrysus amargosus*	T	NV	Kellie Berry, *kellie_berry@fws.gov,* 702–515–5459.	USFWS, 4701 North Torrey Pines Drive, Las Vegas, NV 89130.
Snails					
Snail, Morro shoulderband	*Helminthoglypta walkeriana*	T	CA	Samantha Lantz, *samantha_lantz@fws.gov,* 805–677–3314.	USFWS, 2493 Portola Road, Suite B, Ventura CA 93003.
PLANTS					
Flowering Plants					
Rock-cress, McDonald's	*Arabis macdonaldiana*	E	CA	Nora Papian, *fw8_afwo_comments@fws.gov,* 707–822–7201.	USFWS, 1655 Heindon Road, Arcata, CA 95521.
Wallflower, Menzies'	*Erysimum menziesii*	E	CA	Nora Papian, *fw8_afwo_comments@fws.gov,* 707–822–7201.	USFWS, 1655 Heindon Road, Arcata, CA 95521.

TABLE 1—SPECIES UNDER REVIEW—Continued

Common name	Scientific name	Listing status	Locations where the species is known to occur	Contact person, email, phone	Contact's mailing address (U.S. mail)
Bird's-beak, salt marsh	*Cordylanthus maritimus* ssp. *maritimus*.	E	CA, Mexico	Bradd Bridges, *bradd_bridges@fws.gov,* 760–431–9440.	USFWS, 2177 Salk Avenue, Suite 250, Carlsbad, CA 92008.
Ceanothus, Vail Lake	*Ceanothus ophiochilus*	E	CA	Bradd Bridges, *bradd_bridges@fws.gov,* 760–431–9440.	USFWS, 2177 Salk Avenue, Suite 250, Carlsbad, CA 92008.
Crownbeard, big-leaved	*Verbesina dissita*	T	CA	Bradd Bridges, *bradd_bridges@fws.gov,* 760–431–9440.	USFWS, 2177 Salk Avenue, Suite 250, Carlsbad, CA 92008.
Paintbrush, ash-grey Indian	*Castilleja cinerea*	T	CA	Bradd Bridges, *bradd_bridges@fws.gov,* 760–431–9440.	USFWS, 2177 Salk Avenue, Suite 250, Carlsbad, CA 92008.
Woodland-star, San Clemente Island.	*Lithophragma maximum*	E	CA	Bradd Bridges, *bradd_bridges@fws.gov,* 760–431–9440.	USFWS, 2177 Salk Avenue, Suite 250, Carlsbad, CA 92008.
Cactus, Bakersfield	*Opuntia treleasei*	E	CA	Amber Aguilera, *fw8sfwocomments@fws.gov,* 916–414–6626.	USFWS, 2800 Cottage Way, Suite W–2605, Sacramento, CA 95825.
Checker-mallow, Keck's	*Sidalcea keckii*	E	CA	Amber Aguilera, *fw8sfwocomments@fws.gov,* 916–414–6626.	USFWS, 2800 Cottage Way, Suite W–2605, Sacramento, CA 95825.
Jewelflower, California	*Caulanthus californicus*	E	CA	Amber Aguilera, *fw8sfwocomments@fws.gov,* 916–414–6626.	USFWS, 2800 Cottage Way, Suite W–2605, Sacramento, CA 95825.
Mallow, Kern	*Eremalche kernensis*	E	CA	Amber Aguilera, *fw8sfwocomments@fws.gov,* 916–414–6626.	USFWS, 2800 Cottage Way, Suite W–2605, Sacramento, CA 95825.
Wooly-threads, San Joaquin	*Lembertia congdonii*	E	CA	Amber Aguilera, *fw8sfwocomments@fws.gov,* 916–414–6626.	USFWS, 2800 Cottage Way, Suite W–2605, Sacramento, CA 95825.
Evening-primrose, Antioch Dunes.	*Oenothera deltoides* ssp. *howellii*.	E	CA	Steven Detwiler, *steven_detwiler@fws.gov,* 916–930–2640.	USFWS, 650 Capitol Mall, Suite 8–300, Sacramento, CA 95814.
Blazing-star, Ash Meadows	*Mentzelia leucophylla*	T	NV	Kellie Berry, *kellie_berry@fws.gov,* 702–515–5459.	USFWS, 4701 North Torrey Pines Drive, Las Vegas, NV 89130.
Centaury, spring-loving	*Centaurium namophilum*	T	NV	Kellie Berry, *kellie_berry@fws.gov,* 702–515–5459.	USFWS, 4701 North Torrey Pines Drive, Las Vegas, NV 89130.
Gumplant, Ash Meadows	*Grindelia fraxino-pratensis*	T	NV	Kellie Berry, *kellie_berry@fws.gov,* 702–515–5459.	USFWS, 4701 North Torrey Pines Drive, Las Vegas, NV 89130.
Ivesia, Ash Meadows	*Ivesia kingii* var. *eremica*	T	NV	Kellie Berry, *kellie_berry@fws.gov,* 702–515–5459.	USFWS, 4701 North Torrey Pines Drive, Las Vegas, NV 89130.
Milk-vetch, Ash meadows	*Astragalus phoenix*	T	NV	Kellie Berry, *kellie_berry@fws.gov,* 702–515–5459.	USFWS, 4701 North Torrey Pines Drive, Las Vegas, NV 89130.
Sunray, Ash Meadows	*Enceliopsis nudicaulis* var. *corrugata*.	T	NV	Kellie Berry, *kellie_berry@fws.gov,* 702–515–5459.	USFWS, 4701 North Torrey Pines Drive, Las Vegas, NV 89130.
Clover, Monterey	*Trifolium trichocalyx*	E	CA	Samantha Lantz, *samantha_lantz@fws.gov,* 805–677–3314.	USFWS, 2493 Portola Road, Suite B, Ventura CA 93003.
Gilia, Monterey	*Gilia tenuiflora* ssp. *arenaria*	E	CA	Samantha Lantz, *samantha_lantz@fws.gov,* 805–677–3314.	USFWS, 2493 Portola Road, Suite B, Ventura CA 93003.
Potentilla, Hickman's	*Potentilla hickmanii*	E	CA	Samantha Lantz, *samantha_lantz@fws.gov,* 805–677–3314.	USFWS, 2493 Portola Road, Suite B, Ventura CA 93003.
Sandwort, Marsh	*Arenaria paludicola*	E	CA, WA	Samantha Lantz, *samantha_lantz@fws.gov,* 805–677–3314.	USFWS, 2493 Portola Road, Suite B, Ventura CA 93003.
Bushmallow, Santa Cruz Island	*Malacothamnus fasciculatus* var. *nesioticus*.	E	CA	Samantha Lantz, *samantha_lantz@fws.gov,* 805–677–3314.	USFWS, 2493 Portola Road, Suite B, Ventura CA 93003.
Liveforever, Santa Barbara Island.	*Dudleya traskiae*	E	CA	Samantha Lantz, *samantha_lantz@fws.gov,* 805–677–3314.	USFWS, 2493 Portola Road, Suite B, Ventura CA 93003.
Phacelia, island	*Phacelia insularis* ssp. *insularis*	E	CA	Samantha Lantz, *samantha_lantz@fws.gov,* 805–677–3314.	USFWS, 2493 Portola Road, Suite B, Ventura CA 93003.
Dudleya, Santa Monica Mountains.	*Dudleya cymosa* ssp. *ovatifolia*	T	CA	Samantha Lantz, *samantha_lantz@fws.gov,* 805–677–3314.	USFWS, 2493 Portola Road, Suite B, Ventura CA 93003.

Request for New Information

To ensure that a 5-year status review is complete and based on the best available scientific and commercial information, we request new information from all sources. See What Information Do We Consider in Our Review? for specific criteria. If you submit information, please support it with documentation such as maps, references, methods used to gather and analyze the data, and/or copies of any pertinent publications, reports, or letters by knowledgeable sources.

How do I ask questions or provide information?

If you wish to provide information for any species in Table 1, please submit your comments and materials to the appropriate contact in the table. You may also direct questions to those contacts (also see **FOR FURTHER INFORMATION CONTACT**).

Public Availability of Comments

Before including your address, phone number, email address, or other personal identifying information in your submission, you should be aware that your entire submission—including your personal identifying information—may be made publicly available at any time. Although you can request that personal information be withheld from public review, we cannot guarantee that we will be able to do so.

Completed and Active Reviews

A list of all completed and currently active 5-year status reviews can be found at *https://ecos.fws.gov/ecp/report/species-five-year-review.*

Authority

This document is published under the authority of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Jill Russi,

Deputy Regional Director, Pacific Southwest Region, U.S. Fish and Wildlife Service.

[FR Doc. 2024–23830 Filed 10–15–24; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[245A2100DD/AAKC001030/A0A501010.999900]

[Indian Gaming; Approval by Operation of Law Tribal-State Class III Gaming Compact Amendment Between the Stockbridge-Munsee Community and the State of Wisconsin

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: This notice publishes the approval by operation of law the 2024 Amendments to the Stockbridge-Munsee Community and the State of Wisconsin Gaming Compact of 1992, as Amended in 1998, 2003, and 2009 governing the operation and regulation of class III gaming activities.

DATES: The Amendment takes effect on October 16, 2024.

FOR FURTHER INFORMATION CONTACT: Ms. Paula L. Hart, Director, Office of Indian Gaming, Office of the Assistant Secretary—Indian Affairs, Washington, DC 20240, *IndianGaming@bia.gov;* (202) 219–4066.

SUPPLEMENTARY INFORMATION: The Indian Gaming Regulatory Act of 1988, 25 U.S.C. 2701 *et seq.,* (IGRA) provides the Secretary of the Interior (Secretary) with 45 days to review and approve or disapprove the Tribal-State compact governing the conduct of Class III gaming activity on the Tribe's Indian lands. *See* 25 U.S.C. 2710(d)(8). If the Secretary does not approve or disapprove a Tribal-State compact within the 45 days, IGRA provides the Tribal-State compact is considered to have been approved by the Secretary, but only to the extent the compact is consistent with IGRA. *See* 25 U.S.C. 2710(d)(8)(D). The IGRA also requires the Secretary to publish in the **Federal Register** notice of the approved Tribal-State compacts for the purpose of engaging in Class III gaming activities on Indian lands. *See* 25 U.S.C. 2710(d)(8)(D). The Department's regulations at 25 CFR 293.4 require all compacts and amendments to be reviewed and approved by the Secretary prior to taking effect. The Secretary took no action on the 2024 Amendments to the Stockbridge-Munsee Community and the State of Wisconsin Gaming Compact of 1992, as Amended in 1998, 2003, and 2009 within the 45-day statutory review period. Therefore, the Compact is considered to have been approved, but only to the extent it is consistent with IGRA. *See* 25 U.S.C. 2710(d)(8)(C).

Wizipan Garriott,

Principal Deputy Assistant Secretary—Indian Affairs, Exercising by delegation the authority of the Assistant Secretary—Indian Affairs.

[FR Doc. 2024–23787 Filed 10–15–24; 8:45 am]

BILLING CODE 4337–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[BLM_HQ_FRN_MO4500183357]

National Call for Nominations for Resource Advisory Councils

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of call for nominations.

SUMMARY: The purpose of this notice is to request public nominations for eight of the Bureau of Land Management's (BLM) statewide and regional Resource Advisory Councils (RAC) that have vacant positions or members whose terms are scheduled to expire. These RACs provide advice and recommendations to the BLM on land use planning and management of the National System of Public Lands within the geographic areas for which the RACs are organized.

DATES: All nominations must be received no later than November 15, 2024.

ADDRESSES: Nominations and completed applications should be sent to the appropriate BLM offices listed in the **SUPPLEMENTARY INFORMATION** section of this notice.

FOR FURTHER INFORMATION CONTACT: Carrie Richardson, BLM Office of Communications, at telephone: (202) 742–0625, email: *crichardson@blm.gov.* Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

SUPPLEMENTARY INFORMATION: The Federal Land Policy and Management Act (FLPMA) directs the Secretary of the Interior to involve the public in planning and issues related to management of lands administered by the BLM. Section 309 of FLPMA (43 U.S.C. 1739) directs the Secretary to establish 10- to 15-member citizen-based advisory councils that are consistent with the Federal Advisory

Committee Act (FACA). As required by FACA, RAC membership must be balanced and representative of the various interests concerned with the management of the public lands. The rules governing RACs are found at 43 CFR subpart 1784 and include the following three membership categories:

Category One—Holders of Federal grazing permits or leases within the area for which the RAC is organized; represent interests associated with transportation or rights-of-way; represent developed outdoor recreation, off-highway vehicle users, or commercial recreation activities; represent the commercial timber industry; or represent energy and mineral development.

Category Two—Representatives of nationally or regionally recognized environmental organizations; dispersed recreational activities; archaeological and historical interests; or nationally or regionally recognized wild horse and burro interest groups.

Category Three—Hold State, county, or local elected office; are employed by a State agency responsible for the management of natural resources, land, or water; represent Indian tribes within or adjacent to the area for which the RAC is organized; are employed as academicians in natural resource management or the natural sciences; or represent the affected public-at-large.

Individuals may nominate themselves or others. Nominees must be residents of the State in which the RAC has jurisdiction. The BLM will evaluate nominees based on their education, training, experience, and knowledge of the geographic area of the RAC. Nominees should demonstrate a commitment to collaborative resource decision-making.

The following must accompany all nominations:

—A completed RAC application, which can either be obtained through your local BLM office or online at: *https://www.blm.gov/sites/default/files/docs/2022-05/BLM-Form-1120-19_RAC-Application.pdf*

—Letters of reference from represented interests or organizations; and

—Any other information that addresses the nominee's qualifications.

Simultaneous with this notice, BLM State Offices will issue online announcements providing additional information for submitting nominations.

Nominations and completed applications should be sent to the office listed below:

Alaska

Arizona RAC

Dolores Garcia, BLM Arizona State Office, One North Central Avenue, Suite 800, Phoenix, AZ 85004; Phone: (602) 417–9241; Email: *dagarcia@blm.gov.*

California

Central California RAC

Philip Oviatt, Central California District Office, 5152 Hillsdale Circle, El Dorado Hills, CA 95762; Phone: (661) 432–4252; Email: *poviatt@blm.gov.*

Colorado

Northwest RAC

JD Emerson, BLM Northwest District Office, 455 Emerson Street, Craig, CO 81625; Phone: (970) 826–5101; Email: *jemerson@blm.gov.*

Rocky Mountain RAC

Levi Spellman, BLM Rocky Mountain District Office, 3028 East Main Street, Cañon City, CO 81212; Phone: (719) 269–8553; Email: *lspellman@blm.gov.*

Southwest RAC

D. Maggie Magee, BLM Southwest Colorado District Office, 2465 South Townsend Avenue, Montrose, CO 81401; Phone: (970) 240–5323; Email: *dmagee@blm.gov.*

New Mexico

Northern New Mexico RAC

Jamie Garcia, BLM Albuquerque District Office, 100 Sun Avenue NE, Pan American Building, Suite 330, Albuquerque, NM 87109; Phone: (505) 761–8700; Email: *jagarcia@blm.gov.*

Southern New Mexico RAC

Winifred Brown, BLM Pecos District Office, 2909 West Second Street, Roswell, NM 88201; Phone: (575) 627–0272; Email: *wabrown@blm.gov.*

Oregon/Washington

Southeast Oregon RAC

Lisa McNee, BLM Lakeview District Office, 1301 South G Street, Lakeview, OR 97630; Phone: (514) 947–6811; Email: *lmcnee@blm.gov.*

Western Oregon RAC

Megan Harper, BLM Coos Bay District Office, 1300 Airport Lane, North Bend, OR 97459; Phone: (541) 751–4353; Email: *m1harper@blm.gov.*

(Authority: 43 CFR 1784.4–1)

Carrie Richardson,

BLM National Advisory Committee Coordinator.

[FR Doc. 2024–23855 Filed 10–15–24; 8:45 am]

BILLING CODE 4331–31–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 701–TA–703 (Final)]

Glass Wine Bottles From China

Determination

On the basis of the record [1] developed in the subject investigation, the United States International Trade Commission (''Commission'') determines, pursuant to the Tariff Act of 1930 (''the Act''), that an industry in the United States is not materially injured or threatened with material injury by reason of imports of glass wine bottles from China, provided for in subheading 7010.90.50 of the Harmonized Tariff Schedule of the United States, that have been found by the U.S. Department of Commerce (''Commerce'') to be subsidized by the government of China.[2]

Background

The Commission instituted this investigation effective December 29, 2023, following receipt of petitions filed with the Commission and Commerce by the U.S. Glass Producers Coalition, which is comprised of Ardagh Glass Inc. (Indianapolis, Indiana), and the United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union (Pittsburgh, Pennsylvania). The Commission scheduled the final phase of the investigation following notification of a preliminary determination by Commerce that imports of glass wine bottles from China were being subsidized within the meaning of section 703(b) of the Act (19 U.S.C. 1671b(b)). Notice of the scheduling of the final phase of the Commission's investigation and of a public hearing to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** on June 12, 2024 (89 FR 49901).[3] The Commission conducted its hearing on August 14, 2024. All persons who requested the opportunity were permitted to participate.

The Commission made this determination pursuant to § 705(b) of the Act (19 U.S.C. 1671d(b)). It completed and filed its determination in

[1] The record is defined in § 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

[2] 89 FR 68395 (August 26, 2024).

[3] The Commission also published a notice in the **Federal Register** of a revision to its schedule on August 5, 2024 (89 FR 63445).

this investigation on October 9, 2024. The views of the Commission are contained in USITC Publication 5550 (October 2024), entitled *Glass Wine Bottles from China: Investigation No. 701–TA–703 (Final).*

By order of the Commission.

Issued: October 9, 2024.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2024–23798 Filed 10–15–24; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

Notice of Receipt of Complaint; Solicitation of Comments Relating to the Public Interest

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has received a complaint entitled ''Certain Electronic Eyewear Products, Components Thereof, and Related Charging Apparatuses, DN 3777''; the Commission is soliciting comments on any public interest issues raised by the complaint or complainant's filing pursuant to the Commission's Rules of Practice and Procedure.

FOR FURTHER INFORMATION CONTACT: Lisa R. Barton, Secretary to the Commission, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–2000. The public version of the complaint can be accessed on the Commission's Electronic Document Information System (EDIS) at *https://edis.usitc.gov.* For help accessing EDIS, please email *EDIS3Help@usitc.gov.*

General information concerning the Commission may also be obtained by accessing its internet server at United States International Trade Commission (USITC) at *https://www.usitc.gov.* The public record for this investigation may be viewed on the Commission's Electronic Document Information System (EDIS) at *https://edis.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission has received a complaint and a submission pursuant to § 210.8(b) of the Commission's Rules of Practice and Procedure filed on behalf of INGENIOSPEC, LLC on October 10, 2024. The complaint alleges violations of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain electronic eyewear products, components thereof, and related charging apparatuses. The complaint names as respondents: ByteDance, Ltd. of China; ByteDance Inc. of Wilmington, DE; Qingdao Chuangjian Weilai Technology Co., Ltd. of China; Funnico Inc. of San Jose, CA; PICO Immersive Pte. Ltd. of Singapore; HTC Corporation of Taiwan; HTC Europe Co. Ltd. of United Kingdom; HTC Poland SP Z O.O. of Poland; Meta Platforms, Inc. of Menlo Park, CA; Meta Platforms Technologies, LLC of Menlo Park, CA; Meta Platforms Technologies Ireland Ltd. of Ireland; Meta Platforms Technologies UK Ltd. of United Kingdom; Valve Corporation of Bellevue, WA; and Valve GmbH Corporation of Germany. The complainant requests that the Commission issue a limited exclusion order, cease and desist orders, and impose a bond upon respondents' alleged infringing articles during the 60-day Presidential review period pursuant to 19 U.S.C. 1337(j).

Proposed respondents, other interested parties, members of the public, and interested government agencies are invited to file comments on any public interest issues raised by the complaint or § 210.8(b) filing. Comments should address whether issuance of the relief specifically requested by the complainant in this investigation would affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers.

In particular, the Commission is interested in comments that:

(i) explain how the articles potentially subject to the requested remedial orders are used in the United States;

(ii) identify any public health, safety, or welfare concerns in the United States relating to the requested remedial orders;

(iii) identify like or directly competitive articles that complainant, its licensees, or third parties make in the United States which could replace the subject articles if they were to be excluded;

(iv) indicate whether complainant, complainant's licensees, and/or third party suppliers have the capacity to replace the volume of articles potentially subject to the requested exclusion order and/or a cease and desist order within a commercially reasonable time; and

(v) explain how the requested remedial orders would impact United States consumers.

Written submissions on the public interest must be filed no later than by close of business, eight calendar days after the date of publication of this notice in the **Federal Register**. There will be further opportunities for comment on the public interest after the issuance of any final initial determination in this investigation. Any written submissions on other issues must also be filed by no later than the close of business, eight calendar days after publication of this notice in the **Federal Register**. Complainant may file replies to any written submissions no later than three calendar days after the date on which any initial submissions were due, notwithstanding § 201.14(a) of the Commission's Rules of Practice and Procedure. No other submissions will be accepted, unless requested by the Commission. Any submissions and replies filed in response to this Notice are limited to five (5) pages in length, inclusive of attachments.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above. Submissions should refer to the docket number (''Docket No. 3777'') in a prominent place on the cover page and/or the first page. (*See* Handbook for Electronic Filing Procedures, Electronic Filing Procedures [1]). Please note the Secretary's Office will accept only electronic filings during this time. Filings must be made through the Commission's Electronic Document Information System (EDIS, *https://edis.usitc.gov.*) No in-person paper-based filings or paper copies of any electronic filings will be accepted until further notice. Persons with questions regarding filing should contact the Secretary at *EDIS3Help@usitc.gov.*

Any person desiring to submit a document to the Commission in confidence must request confidential treatment. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. *See* 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All information, including confidential business information and documents for which

[1] Handbook for Electronic Filing Procedures: *https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf.*

confidential treatment is properly sought, submitted to the Commission for purposes of this Investigation may be disclosed to and used: (i) by the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. appendix 3; or (ii) by U.S. Government employees and contract personnel,[2] solely for cybersecurity purposes. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary and on EDIS.[3]

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and of §§ 201.10 and 210.8(c) of the Commission's Rules of Practice and Procedure (19 CFR 201.10, 210.8(c)).

By order of the Commission.

Issued: October 10, 2024.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2024–23871 Filed 10–15–24; 8:45 am]

BILLING CODE 7020–02–P

JOINT BOARD FOR THE ENROLLMENT OF ACTUARIES

Meeting of the Advisory Committee; Meeting

AGENCY: Joint Board for the Enrollment of Actuaries

ACTION: Notice of Federal Advisory Committee meeting.

SUMMARY: The Joint Board for the Enrollment of Actuaries gives notice of a closed teleconference meeting of the Advisory Committee on Actuarial Examinations.

DATES: The meeting will be held on November 1, 2024, from 9 a.m. to 5 p.m. (ET).

FOR FURTHER INFORMATION CONTACT: Elizabeth Van Osten, Designated Federal Officer, Advisory Committee on Actuarial Examinations, at (202) 317–3648 or *elizabeth.j.vanosten@irs.gov.*

SUPPLEMENTARY INFORMATION: Notice is hereby given that the Advisory Committee on Actuarial Examinations will hold a teleconference meeting on November 1, 2024, from 9:00 a.m. to 5:00 p.m. (ET). The meeting will be closed to the public.

The purpose of the meeting is to discuss topics and questions that may be recommended for inclusion on future Joint Board examinations in actuarial mathematics, pension law and methodology referred to in 29 U.S.C. 1242(a)(1)(B).

A determination has been made as required by section 10(d) of the Federal Advisory Committee Act, 5 U.S.C. 1009(d), that the subject of the meeting falls within the exception to the open meeting requirement set forth in 5 U.S.C. 552b(c)(9)(B), and that the public interest requires that such meeting be closed to public participation.

Dated: October 10, 2024.

Thomas V. Curtin, Jr.,

Executive Director, Joint Board for the Enrollment of Actuaries.

[FR Doc. 2024–23910 Filed 10–15–24; 8:45 am]

BILLING CODE 4830–01–P

OFFICE OF MANAGEMENT AND BUDGET

Request for Information: Executive Branch Agency Handling of Commercially Available Information Containing Personally Identifiable Information

AGENCY: Office of Management and Budget.

ACTION: Notice of request for information.

SUMMARY: As part of its implementation of Executive order, *Safe, Secure, and Trustworthy Development and Use of Artificial Intelligence,* the Office of Management and Budget (OMB) is requesting public input on issues related to Federal agency collection, processing, maintenance, use, sharing, dissemination, and disposition of commercially available information (CAI) containing personally identifiable information (PII).

DATES: Consideration will be given to written comments received by December 16, 2024.

ADDRESSES: Please submit comments via *https://www.regulations.gov/* and follow the instructions for submitting comments. Public comments are valuable, and they will inform any potential updates to relevant OMB guidance; however, generally OMB will not respond to or address individual submissions.

Privacy Act Statement: OMB is issuing this request for information (RFI) as part of its implementation of Executive Order 14110, *Safe, Secure, and Trustworthy Development and Use of Artificial Intelligence,*[1] pursuant to OMB's statutory authorities to set policies for Executive Branch agencies' management of information resources, including CAI containing PII.[2] Submission of comments in response to this RFI is voluntary. Comments may be used to inform sound decision making on topics related to this RFI, including potential updates to guidance. Please note that submissions received in response to this notice may be posted on *https://www.regulations.gov/* or otherwise released in their entirety, including any personal information, business confidential information, or other sensitive information provided by the commenter. Do not include in your submissions any copyrighted material; information of a confidential nature, such as personal or proprietary information; or any information you would not like to be made publicly available. Comments and commenter information are maintained under the OMB Public Input System of Records, OMB/INPUT/01; the system of records notice is accessible at 88 FR 20913 (*https://www.federalregister.gov/documents/2023/04/07/2023-07452/privacy-act-of-1974-system-of-records*) and includes a list of routine uses associated with the collection of this information.

FOR FURTHER INFORMATION CONTACT: Kevin Herms, Office of Management and Budget, via email at *MBX.OMB.CAI_RFI_FY24@omb.eop.gov* or phone at 202–395–3200.

SUPPLEMENTARY INFORMATION: Commercially available information (CAI) takes many forms and, when used responsibly, supports many of the missions carried out by Executive Branch departments and agencies (''agencies'') on behalf of the American people. Section 3(f) of Executive Order 14110 defines CAI as ''any information or data about an individual or group of individuals, including an individual's or group of individuals' device or location, that is made available or obtainable and sold, leased, or licensed to the general public or to governmental or non-governmental entities.'' [3] CAI also may include PII, which OMB Circular No. A–130 defines as ''information that can be used to distinguish or trace an individual's identity, either alone or when combined with other information that is linked or linkable to a specific individual.'' CAI may be collected from multiple sources, including public records, and licensed,

[2] All contract personnel will sign appropriate nondisclosure agreements.

[3] Electronic Document Information System (EDIS): *https://edis.usitc.gov.*

[1] Exec. Order 14110, 88 FR 75191 (Nov. 1, 2023).

[2] *See, e.g.,* 44 U.S.C. 3504(a); 5 U.S.C. 552a(v).

[3] 88 FR 75194.

sold, or otherwise transferred by companies, including those commonly known as data brokers, to a variety of customers, including marketers, researchers, and Federal, state, local, and tribal government agencies.

While responsible use of CAI may support agency missions, an agency's collection, processing, maintenance, use, sharing, dissemination, and disposition (hereafter ''handling'') of CAI containing PII also can present privacy risks. For example, factors including the sensitivity and volume of PII contained in some CAI may exacerbate privacy risks and limit the application of key principles that are foundational to agency handling of PII, such as data minimization, transparency, and individual participation. As discussed in OMB Circular A–130, when considering the privacy risks associated with their handling of PII, agencies are responsible for evaluating the sensitivity of the data elements individually and when grouped together, as well as considering the volume of PII. These considerations are particularly important for agency handling of CAI, as participants in an August 2023 White House roundtable on data broker practices ''explained how data brokers purchase or acquire large volumes of exceedingly detailed data about people including geolocation and health information—often without their knowledge or consent.'' [4] As highlighted in Executive Order 14110, such privacy risks may be further exacerbated by artificial intelligence (AI) facilitating the collection or use of information about individuals, and the making of inferences about individuals. The readout from the White House roundtable addresses that concern as well, noting that ''[r]ecent advancements in artificial intelligence, attendees cautioned, have rapidly expanded data brokers' abilities to draw inferences about individuals' lifestyles, desires, and weaknesses, and are incentivizing rampant data collection to fuel their development.'' [5]

Executive Order 14110 identified agency practices related to CAI, particularly CAI that contains PII and including CAI procured from data brokers and CAI procured and processed indirectly through vendors, as an area for OMB to evaluate in relation to mitigating privacy risks potentially exacerbated by AI. Specifically, section 9(a)(i) and (ii) of Executive Order 14110 instructs OMB to ''evaluate and take steps to identify [CAI] procured by agencies, particularly CAI that contains [PII]'' and ''evaluate . . . agency standards and procedures associated with the [handling] of CAI that contains [PII].''

As part of its implementation of Executive Order 14110, OMB is seeking public comment and input for OMB's consideration as it evaluates agency policies and procedures associated with the handling of CAI containing PII and assesses how agencies may mitigate privacy risks specifically arising from their handling of CAI containing PII. Per section 9(a)(i) and (ii) of Executive Order 14110, OMB's work in this area and therefore the scope of this RFI does not include CAI containing PII when it is used for the purposes of national security.[6]

Seeking Public Input on Agencies' Responsible Handling of CAI Containing PII

OMB seeks responses to the following questions:

General Considerations

1. How does AI potentially exacerbate privacy risks associated with agency handling of CAI containing PII?

a. What are the key privacy risks associated with agencies' handling of CAI containing PII that OMB should consider and why?

2. What frameworks, models, or best practices should OMB consider as it evaluates agency standards and procedures associated with the handling of CAI containing PII and considers potential guidance to agencies on ways to mitigate privacy risks from agencies' handling of CAI containing PII?

3. What, if any, changes to its current guidance should OMB consider to improve how agencies address and mitigate the privacy risks that may be associated with their handling of CAI containing PII?

a. Are there specific policies, standards, or procedures governing agencies' handling of CAI containing PII that OMB should include in guidance?

4. What, if any, implementation or other challenges could arise with using the definition of CAI in Executive Order 14110 to govern agency handling of CAI containing PII?

a. What, if any, aspects of the definition should OMB seek to clarify through guidance to address any such challenges?

Transparency Into Agency Handling of CAI Containing PII

5. Agencies provide transparency into the handling of PII through various means (*e.g.,* policies and directives, Privacy Act statements and other privacy notices at the point of collection, Privacy Act system of records notices, privacy impact assessments). What, if any, improvements would enhance the public's understanding of how agencies handle CAI containing PII?

6. What other approaches to sharing information with the public about how agencies handle CAI containing PII would be most useful, for example, to ensure data quality and to enhance public trust?

a. What type of information on this topic should agencies share publicly?

b. When, in what form, and to whom should agencies provide that information?

c. Should agencies disclose to individuals when CAI containing PII is used to inform a decision with respect to those individuals (*e.g.,* a determination of their eligibility for or receipt of a Federal benefit)?

i. What steps could agencies take to provide individuals with an opportunity to seek amendment of the CAI before agencies use it to make such decisions?

ii. What other steps could agencies take to verify accuracy, relevance, timeliness, and completeness of the CAI before using it to make decisions about individuals?

7. Should agencies establish and maintain comprehensive inventories of CAI containing PII that they handle? Why or why not?

a. If so, should these agency CAI inventories be publicly available? Why or why not?

i. Are there any categories of CAI containing PII that should not be included in a public inventory? If so, what risks support that exclusion?

ii. How would public CAI inventories be useful to stakeholders?

8. Should agencies create periodic reports on their handling of CAI containing PII? Why or why not?

a. If so, what information should be included in these reports, and to whom should OMB direct agencies to send these reports?

b. If so, should agencies make these reports publicly available and by what means (*e.g.,* post them on agency privacy program web pages)?

[4] Readout of White House Roundtable on Protecting Americans from Harmful Data Broker Practices, White House (Aug. 16, 2023), *https://www.whitehouse.gov/briefing-room/statements-releases/2023/08/16/readout-of-white-house-roundtable-on-protecting-americans-from-harmful-data-broker-practices/.*

[5] *Id.*

[6] 88 FR 75217. For an example of work addressing this topic in the national security context, see the Intelligence Community Policy Framework for CAI issued by the Office of the Director of National Intelligence, available at *https://www.dni.gov/files/ODNI/documents/CAI/Commercially-Available-Information-Framework-May2024.pdf.*

Agency Processes for Responsible Handling of CAI Containing PII

9. Should agencies handle CAI containing PII differently depending on the purpose for which it is used? Why or why not?

a. If so, what should be the criteria for any differences in handling CAI with PII, and what should those differences in handling be?

b. What, if any, specific use cases or scenarios are examples of where OMB guidance should limit or restrict how agencies handle CAI containing PII? What risks justify those limitations or restrictions?

c. Does agency input of CAI containing PII into an AI system, as defined by section 3 of Executive Order 14110, alter privacy risks and how?

i. How should agencies mitigate privacy risks associated with such input of CAI in an AI system?

ii. Does appropriate mitigation of privacy risks vary based on the type of AI system into which CAI is input and the purposes of that AI system? If so, how should those factors be considered in the mitigation of privacy risks?

10. What, if any, factors should OMB guidance include for agencies' consideration in their evaluation of how they can mitigate privacy risks associated with their handling of CAI containing PII (*e.g.,* source of the data, potential concerns with data quality, purpose of its use)?

a. How should agencies document their evaluation of these factors related to the handling of CAI containing PII?

b. Should agencies' evaluation of these factors related to the handling of CAI containing PII be made public and, if so, when and how?

c. Should a differentiation be made between CAI maintained on agency systems and CAI accessed or queried through third parties? What factors should OMB consider in guidance in relation to CAI accessed or queried through third parties?

11. What, if any, means of interagency information sharing should be considered to allow agencies to report problems with CAI containing PII (*e.g.,* recurring concerns with data quality)?

12. What, if any, guidance should OMB provide to agencies regarding how their agreements with third parties address privacy requirements for CAI containing PII (*e.g.,* specific compliance language in the requirements for contracts, licensing agreements, or other agreements)?

a. Should such agreements require third-party providers of CAI to provide information about the source of data, demonstrate the quality, reliability and validity of the data, attest to compliance with relevant laws and policies, or comply with certain privacy requirements? Why or why not? How might agencies require third-party providers to demonstrate the quality, reliability, and validity of the CAI?

b. Should such agreements require third-party providers of CAI to adopt policies aimed at allowing individuals access to information about them held by the third-party provider, the ability to dispute incomplete or inaccurate information held by a third-party provider of CAI containing PII, or control over how the information about them is used or shared? Why or why not?

c. Are there other practices to mitigate privacy risks that agencies might require within agreements with third parties?

Other Considerations

13. Should OMB guidance require agencies to manage CAI governance—including policies, procedures, and oversight of agency use of CAI—through a uniform mechanism?

14. What else should OMB consider when evaluating potential guidance to agencies on ways to mitigate privacy risks from agencies' activities related to CAI containing PII?

Richard L. Revesz,

Administrator, Office of Information and Regulatory Affairs.

[FR Doc. 2024–23773 Filed 10–15–24; 8:45 am]

BILLING CODE 3110–01–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice: 024–072]

Aerospace Safety Advisory Panel; Meeting

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the Aerospace Safety Advisory Panel (ASAP). The ASAP will hold its Fourth Quarterly Meeting for 2024. This discussion is pursuant to carrying out its statutory duties for which the Panel reviews, identifies, evaluates, and advises on those program activities, systems, procedures, and management activities that can contribute to program risk. Priority is given to those programs that involve the safety of human flight.

DATES: Thursday, October 31, 2024, 1 p.m. to 2:30 p.m., eastern time.

ADDRESSES: Public attendance will be virtual only. See dial-in information below under **SUPPLEMENTARY INFORMATION**.

FOR FURTHER INFORMATION CONTACT: Ms. Lisa M. Hackley, ASAP Administrative Officer, NASA Headquarters, Washington, DC 20546, (202) 358–1947 or *lisa.m.hackley@nasa.gov.*

SUPPLEMENTARY INFORMATION: As noted above, this meeting is only available telephonically. Any interested person must use a touch-tone phone to participate in this meeting. Any interested person may call the USA toll free conference call number 888–566–6133; passcode 8343253 and then the # sign. At the beginning of the meeting, members of the public may make a verbal presentation to the Panel limited to the subject of safety in NASA, not to exceed 5 minutes in length. To do so, members of the public must contact Ms. Lisa M. Hackley at *lisa.m.hackley@nasa.gov* or at (202) 358–1947 at least 48 hours in advance. Any member of the public is permitted to file a written statement with the Panel via electronic submission to Ms. Hackley at the email address previously noted. Written statements should be limited to the subject of safety in NASA.

The agenda for the meeting includes the following topics:

—Updates on the International Space Station Transition Program
—Updates on the Commercial Crew Program
—Updates on the Moon to Mars Program
—Update on NASA 2040 Program

It is imperative that the meeting be held on this date to accommodate the scheduling priorities of the key participants.

Carol J. Hamilton,

Acting Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 2024–23790 Filed 10–15–24; 8:45 am]

BILLING CODE 7510–13–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice: 24–071]

Earth Science Advisory Committee

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, the

National Aeronautics and Space Administration (NASA) announces a meeting of the Earth Science Advisory Committee (ESAC).

DATES: Monday, October 28, 2024, 12–1:30 p.m. All times are eastern time.

ADDRESSES: Public attendance will be virtual only. See dial-in and Webinar information below under **SUPPLEMENTARY INFORMATION**.

FOR FURTHER INFORMATION CONTACT: Lucia Tsaoussi, Designated Federal Officer, Earth Scince Advisory Committee, NASA Headquarters, Washington, DC 20546, via email at *Lucia.s.Tsaoussi@nasa.gov* or 202–358–4471.

SUPPLEMENTARY INFORMATION: As noted above, this meeting will be open to the public via Webinar and telephonically. Webinar connectivity information is provided below. For audio, when you join the Webinar event, you may use your computer or provide your phone number to receive a call back, otherwise, call the U.S. toll conference number listed. On Monday, October 28, 2024, the event address for attendees is: webinar web link *https://nasaenterprise.webex.com/nasaenterprise/j.php?MTID=m920ce633f73c0ef6da75b961fbc484a8.*

The webinar number is 2830 385 0130 and the webinar password is u4sWmR8XZ@4. If needed, the U.S. toll conference number is 1–929–251–9612 or 1–213–269–5091 and access code is 2830 385 0130 and password is 84796789.

The agenda for the meeting includes the following topic:

—Earth Science Program Annual Performance Review According to the Government Performance and Results Act Modernization Act

It is imperative that these meeting be held on these days to accommodate the scheduling priorities of the key participants.

For more information, please visit *https://science.nasa.gov/researchers/nac/science-advisory-committees/esac/.*

Jamie M. Krauk,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 2024–23818 Filed 10–15–24; 8:45 am]

BILLING CODE 7510–13–P

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Institute of Museum and Library Services

Notice of Proposed Information Collection Request: Public Libraries Survey Fiscal Year 2024–Fiscal Year 2026

AGENCY: Institute of Museum and Library Services, National Foundation on the Arts and the Humanities.

ACTION: Submission for OMB review, comment request.

SUMMARY: The Institute of Museum and Library Services announces the following information collection has been submitted to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. By this Notice, IMLS is soliciting comments concerning the new three-year approval of the IMLS administered Public Libraries Survey. A copy of the proposed information collection request can be obtained by contacting the individual listed below in the **FOR FURTHER INFORMATION CONTACT** section of this Notice.

DATES: Written comments must be submitted to the office listed in the **ADDRESSES** section below on or before November 15, 2024.

ADDRESSES: Written comments and recommendations for proposed information collection requests should be sent within 30 days of publication of this Notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection request by selecting ''Institute of Museum and Library Services'' under ''Currently Under Review;'' then check ''Only Show ICR for Public Comment'' checkbox. Once you have found this information collection request, select ''Comment,'' and enter or upload your comment and information. Alternatively, please mail your written comments to Office of Information and Regulatory Affairs, *Attn.:* OMB Desk Officer for Education, Office of Management and Budget, Room 10235, Washington, DC 20503, (202) 395–7316.

OMB is particularly interested in comments that help the agency to:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology (*e.g.,* permitting electronic submission of responses).

FOR FURTHER INFORMATION CONTACT: Matthew Birnbaum, Ph.D., Director of Research and Evaluation, Office of Research and Evaluation, Institute of Museum and Library Services, 955 L'Enfant Plaza North SW, Suite 4000, Washington, DC 20024–2135. Dr. Birnbaum can be reached by telephone: 202–653–4760, or by email at *mbirnbaum@imls.gov.* Persons who are deaf or hard of hearing (TTY users) can contact IMLS at 202–207–7858 via 711 for TTY-Based Telecommunications Relay Service.

SUPPLEMENTARY INFORMATION:

I. Background

The Institute of Museum and Library Services is the primary source of federal support for the nation's libraries and museums. We advance, support, and empower America's museums, libraries, and related organizations through grant making, research, and policy development. To learn more, visit *www.imls.gov.*

II. Current Actions

Pursuant to Public Law 107–279, this Public Libraries Survey collects annual descriptive data on the universe of public libraries in the United States and the Outlying Areas. Information such as public service hours per year, circulation of library books, number of librarians, population of legal service area, expenditures for library collection, programs for children and young adults, staff salary data, and access to technology would be collected. The request includes new public library data regarding programs and other physical collections. The Public Libraries Survey has been conducted by the Institute of Museum and Library Services under the clearance number 3137–0074, which expires November 30, 2024. This action is to request a new three-year approval.

The 60-day Notice was published in the **Federal Register** on August 2, 2024 (2024–17058 (89 FR 63224)). The agency received and responded to one comment in response to the Notice.

Agency: Institute of Museum and Library Services.

Title: Public Libraries Survey, FY 2024–FY 2026.

OMB Number: 3137–0074.

Agency Number: 3137.

Affected Public: State and local governments, State library administrative agencies, and public libraries.

Number of Respondents: 56.

Frequency: Annually.

Burden Hours per Respondent: 138.3.

Total Burden Hours: 7,744.8.

Total Annual Costs: $239,701.56.

Total Annual Federal Costs: $877,063.96.

Dated: October 10, 2024.

Suzanne Mbollo,

Grants Management Specialist, Institute of Museum and Library Services.

[FR Doc. 2024–23864 Filed 10–15–24; 8:45 am]

BILLING CODE 7036–01–P

NATIONAL SCIENCE FOUNDATION

Sunshine Act Meetings

The National Science Board's (NSB) Committee on External Engagement hereby gives notice of the scheduling of a teleconference for the transaction of National Science Board business pursuant to the National Science Foundation Act and the Government in the Sunshine Act.

TIME AND DATE: Friday, October 18, 2024, from 5:00–6:00 p.m. EDT.

PLACE: This meeting will be held by teleconference through the National Science Foundation.

STATUS: Open.

MATTERS TO BE CONSIDERED: The agenda of the teleconference is: Chair's Opening Remarks; planning for NSF–NSB's 75th anniversary events; planning for Congressional engagement; and other business, including member ideas and questions.

CONTACT PERSON FOR MORE INFORMATION: Point of contact for this meeting is: Nadine Lymn, *nlymn@nsf.gov,* 703/292–7000. Members of the public can observe this meeting through a YouTube livestream. Meeting information including a YouTube link is available from the NSB website at *https://www.nsf.gov/nsb/meetings/index.jsp#up.*

Ann Bushmiller,

Senior Counsel to the National Science Board.

[FR Doc. 2024–24015 Filed 10–11–24; 4:15 pm]

BILLING CODE 7555–01–P

NATIONAL TRANSPORTATION SAFETY BOARD

Senior Executive Service Performance Review Board

AGENCY: National Transportation Safety Board.

ACTION: Notice.

SUMMARY: Notice is hereby given of the appointment of members of the National Transportation Safety Board, Performance Review Board (PRB).

FOR FURTHER INFORMATION CONTACT: Anh Bolles, Executive Resources Manager, Human Capital Management and Training, National Transportation Safety Board, 490 L'Enfant Plaza SW, Washington, DC 20594–0001, (202) 314–6355.

SUPPLEMENTARY INFORMATION: Section 4314(c)(1) through (5) of title 5, United States Code requires each agency to establish, in accordance with regulations prescribed by the Office of Personnel Management, one or more SES Performance Review Boards (PRB). The board reviews and evaluates the initial appraisal of a senior executive's performance by the supervisor and considers recommendations to the appointing authority regarding the performance of the senior executive.

The following have been designated as members of the 2024 Performance Review Board of the National Transportation Safety Board (NTSB):

Ms. Veronica Marshall, Chief Human Capital Officer, Office of Human Capital Management and Training, National Transportation Safety Board, PRB Chair.

Mr. Timothy LeBaron, Director, Office of Aviation Safety, National Transportation Safety Board.

Mr. Akbar Sultan, Director, Airspace Operations and Safety Program, National Aeronautics and Space Administration.

Ms. Kathryn Catania, Deputy Director, Office of Safety Recommendations and Communications, National Transportation Safety Board (alternate member to review the evaluations of SES members serving on this PRB).

Candi R. Bing,

Federal Register Liaison.

[FR Doc. 2024–23831 Filed 10–15–24; 8:45 am]

BILLING CODE P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–018; NRC–2024–0175]

General Electric Hitachi; Vallecitos Boiling Water Reactor Developmental Power Reactor; Environmental Assessment and Finding of No Significant Impact

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing a finding of no significant impact (FONSI) and accompanying environmental assessment (EA) regarding the NRC's consideration of a license amendment request from General Electric Hitachi (GEH or the licensee) seeking approval of a license termination plan (LTP) for the Vallecitos Boiling Water Reactor (VBWR) Developmental Power Reactor (DPR)–1. If approved, the amendment would add a license condition to the license reflecting the NRC's approval of its LTP. Based on the EA, the NRC staff has concluded that there will be no significant impacts to environmental resources from the requested license amendment, and therefore, a FONSI is appropriate.

DATES: The EA and FONSI referenced in this document are available September 30, 2024.

ADDRESSES: Please refer to Docket ID NRC–2024–0175 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–2024–0175. Address questions about Docket IDs in *Regulations.gov* to Stacy Schumann; telephone: 301–415–0624; email: *Stacy.Schumann@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at *https://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, at 301–415–4737, or by email to *PDR.Resource@nrc.gov.* For the convenience of the reader, instructions

about obtaining materials referenced in this document are provided in the ''Availability of Documents'' section.

- *NRC's PDR:* The PDR, where you may examine and order copies of publicly available documents, is open by appointment. To make an appointment to visit the PDR, please send an email to *PDR.Resource@nrc.gov* or call 1–800–397–4209 or 301–415–4737, between 8 a.m. and 4 p.m. eastern time (ET), Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Jill Caverly, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, telephone: 301–415–76744; email: *Jill.Caverly@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Introduction

The NRC is considering issuance of a license amendment for approval of an LTP for the VBWR DPR–1 located in Alameda County, California, as part of a part 50 of title 10 of the *Code of Federal Regulations* (10 CFR), ''Domestic Licensing of Production and Utilization Facilities,'' Facility Operating License No. DPR–1. If granted, the license amendment would add a condition reflecting the NRC's approval of the LTP and establishing criteria for determining when changes to the LTP require prior NRC approval. As required by 10 CFR part 51, ''Environmental Protection Regulations for Domestic Licensing and Related Regulatory Functions,'' the NRC prepared an EA. Based on the results of the EA, the NRC has determined not to prepare an environmental impact statement for the license amendment request and is issuing a FONSI.

General Electric (GE) was issued a license for Construction Permit Power Reactor-3 to construct and operate the VBWR on May 14, 1956, as DPR. License CX–2 to operate DPR was issued on July 29, 1957, and initial criticality was achieved on August 3, 1957. License DPR–1 was issued to GE on August 31, 1957, and full power was attained on October 19, 1957. The VBWR ceased operations on December 9, 1963, was defueled on December 24, 1963, and GE was issued a license to possess but not operate the VBWR by the U.S. Atomic Energy Commission, the predecessor of the NRC, on September 9, 1965. The license was renewed in 1973 and has remained effective under the provisions of 10 CFR 50.51(b). On October 22, 2007, license DPR–1 amendment 21 was issued, transitioning ownership of the VBWR from GE to GEH.

The facility has been maintained in SAFSTOR (*i.e.,* the facility is placed in a safe, stable condition and maintained in that state (safe storage) until it is subsequently decontaminated and dismantled to levels that permit license termination) condition and the VBWR has been monitored. The licensee submitted the Limited Post-Shutdown Decommissioning Activities Report in 2022 that describes a change in the VBWR status from SAFSTOR to DECON (*i.e.,* where radioactive contaminants are promptly removed or decontaminated). Currently, all VBWR spent fuel has been removed from both the reactor and the site.

The licensee submitted the LTP on September 15, 2023, in accordance with 10 CFR 50.82(a)(9). The NRC held a public meeting related to the LTP request in Pleasanton, California, on May 21, 2024. The meeting covered the NRC's decommissioning process, the process for approving the LTP, and addressed public questions and comments on the LTP.

II. Environmental Assessment

Description of the Proposed Action

The proposed action is the review and subsequent approval, if appropriate, of a license amendment to approve the LTP for the VBWR. If approved, the amendment would add a license condition reflecting the NRC's approval of the LTP and establishing criteria for determining when changes to the LTP require prior NRC approval. The proposed action is described in the LTP application dated September 15, 2023, an application supplement dated October 31, 2023, and responses to requests for additional information.

Purpose and Need for the Proposed Action

The purpose of and need for the proposed action is to allow completion of decommissioning of the VBWR site, termination of the VBWR operating license by the NRC, and subsequent release of the site for unrestricted use. The NRC regulation at 10 CFR 50.82 sets forth the process for the licensee to decommission its nuclear power plant, including submission of the LTP. The NRC will approve the LTP, provided that the LTP meets the criteria in 10 CFR 50.82(a)(10).

Environmental Impacts of the Proposed Action

The NRC staff considered the potential impacts of the proposed action on land use; visual and scenic resources/aesthetics; climatology, meteorology, and air quality; noise; geology and soils; water resources; historic and cultural resources; ecological resources; socioeconomics; public and occupational health; transportation and traffic; environmental justice; and waste management. The final Generic Environmental Impact Statement on Decommissioning of Nuclear Facilities (NUREG–0586 or Decommissioning GEIS) generically addressed many of the potential environmental impacts of decommissioning at the VBWR. During its review of the LTP, the NRC concluded that the impacts for most resource areas—onsite land use; water resources; air quality; ecology within the operational area; socioeconomics; historic and cultural resources within the operational area; aesthetics; noise; and transportation—were still bounded by the generic environmental impacts statement in the Decommissioning GEIS. Therefore, the NRC does not expect impacts associated with these issues beyond those discussed in the NUREG–0586, which concluded that the impact level for these issues was SMALL.

In the EA, the NRC staff evaluated the potential environmental impacts on the six site-specific environmental resource areas as well as the five resource areas not evaluated in the Decommissioning GEIS and did not identify any significant impacts. There are no planned activities outside of the operational area, and the licensee plans to use best management practices and approved decommissioning practices for any decommissioning activities. Therefore, the proposed action would result in no significant impacts and there would be no significant cumulative effects when added to the past, present, or reasonably foreseeable future actions at the VBWR site.

Environmental Impacts of the Alternatives to the Proposed Action

As an alternative to the proposed action, the staff considered the ''no-action'' alternative. Under the no-action alternative, the NRC would not approve the LTP or the license amendment request because regulatory requirements have not been met.

If the NRC was unable to approve the LTP because the regulatory requirements were not met, GEH would need to take additional actions to prepare an LTP that meets the requirements in 10 CFR 50.82(a)(10). Under that scenario, GEH would resubmit the LTP, activities at the VBWR would likely continue, and the environmental impacts would not change as a result of the additional time required for the LTP resubmission.

Agencies and Persons Consulted

On August 13, 2024, the NRC staff provided a copy of the draft EA to the State of California Department of Public Health for its review and comment. The State responded in a letter dated September 12, 2024. The NRC staff updated the EA to incorporate the State's comments where appropriate.

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 issuing the requested amendment, if appropriate, amending GEH's DPR–1 license 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 set forth 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.
General Electric Hitachi. License Termination Plan for the Vallecitos Boiling Water Reactor License DPR–1, dated September 15, 2023	ML23261A591 (Package)
General Electric Hitachi. GE-Hitachi Nuclear Energy Americas, LLC, Vallecitos Boiling Water Reactor Environmental Report, dated August 18, 2023	ML23261A593
General Electric Hitachi. GEH Vallecitos Nuclear Center, Email: Response to Acceptance Review of the VBWR License Termination Plan, dated October 31, 2023	ML23304A300
General Electric Hitachi. GE-Hitachi Nuclear Energy Americas, LLC, Vallecitos Boiling Water Reactor (VBWR) License Termination Plan, dated August 18, 2023	ML23261A594
General Electric Hitachi. Response to Request for Additional Information, dated March 25, 2024	ML24085A792
NorthStar Vallecitos, LLC. Update to License Termination Plan for the Vallecitos Boiling Water Reactor—Environmental Report, Vallecitos Nuclear Center, dated August 7, 2024	ML24220A200
U.S. Nuclear Regulatory Commission, Email: Request for State review of an environmental assessment for the GEH Vallecitos Boiling Water Reactor, dated August 13, 2024	ML24283A171
California Department of Health response to a request for review of the GEH Vallecitos VBWR LTP draft environmental assessment, dated September 12, 2024	ML24260A220
US Nuclear Regulatory Commission. Environmental Assessment for the License Termination Plan for the Vallecitos Boiling Water Reactor at the General Electric Vallecitos Nuclear Center, Sunol, California, dated September 30, 2024	ML24274A192

Dated: October 10, 2024.

For the Nuclear Regulatory Commission.

Robert Sun,

Chief, Environmental Project Management Branch 2, Division of Rulemaking, Environmental, and Financial Support, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 2024–23863 Filed 10–15–24; 8:45 am]

BILLING CODE 7590–01–P

OFFICE OF PERSONNEL MANAGEMENT

Submission for Review 3206–0253: Leadership Assessment Surveys

AGENCY: Office of Personnel Management.

ACTION: 60-Day notice and request for comments.

SUMMARY: The Office of Personnel Management (OPM) intends to submit to the Office of Management and Budget (OMB) a request for review of a currently approved collection, Leadership Assessment Surveys. OPM is requesting approval of the OPM Leadership 360™, Leadership Potential Assessment, the OPM Personality Assessment for Leaders, the Leadership for Engagement Survey, the Leadership for Inclusion Survey, and the DEIA Pulse Survey as a part of this collection. Approval of these surveys is necessary to collect information on Federal agency performance and leadership effectiveness.

DATES: Comments are encouraged and will be accepted until December 16, 2024. This process is conducted in accordance with 5 CFR 1320.8(d)(1).

ADDRESSES: You may submit comments, identified by docket number and/or Regulatory Information Number and title, by the following method:

Federal Rulemaking Portal: http://www.regulations.gov. Follow the instructions for submitting comments.

All submissions received must include the agency name and docket number or RIN for this document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: A copy of this ICR, with applicable supporting documentation, may be obtained by contacting Human Resources Strategy and Evaluation Solutions, Office of Personnel Management, 1900 E Street, Rm. 2469 NW, Washington, DC 20415, Attention: Coty Hoover, C/O Henry Thibodeaux, via phone at 202–606–8001, or via email to *Organizational_Assessment@opm.gov.*

SUPPLEMENTARY INFORMATION: As required by the Paperwork Reduction Act of 1995, 44 U.S.C. 3506(c)(2), OPM is soliciting comments for this collection. The Office of Management and Budget is particularly interested in comments that:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of functions of the agency, including whether the information will have practical utility;

2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

3. Enhance the quality, utility, and clarity of the information to be collected; and

4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or

other forms of information technology, *e.g.,* permitting electronic submissions of responses.

Background

OPM's Human Resources Strategy and Evaluation Solutions performs assessment and related consultation activities for Federal agencies on a reimbursable basis. The assessments are authorized by various statutes and regulations: Section 4702 of Title 5, U.S.C.; E.O. 12862; E.O. 13715; Section 1128 of the National Defense Authorization Act for Fiscal Year 2004, Public Law 108–136; 5 U.S.C. 1101 note, 1103(a)(5), 1104, 1302, 3301, 3302, 4702, 7701 note; E.O. 13197, 66 FR 7853, 3 CFR 748 (2002); E.O. 10577, 12 FR 1259, 3 CFR, 1954–1958 Comp., p. 218; and Section 4703 of Title 5, United States Code.

This collection request includes surveys we currently use and plan to use during the next three years to measure Federal leaders' effectiveness. These surveys all measure leadership characteristics. Non-Federal respondents will almost never receive more than one of these surveys. All these surveys consist of Likert-type, mark-one, and mark-all-that-apply items, and may include a small number of open-ended comment items. OPM's Leadership 360™ assessment measures the 28 competencies that comprise the five Executive Core Qualifications and Fundamental Competencies in the OPM leadership model. The OPM Leadership 360™ consists of 116 items and is almost never customized, although customization to meet an agency's needs is possible. OPM's Leadership Potential Assessment consists of 103 items focused on identifying individuals ready to move into supervisory positions. OPM's Personality Assessment for Leaders consists of 236 items that measure leadership personality characteristics within a ''Big 5'' framework. OPM's Leadership for Engagement and Leadership for Inclusion surveys consist of 140 items that measure 30 leadership behaviors and employees' perceptions of their work unit related to engagement and Diversity, Equity, Inclusion, and Accessibility (DEIA), respectively. The DEIA Pulse Survey consists of 50 items that provide leaders with information related to the demographics of their workforce, perceptions of the leader's policies, procedures, and practices related to DEIA, and attitudes toward working in the leader's organization. These assessments are almost always administered electronically.

Analysis

Agency: Office of Personnel Management.

Title: Leadership Assessment Surveys.

OMB Number: 3206–0253.

Frequency: On occasion.

Affected Public: Individuals.

Number of Respondents: Approximately 8,300 annually, 24,900 over 3 years.

Estimated Time per Respondent: 15 minutes for the OPM Leadership 360™ and Leadership Potential Assessment; 45 minutes for the OPM Personality Assessment for Leaders; 20 minutes for the Leadership for Engagement Survey and the Leadership for Inclusion Survey; and 10 minutes for the DEIA Pulse Survey. The OPM Personality Assessment for Leaders will almost never be administered to non-Federal employees so the average time to complete these surveys is approximately 16 minutes.

Total Burden Hours: 2,088 hours annually, 6,264 over 3 years.

Alexys Stanley,

Federal Register Liaison.

[FR Doc. 2024–23813 Filed 10–15–24; 8:45 am]

BILLING CODE 6325–43–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–101291; File No. SR–NASDAQ–2024–057]

Self-Regulatory Organizations; The Nasdaq Stock Market LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the Exchange's Schedule of Credits at Equity 7, Section 118(a)

October 9, 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 October 1, 2024, The Nasdaq Stock Market LLC (''Nasdaq'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III, below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the Exchange's schedule of credits at Equity 7, Section 118(a), as described further below.

The text of the proposed rule change is available on the Exchange's website at *https://listingcenter.nasdaq.com/rulebook/nasdaq/rules,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to amend the Exchange's schedule of credits, at Equity 7, Section 118(a). Specifically, with respect to its schedule of credits for non-displayed midpoint orders (other than Supplemental Orders) that provide liquidity, the Exchange proposes to (i) add a new credit in Tapes A, B, and C, (ii) cap the maximum credit per share executed that a member can receive when certain requirements are met within Section 118(a)(1), and (iii) reorder the schedule of credits.

The Exchange proposes to provide a new supplemental credit of $0.0001 with a maximum cap of $0.0029 for midpoint orders (excluding buy (sell) orders with Midpoint pegging that receive an execution price that is lower (higher) than the midpoint of the NBBO) if the member executes a daily average of at least 5 million shares of non-displayed liquidity through M–ELO. This change will apply to Tapes A, B, and C. The purpose of the new credit is to incentivize liquidity adding activity and provide an incentive to members that provide non-displayed liquidity to the Exchange to do so through M–ELO. The Exchange believes that if such incentive is effective, then any ensuing increase in liquidity to the Exchange will improve market quality, to the benefit of all participants.

The Exchange currently provides a supplemental credit for midpoint orders

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

(excluding buy (sell) orders with Midpoint pegging that receive an execution price that is lower (higher) than the midpoint of the NBBO), in addition to the other credits provided for non-displayed orders that provide liquidity, if the member executes a requisite ADV of shares through M–ELO, as follows: (a) member that (i) executes at least 0.35% of Consolidated Volume through providing midpoint orders and through M–ELO during the month, and (ii) executes at least 0.20% of Consolidated Volume through providing midpoint orders during the month. A member receiving this supplemental credit may receive combined credits (regular and supplemental) of up to a maximum of $0.0028 per share executed.

The existing supplemental credit will continue alongside the new one. The proposed credit has a cap of $0.0029, allowing members to use the new $0.0001 without affecting other credits. This applies to Tapes A, B, and C. The goal is to encourage liquidity-adding activity and incentivize members providing non-displayed liquidity via M–ELO.

The Exchange notes that it proposes to cap combined regular and supplemental credits at $0.0029 to manage the costs to the Exchange of providing these incentives. The Exchange has only limited resources available to it for incentive programs, and it must ensure that it allocates such resources appropriately to optimize their intended impacts.

Lastly, for clarifying purposes, the Exchange proposes to reorder the schedule of credits for non-displayed orders (other than Supplemental Orders) that provide liquidity by adding the aforementioned supplemental credit to the rebate schedule as number 4 and moving ''All other non-displayed orders'' to number 5.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[3] in general, and furthers the objectives of Sections 6(b)(4) and 6(b)(5) of the Act,[4] in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility, and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

[3] 15 U.S.C. 78f(b).

[4] 15 U.S.C. 78f(b)(4) and (5).

The Proposals Are Reasonable

The Exchange's proposed changes to its schedule of credits are reasonable in several respects. As a threshold matter, the Exchange is subject to significant competitive forces in the market for equity securities transaction services that constrain its pricing determinations in that market. The fact that this market is competitive has 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'. . . .'' [5]

The Commission and the courts have repeatedly expressed their preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. In Regulation NMS, while adopting a series of steps to improve the current market model, 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.'' [6]

Numerous indicia demonstrate the competitive nature of this market. For example, clear substitutes to the Exchange exist in the market for equity security transaction services. The Exchange is only one of several equity venues to which market participants may direct their order flow. Competing equity exchanges offer similar tiered pricing structures to that of the Exchange, including schedules of rebates and fees that apply based upon members achieving certain volume thresholds.

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 increase its liquidity and market share relative to its competitors.

The Exchange believes that it is reasonable to establish a new supplemental credit of $0.0001 with a maximum of up to $0.0029 for midpoint orders (excluding buy (sell) orders with Midpoint pegging that receive an execution price that is lower (higher) than the midpoint of the NBBO) if the member executes an ADV of at least 5 million shares of non-displayed liquidity through M–ELO for Tapes A, B, and C. This proposal is reasonable because it will incentivize liquidity adding activity and provide an incentive to members that provide non-displayed liquidity to the Exchange to do so through midpoint orders. The Exchange believes that if such incentive is effective, then any ensuring increase in liquidity to the Exchange will improve market quality, to the benefit of all participants.

The Exchange believes that it is reasonable to cap the amount of combined regular and supplemental credits it proposes to offer members that execute an ADV of at least 5 million shares of non-displayed liquidity through M–ELO to $0.0029 per share executed. This cap will allow the Exchange to manage its costs of providing these incentives. The Exchange has only limited resources available to it for incentive programs, and it must ensure that it allocates such resources appropriately to optimize their intended impacts.

The Exchange also believes that it is reasonable to reorder the schedule of credits for non-displayed orders (other than Supplemental Orders) that provide liquidity to increase clarity in the Rules, consistent with the public interest and protection of investors.

The Proposals are Equitable Allocations of Credits

The Exchange believes that it is equitable to establish a new supplemental transaction credit and otherwise increase the amount of net credit (regular plus supplemental) a member may receive for providing non-displayed liquidity through midpoint orders. To the extent that the Exchange succeeds in increasing the levels of liquidity and activity on the Exchange, the Exchange will experience improvements in its market quality, which stands to benefit all market participants. The Exchange also believes that the proposed clarifying changes (*i.e.,* reordering the schedule of credits) and the proposal to cap rebates at

[5] *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)).

[6] Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005) (''Regulation NMS Adopting Release'').

$0.0029 for members receiving certain supplemental credits are equitable because the changes and the cap will be applied uniformly to all members.

Any participant that is dissatisfied with the proposals is free to shift their order flow to competing venues that provide more generous pricing or less stringent qualifying criteria.

The Proposals are not Unfairly Discriminatory

The Exchange believes that its proposals are not unfairly discriminatory. As an initial matter, the Exchange believes that nothing about its volume-based tiered pricing model is inherently unfair; instead, it is a rational pricing model that is well-established and ubiquitous in today's economy among firms in various industries—from co-branded credit cards to grocery stores to cellular telephone data plans—that use it to reward the loyalty of their best customers that provide high levels of business activity and incent other customers to increase the extent of their business activity. It is also a pricing model that the Exchange and its competitors have long employed with the assent of the Commission. It is fair because it enhances price discovery and improves the overall quality of the equity markets.

The Exchange believes that its proposals to adopt a new supplemental credit for providing non-displayed liquidity through midpoint orders, impose a cap on the amount of combined regular and supplemental credits it proposes to offer members receiving certain supplemental credits, and make clarifying changes, as described above, are not unfairly discriminatory because the changes are not intended to advantage any particular member and will be applied uniformly to all members. Moreover, the proposals stand to improve the overall market quality of the Exchange, to the benefit of all market participants, by incentivizing members to increase the extent of their liquidity adding activity in midpoint orders on the Exchange.

Any participant that is dissatisfied with the proposals is free to shift their order flow to competing venues that provide more generous pricing or less stringent qualifying criteria.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

Intramarket Competition

The Exchange does not believe that its proposals will place any category of Exchange participant at a competitive disadvantage.

As noted above, the Exchange's proposals to add a new supplemental transaction credit, impose a cap on the maximum rebate offered to members receiving certain supplemental credits, and make clarifying changes are intended to have market-improving effects, to the benefit of all members. Any member may elect to achieve the level of liquidity in midpoint orders required to qualify for the new credit. The other proposed changes also apply equally and will be applied uniformly to all members.

The Exchange notes that its members are free to trade on other venues to the extent they believe that the Exchange's fee schedule is not attractive. As one can observe by looking at any market share chart, price competition between exchanges is fierce, with liquidity and market share moving freely between exchanges in reaction to fee and credit changes.

Intermarket Competition

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 credits and fees to remain competitive with other exchanges and with alternative trading systems that have been exempted from compliance with the statutory standards applicable to exchanges. Because competitors are free to modify their credit and own fees in response, and because market participants may readily adjust their order routing practices, the Exchange believes that the degree to which credit or fee changes in this market may impose any burden on competition is extremely limited.

The proposed new supplemental credit is reflective of this competition because, as a threshold issue, even as one of the largest U.S. equities exchanges by volume, the Exchange has less than 20% market share, which in most markets could hardly be categorized as having enough market power to burden competition. Moreover, price competition between exchanges is fierce, with liquidity and market share moving freely between exchanges in reaction to credit and fee changes. This is an addition to free flow of order flow to and among off-exchange venues which comprises more than 40% of industry volume in recent months.

The Exchange's proposal to add a new supplemental transaction credit is pro-competitive in that the Exchange intends for the credit to increase liquidity addition activity in midpoint orders on the Exchange, thereby rendering the Exchange more attractive and vibrant to participants.

In sum, 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 either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act.[7]

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: (i) necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include file number SR–NASDAQ–2024–057 on the subject line.

[7] 15 U.S.C. 78s(b)(3)(A)(ii).

Paper Comments

• Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to file number SR–NASDAQ–2024–057. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*https://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR–NASDAQ–2024–057 and should be submitted on or before November 6, 2024.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[8]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2024–23801 Filed 10–15–24; 8:45 am]

BILLING CODE 8011–01–P

[8] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–101295; File No. SR–NYSE–2024–44]

Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Filing of Proposed Rule Change To Adopt a Provision That the Exchange Will Not Review a Compliance Plan Submitted by a Listed Company That Is Below Compliance With a Continued Listing Standard if the Company Owes Any Unpaid Fees to the Exchange and Will Instead Immediately Commence Suspension and Delisting Procedures if Such Fees Are Not Paid in Full

October 9, 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 September 27, 2024, New York Stock Exchange LLC (''NYSE'' or the ''Exchange'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to adopt a provision that the Exchange will not review a compliance plan submitted by a listed company that is below compliance with a continued listing standard if the company owes any unpaid fees to the Exchange and will instead immediately commence suspension and delisting procedures if such fees are not paid in full by the plan submission deadline or at the time of any required periodic review of such plan. The text of the proposed rule change is set forth in Exhibit 5 attached hereto. 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

Section 802.02 (''Evaluation and Follow-Up Procedures for Domestic Companies'') of the NYSE Listed Company Manual (''Manual'') provides that when the Exchange identifies a domestic listed company as being below certain continued listing criteria set forth in Section 802.01 of the Manual (and not able to otherwise qualify under an original listing standard), the Exchange will notify the company of such noncompliance by letter and provide the company with an opportunity to provide the Exchange with a plan (the ''Plan'') advising the Exchange of definitive action the company has taken, or is taking, that would bring it into conformity with continued listing standards within 18 months of receipt of the letter. Similarly, Section 802.03 (''Continued Listing—Evaluation and Follow-up Procedures for Non-U.S. Companies'') sets forth provisions under which non-U.S. listed companies can submit a Plan to cure noncompliance with continued listing standards.

If a company submits a Plan pursuant to Sections 802.02 or 802.03, it must identify specific quarterly or semi-annual milestones against which the Exchange will evaluate the company's progress. The company has 45 days (in the case of a domestic company subject to Section 802.02) (the ''Domestic Plan Deadline'') or 90 days (in the case of a non-U.S. company subject to Section 802.03) (the ''Non-U.S. Plan Deadline'' and, together with the Domestic Plan Deadline, the ''Plan Deadline'') from the receipt of a letter from the Exchange identifying an event of noncompliance to submit its Plan to the Exchange for review; otherwise, suspension and delisting procedures will commence in accordance with Section 804.00 of the Manual. The Plan must demonstrate how the company will return to compliance with the applicable continued listing standard by the end of the Plan period. All companies submitting a Plan must include

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

quarterly financial projections, details related to any strategic initiatives the company plans to complete, and market performance support. Exchange staff will evaluate the Plan, including any additional documentation that supports the Plan, and make a determination as to whether the company has made a reasonable demonstration in the Plan of an ability to come into conformity with the relevant standard(s) within 18 months. The Exchange will make such determination within 45 days of receipt of the proposed Plan, and will promptly notify the company of its determination in writing.

If the Exchange accepts the Plan, the Exchange will review the company for compliance with the Plan on either a quarterly basis (in the case of a domestic company) or a semi-annual basis (in the case of a non-U.S. company). If the company fails to meet the material aspects of the Plan or any of the quarterly or semi-annual milestones, the Exchange will review the circumstances and variance, and determine whether such variance warrants commencement of suspension and delisting procedures. Should the Exchange determine to proceed with suspension and delisting procedures in accordance with Section 804.00, it may do so regardless of the company's continued listing status at that time. The Exchange will deem the Plan period over prior to the end of the 18 months if a company is able to demonstrate returning to compliance with the applicable continued listing standards, or achieves the ability to qualify under an original listing standard, for a period of two consecutive quarters. In any event, a company that does not meet continued listing standards at the end of the 18-month period, will be subject to the prompt initiation of suspension and delisting procedures in accordance with Section 804.00.

The Exchange staff has to undertake a significant amount of work in reviewing and analyzing each Plan submitted by a noncompliant company. In addition, the review of quarterly or semi-annual updates with respect to each Plan requires significant additional work by Exchange staff. Given the significant work required to review and analyze Plans, as well as to undertake the required quarterly or semi-annual review with respect to a Plan, the Exchange believes it is especially important to ensure that companies that wish to have a Plan accepted or continued by the Exchange have paid all outstanding annual and listing fees (as set forth in the Manual in Section 902.00 *et seq.*[4]) prior to the acceptance of a Plan or any required periodic review of such Plan. As such, the Exchange proposes to amend Sections 802.02 and 802.03 of the Manual to provide that a listed company seeking acceptance of a Plan must pay all outstanding annual and listing fees to the Exchange by the Plan Deadline and that failure to do so will result in the immediate commencement of suspension and delisting proceedings in accordance with Section 804.00. Similarly, the Exchange proposes to amend Sections 802.02 and 802.03 to provide that a Plan will be truncated and immediate suspension and delisting procedures will commence if the listed company has not paid all outstanding annual and listing fees to the Exchange at the time of any quarterly or semi-annual review of such Plan.

Section 802.01D of the Manual provides that the Exchange may in its sole discretion subject a listed company to the procedures outlined in Sections 802.02 and 802.03 (or commence immediate suspension and delisting procedures) if the company has ''violated'' any of its agreements with the Exchange or in the event of a ''breach by the company of the terms of its listing agreement.'' The Exchange notes that the NYSE listing agreement includes an agreement by the listing applicant to ''pay when due all fees associated with its listing of securities on the Exchange, in accordance with the Exchange's rules.''

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[5] in general, and furthers the objectives of Section 6(b)(5) of the Act[6] in particular, in that it is designed 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 and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange believes the proposed rule change furthers the protection of investors in that it will help the Exchange to ensure that it has sufficient resources to fund its regulatory activities relating to the review and approval and the ongoing monitoring of Plans submitted by companies that are below continued listing standards.

The Exchange does not believe that the proposed requirement is unfairly discriminatory as it would only require listed companies to pay fees that were already due and payable and ensure payment of those fees in connection with a process that is resource-intensive and costly for the Exchange. In addition, the Exchange notes that Section 802.03 provides non-U.S. companies with 90 days from the receipt of notice of non-compliance to submit a Plan to the Exchange, while Section 802.02 provides domestic companies with only a 45-day period to do so. In addition, Section 802.03 subjects non-U.S. companies to a semi-annual review during any ongoing Plan process, while Section 802.02 subjects domestic companies to a quarterly review process. In light of this existing distinction in the rules, the Exchange believes it is not discriminatory to give non-compliant non-U.S. companies a period to pay overdue fees in connection with any initial Plan acceptance or continuing Plan review that is consistent with the provisions applicable to non-U.S. companies set forth in Section 802.03 rather than the provisions applicable to domestic companies set forth in Section 802.02.

The Exchange believes that the proposal is consistent with Section 6(b)(7) of the Act,[7] in that it provides a fair procedure for the prohibition or limitation by the Exchange of the continued listing of listed companies. Specifically, the Exchange believes it is fair to require listed companies to pay all outstanding listing and annual fees before the Exchange approves a Plan or required periodic review of a Plan, as listed companies are already required by Exchange rules (as set forth in Section 902.00 *et seq.*) and their listing agreements to pay these fees when due and the Exchange has the authority under Section 802.01D to delist companies for violations of their agreements with the Exchange, including their listing agreements. In addition, the Exchange notes that the Plan acceptance and periodic review process requires significant incremental work on the part of Exchange staff.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose

[4] The listing fees and annual fees for all categories of listed securities are set forth in Section 902.00 *et seq.*

[5] 15 U.S.C. 78f(b).

[6] 15 U.S.C. 78f(b)(5).

[7] 15 U.S.C. 78f(b)(7).

any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange notes that the proposed amendments would simply require listed companies to pay fees to the Exchange that were already due and payable under applicable Exchange rules and the issuer's listing agreement. Specifically, the Exchange believes it is fair to require listed companies to pay all outstanding listing and annual fees before the Exchange approves a Plan or required periodic review of a Plan, as listed companies are already required by Exchange rules (as set forth in Section 902.00 *et seq.*) and their listing agreements to pay these fees when due and the Exchange has the authority under Section 802.01D to delist companies for violations of their agreements with the Exchange, including their listing agreements. In addition, the Exchange notes that the Plan acceptance and periodic review process requires significant incremental work on the part of Exchange staff.

As the proposal would not result in any change in the cost of a listing on the Exchange, the Exchange does not believe that it imposes any additional burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) by order approve or disapprove the proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be 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–NYSE–2024–44 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–NYSE–2024–44. 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–NYSE–2024–44 and should be submitted on or before November 6, 2024.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[8]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2024–23803 Filed 10–15–24; 8:45 am]

BILLING CODE 8011–01–P

[8] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–101289; File No. SR–MIAX–2024–39]

Self-Regulatory Organizations; Miami International Securities Exchange, LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Its Fee Schedule and Extend the SPIKES Options Market Maker Incentive Program

October 9, 2024.

Pursuant to the provisions of 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 27, 2024, Miami International Securities Exchange, LLC (''MIAX'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') a proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is filing a proposal to amend the MIAX Fee Schedule (''Fee Schedule'') to (i) amend and extend the SPIKES options Market Maker Incentive Program (the ''Incentive Program'') until January 31, 2025; and (ii) remove waivers for certain non-transaction fees applicable to Market Makers[3] that trade solely in Proprietary Products.[4]

The text of the proposed rule change is available on the Exchange's website at *https://www.miaxglobal.com/markets/us-options/all-options-exchanges/rule-filings,* at MIAX's principal office, 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

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] The term ''Market Makers'' refers to ''Lead Market Makers'', ''Primary Lead Market Makers'' and ''Registered Market Makers'' collectively. *See* Exchange Rule 100.

[4] The term ''Proprietary Product'' means a class of options that is listed exclusively on the Exchange. *See* Exchange Rule 100.

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 Fee Schedule to (i) amend and extend the SPIKES options Market Maker Incentive Program (the ''Incentive Program'') until January 31, 2025; and (ii) remove waivers for certain non-transaction fees applicable to Market Makers that trade solely in Proprietary Products.

Background

On October 12, 2018, the Exchange received approval from the U.S. Securities and Exchange Commission (''Commission'') to list and trade on the Exchange options on the SPIKES® Index, a new index that measures expected 30-day volatility of the SPDR S&P 500 ETF Trust (commonly known and referred to by its ticker symbol, ''SPY'').[5] The Exchange adopted its initial SPIKES options transaction fees on February 15, 2019 and adopted a new section of the Fee Schedule for those fees.[6] Options on the SPIKES Index began trading on the Exchange on February 19, 2019.

On May 31, 2019, the Exchange filed its first proposal in a series of proposals with the Commission to amend the Fee Schedule to waive certain non-transaction fees applicable to Market Makers that trade solely in Proprietary Products (including options on the SPIKES Index) beginning June 1, 2019, through September 30, 2024.[7] In particular, the Exchange adopted fee waivers for Membership Application fees, monthly Market Maker Trading Permit fees, Application Programming Interface (''API'') Testing and Certification fees for Members,[8] and monthly MIAX Express Interface (''MEI'') Port [9] fees assessed to Market Makers that trade solely in Proprietary Products (including options on SPIKES) throughout the entire period of June 1, 2019 through September 30, 2024.

On September 30, 2021, the Exchange filed its initial proposal (SR–MIAX–2021–45) to implement the Incentive Program for SPIKES options to incentivize Market Makers to improve liquidity, available volume, and the quote spread width of SPIKES options beginning October 1, 2021, and ending December 31, 2021.[10] Technical details regarding the Incentive Program were published in a Regulatory Circular on September 30, 2021.[11] On October 12, 2021, the Exchange withdrew SR–MIAX–2021–45 and refiled its proposal to implement the Incentive Program to provide additional details.[12] In that filing, the Exchange specifically noted that the Incentive Program would expire at the end of the period (December 31, 2021) unless the Exchange filed another 19b–4 Filing to amend the fees (or extend the Incentive Program).[13]

Between December 23, 2021, and June 28, 2024, the Exchange filed several proposals to extend the Incentive Program, with the last extension period ending September 30, 2024.[14] In each of those filings, the Exchange specifically noted that the Incentive Program would expire at the end of the then-current period unless the Exchange filed another 19b–4 Filing to amend the fees (or extend the Incentive Program).[15]

Proposal To Amend and Extend the Incentive Program

The Exchange now proposes to amend and extend the Incentive Program for SPIKES options to continue to incentivize Market Makers to improve liquidity and available volume in SPIKES options by amending the quotes spread width requirements and the amounts of the incentive compensation pools.

Currently, to be eligible to participate in the Incentive Program, a Market Maker must meet certain minimum requirements related to quote spread width in certain in-the-money (ITM) and out-of-the-money (OTM) options as determined by the Exchange and communicated to Members via Regulatory Circular.[16] The Exchange has devised a methodology where each qualifying Market Maker's ITM/OTM market width for eligible Incentive Program options is calculated. Eligible ITM options require a maximum quote spread width of 150 basis points (''bps'') and each eligible OTM option requires a maximum quote spread width of 100 bps.[17] Market Makers must also satisfy a minimum time in the market in the front 2 expiry months of 70%, and have an average quote size of 25 contracts. The Exchange established two separate incentive compensation pools that are used to compensate Market Makers that

[5] *See* Securities Exchange Act Release No. 84417 (October 12, 2018), 83 FR 52865 (October 18, 2018) (SR–MIAX–2018–14) (Order Granting Approval of a Proposed Rule Change by Miami International Securities Exchange, LLC to List and Trade on the Exchange Options on the SPIKES® Index).

[6] *See* Securities Exchange Release No. 85283 (March 11, 2019), 84 FR 9567 (March 15, 2019) (SR–MIAX–2019–11). The Exchange initially filed the proposal on February 15, 2019 (SR–MIAX–2019–04). That filing was withdrawn and replaced with SR–MIAX–2019–11. On September 30, 2020, the Exchange filed its proposal to, among other things, reorganize the Fee Schedule to adopt new Section (1)(b), Proprietary Products Exchange Fees, and moved the fees and rebates for SPIKES options into new Section (1)(b)(i). *See* Securities Exchange Act Release Nos. 90146 (October 9, 2020), 85 FR 65443 (October 15, 2020) (SR–MIAX–2020–32); 90814 (December 29, 2020), 86 FR 327 (January 5, 2021) (SR–MIAX–2020–39).

[7] *See* Securities Exchange Act Release Nos. 86109 (June 14, 2019), 84 FR 28860 (June 20, 2019) (SR–MIAX–2019–28); 87282 (October 10, 2019), 84 FR 55658 (October 17, 2019) (SR–MIAX–2019–43); 87897 (January 6, 2020), 85 FR 1346 (January 10, 2020) (SR–MIAX–2019–53); 89289 (July 10, 2020), 85 FR 43279 (July 16, 2020) (SR–MIAX–2020–22); 90146 (October 9, 2020), 85 FR 65443 (October 15, 2020) (SR–MIAX–2020–32); 90814 (December 29, 2020), 86 FR 327 (January 5, 2021) (SR–MIAX–2020–39); 91498 (April 7, 2021), 86 FR 19293 (April 13, 2021) (SR–MIAX–2021–06); 93881 (December 30, 2021), 87 FR 517 (January 5, 2022) (SR–MIAX–2021–63); 95259 (July 12, 2022), 87 FR 42754 (July 17, 2022) (SR–MIAX–2022–24); 96007 (October 7, 2022), 87 FR 62151 (October 13, 2022) (SR–MIAX–2022–32); 96588 (December 28, 2022), 88 FR 381 (January 4, 2023) (SR–MIAX–2022–47); 97887 (July 12, 2023), 88 FR 45936 (July 18, 2023) (SR–MIAX–2023–28); 99047 (November 30, 2023), 88 FR 84861 (December 6, 2023) (SR–MIAX–2023–46); *and* 100468 (July 9, 2024), 89 FR 57445 (July 15, 2024) (SR–MIAX–2024–26).

[8] The term ''Member'' means an individual or organization approved to exercise the trading rights associated with a Trading Permit. Members are deemed ''members'' under the Exchange Act. *See* Exchange Rule 100.

[9] Full Service MEI Ports provide Market Makers with the ability to send Market Maker simple and complex quotes, eQuotes, and quote purge messages to the MIAX System. Full Service MEI Ports are also capable of receiving administrative information. Market Makers are limited to two Full Service MEI Ports per matching engine. *See* Fee Schedule, Section 5)d)ii), footnote 28.

[10] *See* SR–MIAX–2021–45.

[11] *See* MIAX Options Regulatory Circular 2021–56, SPIKES Options Market Maker Incentive Program (September 30, 2021) *available at https://www.miaxglobal.com/sites/default/files/circular-files/MIAX_Options_RC_2021_56.pdf.*

[12] *See* Securities Exchange Act Release No. 93424 (October 26, 2021), 86 FR 60322 (November 1, 2021) (SR–MIAX–2021–49).

[13] *See id.*

[14] *See* Securities Exchange Act Release Nos. 93881 (December 30, 2021), 87 FR 517 (January 5, 2022) (SR–MIAX–2021–63); 94574 (April 1, 2022), 87 FR 20492 (April 7, 2022) (SR–MIAX–2022–12); 95259 (July 12, 2022), 87 FR 42754 (July 17, 2022) (SR–MIAX–2022–24); 96007 (October 7, 2022), 87 FR 62151 (October 13, 2022) (SR–MIAX–2022–32); 96588 (December 28, 2022), 88 FR 381 (January 4, 2023) (SR–MIAX–2022–47); 97239 (April 3, 2023), 88 FR 20930 (April 7, 2023) (SR–MIAX–2023–13); 97883 (July 12, 2023), 88 FR 45941 (July 18, 2023) (SR–MIAX–2023–26); 99040 (November 29, 2023), 88 FR 84374 (December 5, 2023) (SR–MIAX–2023–47); 99902 (April 3, 2024), 89 FR 24883 (April 9, 2024) (SR–MIAX–2024–17); *and* 100468 (July 9, 2024), 89 FR 57445 (July 15, 2024) (SR–MIAX–2024–26).

[15] *See id.*

[16] *See supra* note 11.

[17] Calculation of bps is described in Regulatory Circular 2021–56. *See supra* note 11.

satisfy and/or exceed the criteria pursuant to the Incentive Program.

The Exchange now proposes to double the maximum quote spread width parameters for both ITM options and OTM options. Specifically, the Exchange proposes to increase the maximum quote spread width from 150 bps to 300 bps for a Market Maker quoting ITM options to be eligible to participate in the Incentive Program. The Exchange also proposes to increase the maximum quote spread width from 100 bps to 200 bps for a Market Maker quoting OTM options to be eligible to participate in the Incentive Program. The Exchange will communicate the new requirements of the Incentive Program to Members via Regulatory Circular.[18]

Currently, the first pool (Incentive 1) is capped at $40,000 per month, which is allocated to Market Makers that meet the minimum requirements of the Incentive Program. Market Makers are required to meet minimum spread width requirements in a select number of ITM and OTM SPIKES option contracts as determined by the Exchange and communicated to Members via Regulatory Circular.[19] A complete description of how the Exchange calculates the minimum spread width requirements in ITM and OTM SPIKES options can be found in the published Regulatory Circular.[20] Market Makers are also required to maintain the minimum spread width, described above, for at least 70% of the time in the front two (2) SPIKES options contract expiry months and maintain an average quote size of at least 25 contracts.[21] The amount available to each individual Market Maker is capped at $10,000 per month for satisfying the minimum requirements of the Incentive Program. In the event that more than four Market Makers meet the requirements of the Incentive Program, each qualifying Market Maker is entitled to receive a pro-rated share of the $40,000 monthly compensation pool dependent upon the number of qualifying Market Makers in that particular month.

The Exchange now proposes to amend the terms of Incentive 1. Specifically, the Exchange proposes to reduce the total compensation pool of Incentive 1 from $40,000 per month to $10,000 per month. The Exchange also proposes to reduce the maximum amount available to each individual Market Maker for satisfying the minimum requirements of the Incentive Program from $10,000 per month to $5,000 per month. The Exchange proposes that, in the event that more than two Market Makers meet the requirements of Incentive 1, each qualifying Market Maker is entitled to receive a pro-rated share of the $10,000 monthly compensation pool dependent upon the number of qualifying Market Makers in that particular month.

Currently, the second pool (Incentive 2) is capped at a total amount of $100,000 per month which is used during the Incentive Program to further incentivize Market Makers who meet or exceed the requirements of Incentive 1 (''qualifying Market Makers'') to provide tighter quote width spreads with the total compensation pool amount based on qualifying Market Makers' improvement value over the minimum requirement score. The Exchange ranks each qualifying Market Maker's quote width spread relative to each other qualifying Market Maker's quote width spread. Market Makers with tighter spreads in certain strikes, as determined by the Exchange and communicated to Members via Regulatory Circular,[22] are eligible to receive a pro-rated share of the compensation pool not to exceed $25,000 per Member per month. Qualifying Market Makers are ranked relative to each other based on the quality of their spread width (*i.e.,* tighter spreads are ranked higher than wider spreads) and the Market Maker with the best quality spread width receives the highest rebate, while other eligible qualifying Market Makers receive a rebate relative to their quality spread width.

The Exchange now proposes to amend the terms of Incentive 2. Specifically, the Exchange proposes to reduce the total compensation pool of Incentive 2 from a maximum of $100,000 per month to a maximum of $25,000 per month. The Exchange also proposes to reduce the maximum amount available to each individual Market Maker for satisfying the requirements of Incentive 2 from $25,000 per month to $12,500 per month.

The purpose of the proposed changes is for business reasons. The Exchange proposes to lower the quoting requirements because the Exchange is no longer listing new expiration months in SPIKES options. The Exchange anticipates that there will be no expiration months available for trading following the expiration of the January 2025 SPIKES options. The Exchange believes that it is appropriate to lower the threshold of the quoting standards for the Incentive Program to further encourage more SPIKES Market Makers to participate in the Incentive Program. The Exchange also proposes to reduce the compensation pools and the maximum amount available to each individual Market Maker for satisfying and/or exceeding the minimum requirements of the Incentive Program because the Exchange proposes to lower the quoting requirements for the Incentive Program.

In addition, the Exchange proposes to extend the Incentive Program until January 31, 2025. The purpose of this extension is to continue to incentivize Market Makers to provide quotes in SPIKES options and to improve liquidity and available volume.

The Exchange will announce the amendment and extension of the Incentive Program to all Members via a Regulatory Circular.[23]

Proposal To Remove the Fee Waivers for Market Markets That Trade Solely in Proprietary Products (Including SPIKES Options)

Currently, the Exchange offers fee waivers for (i) Membership Application fees, (ii) monthly Market Maker Trading Permit fees, (iii) Member API Testing and Certification fees, and (iv) monthly MEI Port fees, to Market Makers that trade solely in Proprietary Products (including options on SPIKES). The fee waivers for the aforementioned fees will end on September 30, 2024. The Exchange now proposes to remove the aforementioned fee waivers from the Fee Schedule once they expire on September 30, 2024.

Membership Application Fees

The Exchange currently assesses a one-time Membership Application fee for applications of potential Members. The Exchange assesses a one-time Membership Application fee on the earlier of (i) the date the applicant is certified in the membership system, or (ii) once an application for MIAX membership is finally denied. The one-time application fee is based upon the

[18] *See* MIAX Options Exchange Regulatory Circular 2024–54, Updated SPIKES Options Market Maker Incentive Program (September 26, 2024), *available at https://www.miaxglobal.com/markets/us-options/miax-options/regulatory-circulars.*

[19] *See supra* note 11.

[20] *See id.*

[21] In the event there is only one monthly expiration listed, the requirements are only applicable to that single month.

[22] *See supra* note 11.

[23] *See supra* note 18. The Exchange notes that at the end of the extension period, the Incentive Program will expire unless the Exchange files another 19b–4 Filing to amend the terms or extend the Incentive Program.

applicant's status as either a Market Maker or an Electronic Exchange Member (''EEM'').[24] A Market Maker is assessed a one-time Membership Application fee of $3,000. However, the Exchange currently offers a waiver of the Membership Application fee for Market Makers that will trade solely in Proprietary Products. This waiver is set to expire on September 30, 2024.

The Exchange now proposes to remove the waiver for the one-time Membership Application fee of $3,000 for Market Makers that trade solely in Proprietary Products (including options on SPIKES) once it expires on September 30, 2024. The Exchange notes that the only Proprietary Product offered by the Exchange is SPIKES options. The Exchange initially waived the Membership Application fee for Market Makers that trade solely in Proprietary Products in order to attract new market participants to trade SPIKES options. Since the Exchange is no longer listing new expiration months in SPIKES options, and the Exchange anticipates that there will be no expiration months available for trading following the expiration of the January 2025 SPIKES options, the Exchange will no longer waive the Membership Application fee to attract market participants to trade SPIKES options.

Trading Permit Fees

The Exchange issues Trading Permits that confer the ability to transact on the Exchange. MIAX Trading Permits are issued to Market Makers and EEMs. Members receiving Trading Permits during a particular calendar month are assessed monthly Trading Permit fees as set forth in the Fee Schedule. As it relates to Market Makers, the Exchange currently assesses a monthly Trading Permit fee in any month the Market Maker is certified in the membership system, is credentialed to use one or more MIAX MEI Ports in the production environment and is assigned to quote in one or more classes. The Exchange assesses the monthly Market Maker Trading Permit fee for its Market Makers based on the greatest number of classes listed on the Exchange that the Market Maker was assigned to quote in on any given day within a calendar month and the applicable fee rate is the lesser of either the per class basis or percentage of total national average daily volume measurements. A Market Maker is assessed a monthly Trading Permit fee according to the following table:[25]

Type of trading permit	Monthly MIAX trading permit fee	Market Maker assignments (the lesser of the applicable measurements below) Ω	
		Per class	% of national average daily volume
Market Maker (includes RMM, LMM, PLMM).	$7,000.00	Up to 10 Classes	Up to 20% of Classes by volume.
	12,000.00	Up to 40 Classes	Up to 35% of Classes by volume.
	*17,000.00	Up to 100 Classes	Up to 50% of Classes by volume.
	*22,000.00	Over 100 Classes	Over 50% of Classes by volume up to all Classes listed on MIAX.

Ω Excludes Proprietary Products.

*For these Monthly MIAX Trading Permit Fee levels, if the Market Maker's total monthly executed volume during the relevant month is less than 0.060% of the total monthly executed volume reported by OCC in the market maker account type for MIAX-listed option classes for that month, then the fee will be $15,500 instead of the fee otherwise applicable to such level.

However, the Exchange currently offers a waiver of the Trading Permit fee for Market Makers that will trade solely in Proprietary Products. This waiver is set to expire on September 30, 2024.

The Exchange now proposes to remove the waiver for the monthly Trading Permit fee for Market Makers that trade solely in Proprietary Products (including options on SPIKES) once it expires on September 30, 2024. The Exchange notes that the only Proprietary Products offered by the Exchange is SPIKES options. The Exchange initially waived the monthly Trading Permit fee for Market Makers that trade solely in Proprietary Products in order to attract new market participants to trade SPIKES options. Since the Exchange is no longer listing new expiration months in SPIKES options, and the Exchange anticipates that there will be no expiration months available for trading following the expiration of the January 2025 SPIKES options, the Exchange will no longer waive the monthly Trading Permit fee to attract market participants to trade SPIKES options. The Exchange also notes that there are no Market Makers trading solely in SPIKES options, thus the Exchange believes that removing the waiver for the monthly Trading Permit fee for Market Makers that trade solely in Proprietary Products (including options on SPIKES) would have no impact on Members or the public.

API Testing and Certification Fees

The Exchange assesses an API Testing and Certification fee to all Members depending upon Membership type. An API makes it possible for Members' software to communicate with MIAX software applications, and is subject to Members testing with, and certification by, MIAX. The Exchange offers four types of interfaces: (i) the Financial Information Exchange Port (''FIX Port''),[26] which enables the FIX Port user (typically an EEM or a Market Maker) to submit simple and complex orders electronically to MIAX; (ii) the MEI Port, which enables Market Makers to submit simple and complex electronic quotes to MIAX; (iii) the Clearing Trade Drop Port (''CTD Port''),[27] which provides real-time trade clearing information to the participants to a trade on MIAX and to the participants' respective clearing firms;

[24] The term ''Electronic Exchange Member'' or ''EEM'' means the holder of a Trading Permit who is not a Market Maker. Electronic Exchange Members are deemed ''members'' under the Exchange Act. *See* Exchange Rule 100.

[25] *See* Fee Schedule, Section (3)(b).

[26] A FIX Port is an interface with MIAX systems that enables the Port user (typically an Electronic Exchange Member or a Market Maker) to submit simple and complex orders electronically to MIAX. *See* Fee Schedule, Section 5)d)i).

[27] Clearing Trade Drop (''CTD'') provides Exchange members with real-time clearing trade updates. The updates include the Member's clearing trade messages on a low latency, real-time basis. The trade messages are routed to a Member's connection containing certain information. The information includes, among other things, the following: (i) trade date and time; (ii) symbol information; (iii) trade price/size information; (iv) Member type (for example, and without limitation, Market Maker, Electronic Exchange Member, Broker-Dealer); (v) Exchange Member Participant Identifier (''MPID'') for each side of the transaction, including Clearing Member MPID; and (vi) strategy specific information for complex transactions. CTD Port Fees will be assessed in any month the Member is credentialed to use the CTD Port in the production environment. *See* Fee Schedule, Section 5)d)iii.

and (iv) the FIX Drop Copy Port (''FXD Port''),[28] which provides a copy of real-time trade execution, correction and cancellation information through a FIX Port to any number of FIX Ports designated by an EEM to receive such messages.

API Testing and Certification fees for Market Makers are assessed (i) initially per API for CTD and MEI ports in the month the Market Maker has been credentialed to use one or more ports in the production environment for the tested API and the Market Maker has been assigned to quote in one or more classes, and (ii) each time a Market Maker initiates a change to its system that requires testing and certification. API Testing and Certification fees will not be assessed in situations where the Exchange initiates a mandatory change to the Exchange's system that requires testing and certification. The Exchange currently assesses a Market Maker an API Testing and Certification fee of $2,500. The API Testing and Certification fees represent costs incurred by the Exchange as it works with each Member for testing and certifying that the Member's software systems communicate properly with the Exchange's interfaces. However, the Exchange currently offers a waiver of the API Testing and Certification Fee for Market Makers that will trade solely in Proprietary Products. This waiver is set to expire on September 30, 2024.

The Exchange now proposes to remove the waiver of the API Testing and Certification fee for Market Makers that trade solely in Proprietary Products (including options on SPIKES) from the Fee Schedule once it expires on September 30, 2024. The Exchange notes that the only Proprietary Products offered by the Exchange is SPIKES options. The Exchange initially waived the API Testing and Certification fee for Market Makers that trade solely in Proprietary Products in order to attract new market participants to trade SPIKES options. Since the Exchange is no longer listing new expiration months in SPIKES options, and the Exchange anticipates that there will be no expiration months available for trading following the expiration of the January 2025 SPIKES options, the Exchange will no longer waive the API Testing and Certification fee to attract market participants to trade SPIKES options. The Exchange also notes that there is no Market Makers trading solely in SPIKES options, thus the Exchange believes that removing the waiver for the API Testing and Certification fee for Market Makers that trade solely in Proprietary Products (including options on SPIKES) would have no impact on Members or the public.

MEI Port Fees

The Exchange assesses monthly MEI Port fees to Market Makers in each month the Member has been credentialed to use the MEI Port in the production environment and has been assigned to quote in at least one class. The amount of the monthly MEI Port fee is based upon the number of classes in which the Market Maker was assigned to quote on any given day within the calendar month, and upon the class volume percentages set forth in the Fee Schedule. The class volume percentage is based on the total national average daily volume in classes listed on the Exchange in the prior calendar quarter. Newly listed option classes are excluded from the calculation of the monthly MEI Port fee until the calendar quarter following their listing, at which time the newly listed option classes will be included in both the per class count and the percentage of total national average daily volume. The Exchange assesses Market Makers the monthly MEI Port fee based on the greatest number of classes listed on the Exchange that the Market Maker was assigned to quote in on any given day within a calendar month and the applicable fee rate that is the lesser of either the per class basis or percentage of total national average daily volume measurement. The Exchange assesses MEI Port fees on Market Makers according to the following table:[29] However, the Exchange currently offers a waiver of the MEI Port Fee for Market Makers that trade solely in Proprietary Products. This waiver is set to expire on September 30, 2024.

Monthly MIAX MEI fees	Market maker assignments (the lesser of the applicable measurements below) Ω	
	Per class	% of national average daily volume
$5,000.00	Up to 5 Classes	Up to 10% of Classes by volume.
10,000.00	Up to 10 Classes	Up to 20% of Classes by volume.
14,000.00	Up to 40 Classes	Up to 35% of Classes by volume.
17,500.00*	Up to 100 Classes	Up to 50% of Classes by volume.
20,500.00*	Over 100 Classes	Over 50% of Classes by volume up to all Classes listed on MIAX.

Ω Excludes Proprietary Products.

* For these Monthly MIAX MEI Fees levels, if the Market Maker's total monthly executed volume during the relevant month is less than 0.060% of the total monthly executed volume reported by OCC in the market maker account type for MIAX-listed option classes for that month, then the fee will be $14,500 instead of the fee otherwise applicable to such level.

The Exchange now proposes to remove the waiver of the monthly MEI Port fee for Market Makers that trade solely in Proprietary Products (including options on SPIKES) once it expires on September 30, 2024. The Exchange notes that the only Proprietary Product offered by the Exchange is SPIKES options. The Exchange initially waived the monthly MEI Port fee for Market Makers that trade solely in Proprietary Products in order to attract new market participants to trade SPIKES options. Since the Exchange is no longer listing new expiration months in SPIKES options, and the Exchange anticipates that there will be no expiration months available for trading following the expiration of the January 2025 SPIKES options, the Exchange will no longer waive the monthly MEI Port fee to attract market participants to trade SPIKES options. The Exchange also notes that there is no Market Makers trading solely in SPIKES options, thus the Exchange believes that removing the waiver for the monthly MEI Port fee for

[28] The FIX Drop Copy Port (''FXD'') is a messaging interface that will provide a copy of real-time trade execution, trade correction and trade cancellation information for simple and complex orders to FIX Drop Copy Port users who subscribe to the service. FIX Drop Copy Port users are those users who are designated by an EEM to receive the information and the information is restricted for use by the EEM only. FXD Port Fees will be assessed in any month the Member is credentialed to use the FXD Port in the production environment. *See* Fee Schedule, Section 5)d)iv).

[29] *See* Fee Schedule 5)d)ii).

Market Makers that trade solely in Proprietary Products (including options on SPIKES) would have no impact on Members or the public.

Implementation

The proposed fee changes are effective beginning October 1, 2024.

2. Statutory Basis

The Exchange believes that its proposal to amend its Fee Schedule is consistent with Section 6(b) of the Act [30] in general, and furthers the objectives of Section 6(b)(4) of the Act [31] in particular, in that it is an equitable allocation of reasonable fees and other charges among its Members and issuers and other persons using its facilities. The Exchange also believes the proposal furthers the objectives of Section 6(b)(5) of the Act in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest and is not designed to permit unfair discrimination between customers, issuers, brokers and dealers.

The Exchange believes that it is reasonable, equitable, and not unfairly discriminatory to modify the Incentive Program for Market Makers in SPIKES options. The amendment to the Incentive Program is reasonably designed because the Exchange is no longer listing new expiration months in SPIKES options. The Exchange anticipates that there will be no expiration months available for trading following the expiration of the January 2025 SPIKES options. Lowering the quoting requirements for the Incentive Program would encourage more Market Makers to participate in the Incentive Program. Given that the Exchange proposes to lower the threshold of the quoting standards for the Incentive Program, accordingly the Exchange proposes to reduce the compensation pools and the maximum amount available to each individual Market Maker for satisfying and/or exceeding the minimum requirements of the Incentive Program. The Incentive Program is equitably allocated and not unfairly discriminatory because the amendment to the Incentive Program applies to all SPIKES Market Makers. Additionally, if a SPIKES Market Maker does not satisfy the requirements of Incentive 1 or 2, then that Market Maker simply will not receive the rebate offered by the Incentive Program for that month.

The Exchange believes that it is reasonable, equitable and not unfairly discriminatory to extend the Incentive Program for Market Makers in SPIKES options until January 31, 2025. It will continue to benefit all market participants trading in SPIKES options. SPIKES options is a Proprietary Product on the Exchange and the continuation of the Incentive Program encourages SPIKES Market Makers to satisfy a heightened quoting standard, average quote size, and time in market. A continued increase in quoting activity and tight quotes may yield a corresponding increase in order flow from other market participants, which benefits all investors by deepening the Exchange's liquidity pool, potentially providing greater execution incentives and opportunities, while promoting market transparency and improving investor protection.

The Exchange believes that the Incentive Program is equitable and not unfairly discriminatory because it will continue to promote SPIKES options liquidity, which may increase trading opportunities to the benefit of all market participants. The Exchange believes it is reasonable to operate the Incentive Program for a continued limited period of time to strengthen market quality for all market participants. The resulting increased volume and liquidity will benefit those Members who are eligible to participate in the Incentive Program and will also continue to benefit those Members who are not eligible to participate in the Incentive Program by providing more trading opportunities and tighter spreads.

Additionally, the Exchange believes that the proposal to remove the fee waivers for certain non-transaction fees for Market Makers that trade solely in Proprietary Products is reasonable. The Exchange initially waived certain non-transaction fees for Market Makers that trade solely in Proprietary Products in order to attract new market participants to trade SPIKES options. Since the Exchange is no longer listing new expiration months in SPIKES options, and the Exchange anticipates that there will be no expiration months available for trading following the expiration of the January 2025 SPIKES options, the Exchange will no longer waive these non-transaction fees to attract market participants to trade SPIKES options. The Exchange also notes that there is no Market Makers trading solely in SPIKES options, thus the Exchange believes that removing the fee waivers for certain non-transaction fees for Market Makers that trade solely in Proprietary Products (including options on SPIKES) would have no impact on Members or the public. The Exchange believes the proposed removal of the fee waivers is fair and equitable and not unreasonably discriminatory because it applies to all current and future market participants on the Exchange.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

Intra-Market Competition

The Exchange believes that the proposed modification and extension of the Incentive Program to January 31, 2025, would continue to increase intra-market competition by incentivizing Market Makers to quote SPIKES options, which will continue to enhance the quality of quoting and increase the volume of contracts available to trade in SPIKES options. To the extent that this purpose is achieved, all the Exchange's market participants should benefit from the improved market liquidity for SPIKES options. Enhanced market quality and increased transaction volume in SPIKES options that results from the anticipated increase in Market Maker activity on the Exchange will benefit all market participants and improve competition on the Exchange.

Additionally, the Exchange believes that the proposal to remove certain of the non-transaction fee waivers for Market Makers that trade solely in Proprietary Products would have no impact on intra-market competition because it applies to all new potential Market Makers to quote in Proprietary Products. The Exchange also notes that there are no Market Makers trading solely in SPIKES options, thus the Exchange believes that removing the waiver for the monthly MEI Port fee for Market Makers that trade solely in Proprietary Products (including options on SPIKES) would have no impact on intra-market competition.

The Exchange does not believe that the proposed rule changes will impose any burden on intra-market competition that is not necessary or appropriate in furtherance of the purposes of the Act because the proposed changes for each separate type of market participant (new Market Makers and existing Market Makers) will be assessed equally to all such market participants.

Inter-Market Competition

The Exchange does not believe that the proposed rule changes will impose

[30] 15 U.S.C. 78f(b).

[31] 15 U.S.C. 78f(b)(4) and (5).

any burden on inter-market competition that is not necessary or appropriate in furtherance of the purposes of the Act because the proposed modification and extension of the Incentive Program applies only to the Market Makers in SPIKES options, which are traded exclusively on the Exchange.

Additionally, the Exchange does not believe that the proposed rule changes will impose any burden on inter-market competition that is not necessary or appropriate in furtherance of the purposes of the Act because the proposed removal of the fee waivers applies only to the Exchange's Proprietary Products (including options on SPIKES), which are traded exclusively on the Exchange.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act,[32] and Rule 19b–4(f)(2)[33] thereunder.

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include file number SR–MIAX–2024–39 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–MIAX–2024–39. 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–MIAX–2024–39 and should be submitted on or before November 6, 2024.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[34]

Sherry R. Haywood,

Assistant Secretary.

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[32] 15 U.S.C. 78s(b)(3)(A)(ii).

[33] 17 CFR 240.19b–4(f)(2).

[34] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–101294; File No. SR–MEMX–2024–39]

Self-Regulatory Organizations; MEMX LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the Exchange's Fee Schedule Concerning Equities Transaction Pricing

October 9, 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 October 2, 2024, MEMX LLC (''MEMX'' or the ''Exchange'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is filing with the Commission a proposed rule change to amend the Exchange's fee schedule applicable to Members[3] (the ''Fee Schedule'') pursuant to Exchange Rules 15.1(a) and (c). The Exchange proposes to implement the changes to the Fee Schedule pursuant to this proposal immediately. The text of the proposed rule change is provided in Exhibit 5.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Exchange Rule 1.5(p).

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to amend the Fee Schedule to: (i) adopt a reduced fee for executions of Retail Orders [4] in securities priced at or above $1.00 per share that remove liquidity from the Exchange; (ii) modify the Liquidity Provision Tiers by eliminating the current Liquidity Provision Tier 1 and increasing the rebate for the current Liquidity Provision Tier 2, which will be renamed Liquidity Provision Tier 1; (iii) modify NBBO Setter Tier 1 by increasing the additive rebate that would apply to a qualifying Member's executions of certain transactions, eliminating the additive rebate that would apply to a qualifying Member's executions of other transactions, and modifying the required criteria under such tier; (iv) modify the Tape B Volume Tier 1 by modifying the criteria under such tier; and (v) modify the Displayed Liquidity Incentive (DLI) Tiers by increasing the rebate and modifying the criteria under Displayed Liquidity Incentive Tier 1.[5]

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, to which market participants may direct their order flow. Based on publicly available information, no single registered equities exchange currently has more than approximately 15.6% of the total market share of executed volume of equities trading.[6] Thus, in such a low-concentrated and highly competitive market, no single equities exchange possesses significant pricing power in the execution of order flow, and the Exchange currently represents approximately 2% of the overall market share.[7] The Exchange in particular operates a ''Maker-Taker'' model whereby it provides rebates to Members that add liquidity to the Exchange and charges fees to Members that remove liquidity from the Exchange. The Fee Schedule sets forth the standard rebates and fees applied per share for orders that add and remove liquidity, respectively. Additionally, in response to the competitive environment, the Exchange also offers tiered pricing, which provides Members with opportunities to qualify for higher rebates or lower fees where certain volume criteria and thresholds are met. Tiered pricing provides an incremental incentive for Members to strive for higher tier levels, which provides increasingly higher benefits or discounts for satisfying increasingly more stringent criteria.

Removed Retail Volume Fee

The Exchange currently charges a standard fee of $0.0030 per share for executions of orders in securities that remove liquidity from the Exchange (such orders, ''Removed Volume''). The Exchange now proposes to adopt a reduced fee of $0.0028 per share for executions of Retail Orders in securities priced at or above $1.00 per share that remove liquidity from the Exchange (such orders, ''Removed Retail Volume'').[8] As proposed, executions of Removed Retail Volume in securities priced below $1.00 per share will be charged a fee of 0.28% of the total dollar value of the transaction, which is the same fee that is currently charged for all such executions.

The purpose of reducing the fee for executions of Removed Retail Volume is to incentivize Members to submit additional liquidity-removing Retail Orders to the Exchange, thereby contributing to a deeper and more liquidity market to the benefit of all market participants and enhancing the attractiveness of the Exchange as a trading venue. The Exchange notes that the proposed lower fee for executions of Removed Retail Volume (*i.e.* $0.0028) is competitive with the fees charged for executions of liquidity-removing retail orders charged by other exchanges.[9]

Liquidity Provision Tiers

The Exchange currently provides a base rebate of $0.0015 per share for executions of orders in securities priced at or above $1.00 per share that add displayed liquidity to the Exchange (such orders, ''Added Displayed Volume''). The Exchange also currently offers Liquidity Provision Tiers 1–6 under which a Member may receive an enhanced rebate for executions of Added Displayed Volume by achieving the corresponding required volume criteria for each such tier. The Exchange now proposes to modify the Liquidity Provision Tiers by eliminating the current Liquidity Provision Tier 1, deleting a footnote associated with the current Liquidity Provision Tier 1 in the Exchange's Fee Schedule, and re-numbering the existing Liquidity Provision Tiers 2–6 as Liquidity Provision Tiers 1–5 (hereinafter referred to as such). The applicable rebates and required criteria under Liquidity Provision Tiers 1–5 would remain unchanged, except for the rebate provided under the renamed Liquidity Provision Tier 1, which the Exchange is proposing to increase, as further described below.

First, with respect to the existing Liquidity Provision Tier 1, the Exchange currently provides an enhanced rebate of $0.0034 per share for executions of Added Displayed Volume in securities priced at or above $1.00 for Members that either: (1) have an ADAV [10] (excluding Retail Orders) that is equal to or greater than 0.50% of the TCV,[11] or (2) a Step-Up ADAV [12] from June 2024 (excluding Retail Orders) that is equal to or greater than 0.07% of the TCV in securities priced at or above $1.00 per share and an ADAV that is equal to or

[4] A ''Retail Order'' means an agency or riskless principal order that meets the criteria of FINRA Rule 5320.03 that originates from a natural person and is submitted to the Exchange by a Retail Member Organization, provided that no change is made to the terms of the order with respect to price or side of market and the order does not originate from a trading algorithm or any other computerized methodology. *See* Exchange Rule 11.21(a).

[5] The Exchange initially filed the proposed Fee Schedule changes on September 30, 2024 (SR–MEMX–2024–37). On October 2, 2024, the Exchange withdrew that filing and submitted this proposal.

[6] Market share percentage calculated as of September 30, 2024. The Exchange receives and processes data made available through consolidated data feeds (*i.e.,* CTS and UTDF).

[7] *Id.*

[8] The Exchange notes that it currently provides free executions (*i.e.,* the Exchange charges no fee and provides no rebate) for executions of Retail Orders with a time-in-force (''TIF'') instruction of Day, Good-'til-Time (''GTT''), or Regular Hours Only (''RHO'') that remove liquidity from the Exchange upon entry into the System. It is not proposing to change that pricing as a part of this proposal and as such, this proposal shall only apply to Retail Orders with a TIF of Immediate-or-Cancel (''IOC'') or Fill-or-Kill (''FOK'').

[9] *See, e.g.,* the Cboe EDGX Exchange, Inc. equities trading fee schedule (available at *https://www.cboe.com/us/equities/membership/fee_schedule/edgx/*), indicating a fee of $0.0030 per share for executions of retail orders that remove liquidity, and the MIAX Pearl Equities fee schedule (available at *https://www.miaxglobal.com/markets/us-equities/pearl-equities/fees*), indicating a fee of $0.00285 per share for executions of retail orders that remove liquidity.

[10] As set forth on the Fee Schedule, ''ADAV'' means the average daily added volume calculated as the number of shares added per day, which is calculated on a monthly basis, and ''Displayed ADAV'' means ADAV with respect to displayed orders.

[11] As set forth on the Fee Schedule, ''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.

[12] As set forth on the Fee Schedule, ''Step-Up ADAV'' means ADAV in the relevant baseline month subtracted from current ADAV.

greater than 0.20% of the TCV in securities priced at or above $1.00 per share and a Remove ADV [13] that is equal to or greater than 0.45% of the TCV. The Exchange now proposes to eliminate Liquidity Provision Tier 1, as the Exchange no longer wishes to, nor is it required to, maintain such tier.

With respect to the newly re-numbered Liquidity Provision Tier 1,[14] the Exchange currently provides an enhanced rebate of $0.0033 per share for executions of Added Displayed Volume in securities priced at or above $1.00 per share for Members that qualify for such tier by achieving either: (1) an ADAV (excluding Retail Orders) that is equal to or greater than 0.40% of the TCV, or (2) an ADAV that is equal to or greater than 0.30% of the TCV in securities priced at or above $1.00 per share and a Non-Displayed ADAV [15] that is equal to or greater than 6,000,000 shares. The Exchange now proposes to increase the rebate for executions of Added Displayed Volume under Liquidity Provision Tier 1 to $0.0034 per share. The Exchange is not proposing to change the criteria required to qualify for renamed Liquidity Provision Tier 1. The Exchange is also not proposing to change the rebate for executions of orders in securities priced below $1.00 per share under such tier.

The tiered pricing structure for executions of Added Displayed Volume under the Liquidity Provision Tiers provides an incremental incentive for Members to strive for higher volume thresholds to receive higher enhanced rebates for such executions and, as such, is intended to encourage Members to maintain or increase their order flow, primarily in the form of liquidity-adding volume, to the Exchange, thereby contributing to a deeper and more liquid market to the benefit of all Members and market participants. The Exchange believes that the Liquidity Provision Tiers, as modified by the proposed changes described above, reflect a reasonable and competitive pricing structure that is right-sized and consistent with the Exchange's overall pricing philosophy of encouraging added and/or displayed liquidity. Specifically, the Exchange believes that, after giving effect to the proposed changes described above, the rebate for executions of Added Displayed Volume provided under each of the Liquidity Provision Tiers 1–5 remains commensurate with the corresponding required criteria under each such tier and is reasonably related to the market quality benefits that each such tier is designed to achieve.

NBBO Setter Tier 1

The Exchange currently offers NBBO Setter Tier 1 under which a Member may receive an additive rebate of $0.0002 per share for a qualifying Member's executions of Added Displayed Volume (other than Retail Orders) in securities priced at or above $1.00 per share that establish the NBBO and have a Fee Code B [16] (such orders, ''Setter Volume''), and an additive rebate of $0.0001 per share for executions of Added Displayed Volume (other than Retail Orders) that do not establish the NBBO (*i.e.,* Fee Codes D and J) [17] by achieving: (1) an ADAV with respect to orders with Fee Code B that is equal to or greater than 5,000,000 shares; or (2) an ADAV with respect to orders with Fee Code B that is equal to or greater than 2,000,000 shares and an ADAV in securities priced at or above $1.00 per share (excluding Retail Orders) that is equal to or greater than 0.30% of the TCV in securities priced at or above over $1.00 per share. The Exchange now proposes to modify NBBO Setter Tier 1 by increasing the additive rebate that would apply to a qualifying Member's executions of Setter Volume (*i.e.* Fee Code B), eliminating the additive rebate that would apply to a qualifying Member's executions of Added Displayed Volume (other than Retail Orders) that have a Fee Code of D or J, and modifying the required criteria under such tier.

First, the Exchange proposes to increase the additive rebate under NBBO Setter Tier 1 to $0.0003 per share for a qualifying Member's executions of Added Displayed Volume with a Fee Code of B. Additionally, the Exchange proposes to eliminate the additive rebate of $0.0001 per share for a qualifying Member's executions with a Fee Code of D or J, and as such, the additive rebate under NBBO Setter Tier 1 as proposed will only apply to a qualifying Member's executions of Added Displayed Volume with a Fee Code of B. The Exchange notes that when the NBBO Setter Tier was originally implemented by the Exchange, the additive rebate similarly only applied to executions with a Fee Code B,[18] and as such, the purpose of eliminating the additive rebate is to revert back to the former application, as well as for business and competitive reasons, as the Exchange believes the elimination of such additive rebate would allow the Exchange to focus on incentivizing Setter Volume with a higher rebate while also decreasing the Exchange's expenditures with respect to the Exchange's transaction pricing, which would enable the Exchange to redirect future resources and funding into other incentives and tiers intended to incentive increased order flow.

Second, the Exchange is proposing to modify the required criteria under NBBO Setter Tier 1. As noted above, currently, a Member qualifies for such tier by achieving (1) an ADAV with respect to orders with Fee Code B that is equal to or greater than 5,000,000 shares; or (2) an ADAV with respect to orders with Fee Code B that is equal to or greater than 2,000,000 shares and an ADAV in securities priced at or above $1.00 per share (excluding Retail Orders) that is equal to or greater than 0.30% of the TCV in securities priced at or above over $1.00 per share. Now, the Exchange proposes to modify the required criteria under NBBO Setter Tier 1 such that a Member would now qualify for such tier by achieving an ADAV with respect to orders with a Fee Code B that is equal to or greater than 0.05% of the TCV. Thus, such proposed change modifies the Fee Code B ADAV criteria in the first alternative from a share-based ADAV to a percentage of the TCV ADAV, and eliminates the second alternative criteria altogether.

The Exchange believes that the proposed modified criteria provides an incremental incentive for Members to strive for higher ADAV in NBBO setting orders (*i.e.* Fee Code B) on the Exchange to receive the additive rebate for qualifying executions of Added Displayed Volume under such tier, and thus, it is designed to encourage Members that do not currently qualify for such tier to increase their overall

[13] As set forth on the Fee Schedule, ''Remove ADV'' means ADV with respect to orders that remove liquidity.

[14] The pricing for Liquidity Provision Tier 1 is referred to by the Exchange on the Fee Schedule under the existing description ''Added displayed volume, Liquidity Provision Tier 1'' with a Fee Code of ''B1'', ''D1'' or ''J1'', as applicable, to be provided by the Exchange on the monthly invoices provided to Members.

[15] As set forth on the Fee Schedule, ''Non-Displayed ADAV'' means ADAV with respect to non-displayed orders (including orders subject to Display-Price Sliding that receive price improvement when executed and Midpoint Peg orders).

[16] The Exchange notes that orders with Fee Code B include orders, other than Retail Orders, that establish the NBBO.

[17] The Exchange notes that orders with Fee Code J include orders, other than Retail Orders, that establish a new BBO on the Exchange that matches the NBBO first established on an away market. Orders with Fee Code D include orders that add displayed liquidity to the Exchange but that are not Fee Code B or J, and thus, orders with Fee Code B, D or J include all orders, other than Retail Orders, that add displayed liquidity to the Exchange.

[18] *See* Securities Exchange Act Release No. 94394 (March 10, 2022), 87 FR 14923 (March 16, 2022) (SR–MEMX–2022–01).

orders that add liquidity to the Exchange. The Exchange also believes that the criteria change reflects a reasonable and competitive pricing structure that is right-sized and consistent with the Exchange's overall pricing philosophy of encouraging added and/or displayed liquidity. The Exchange believes that the proposed modified criteria would further incentivize increased order flow to the Exchange, thereby contributing to a deeper and more liquid market to the benefit of all Members.

Tape B Volume Tier

The Exchange currently offers Tape B Volume Tier 1 under which a Member may receive an additive rebate of $0.0002 per share for executions of Added Displayed Volume (excluding Retail Orders) in Tape B Securities (such orders, ''Tape B Volume'') by achieving a Tape B ADAV that is equal to or greater than 0.30% of the Tape B TCV (excluding Retail Orders).[19] Now, the Exchange proposes to modify the required criteria under such tier such that a Member would qualify for such tier by achieving a Tape B ADAV that is equal to or greater than 0.25% of the Tape B TCV (excluding Retail Orders).

The purpose of modifying the required criteria is for business and competitive reasons, as the Exchange believes that such changes would facilitate Members to meet such tier by lowering the Tape B TCV requirement. The Exchange believes that the proposed changes would incentivize Members to submit additional order flow in Tape B Securities, thereby promoting price discovery and market quality on the Exchange.

Displayed Liquidity Incentive (''DLI'') Tiers

The Exchange currently offers DLI Tiers 1 and 2 under which a Member may receive an enhanced rebate for executions of Added Displayed Volume by achieving the corresponding required criteria for each such tier. The DLI Tiers are designed to encourage Members, through the provision of an enhanced rebate for executions of Added Displayed Volume, to promote price discovery and market quality by quoting at the NBBO for a significant portion of each day (*i.e.,* through the applicable quoting requirement [20]) in a broad base of securities (*i.e.,* through the applicable securities requirement [21]), thereby benefitting the Exchange and investors by providing improved trading conditions for all market participants through narrower bid-ask spreads and increased depth of liquidity available at the NBBO in a broad base of securities and committing capital to support the execution of orders.[22] Now, the Exchange proposes to modify DLI Tier 1 by modifying the required criteria and increasing the rebate for executions of Added Displayed Volume under such tier.

Currently, under DLI Tier 1, the Exchange provides a rebate of $0.0031 per share for executions of Added Displayed Volume for Members that qualify for such tier by achieving: (1) an NBBO Time of at least 25% in an average of at least 1,000 securities per trading day during the month; and (2) an ADAV equal to or greater than 0.10% of the TCV. Now, the Exchange proposes to modify the required criteria under DLI Tier 1 such that a Member would qualify for such tier by achieving: an NBBO time of at least 50% in an average of at least 1,000 securities per trading day during the month.[23] The Exchange also proposes to increase the rebate for a qualifying Members' executions of Added Displayed Volume under DLI Tier 1 from $0.0031 per share to $0.0034 per share. [24]

The purpose of increasing the quoting requirement under DLI Tier 1 is intended to encourage Members to promote price discovery and market quality by quoting at the NBBO for a significant portion of each day (*i.e.,* through the applicable quoting requirement) in a large number of securities, thereby benefitting the Exchange and investors by providing improved trading conditions for all market participants through narrower bid-ask spreads and increased depth of liquidity available at the NBBO. The purpose of removing the former criteria (2) under DLI Tier 1 is intended to make it easier for Members to meet such tier and incentivize increased order flow to the Exchange in the form of orders at the NBBO. The purpose of increasing the rebate is similarly to incentivize increased order flow to the Exchange, including in the form of orders at the NBBO, thereby contributing to a deeper and more liquid market to the benefit of all market participants. The Exchange is not proposing to change the rebates provided under such tiers for executions of orders in securities priced below $1.00 per share.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the provisions of Section 6 of the Act,[25] in general, and with Sections 6(b)(4) and 6(b)(5) of the Act,[26] in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among its Members and other persons using its facilities and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

As discussed above, the Exchange operates in a highly fragmented and 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, and the Exchange represents only a small percentage of the overall market. The Commission and the courts have repeatedly expressed their 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

[19] The pricing for the Tape B Volume Tier is referred to by the Exchange on the Fee Schedule under the description ''Tape B Volume Tier'' with a Fee Code of ''b'' to be appended to the otherwise applicable Fee Code assigned by the Exchange on the monthly invoices for qualifying executions.

[20] As set forth on the Fee Schedule, the term ''quoting requirement'' means the requirement that a Member's NBBO Time be at least 25%, and the term ''NBBO Time'' means the aggregate of the percentage of time during regular trading hours during which one of a Member's market participant identifiers (''MPIDs'') has a displayed order of at least one round lot at the national best bid or the national best offer.

[21] As set forth on the Fee Schedule, the term ''securities requirement'' means the requirement that a Member meets the quoting requirement in the applicable number of securities per trading day. Currently, each of DLI Tiers 1 and 2 has a securities requirement that may be achieved by a Member meeting the quoting requirement in the specified number of securities traded on the Exchange.

[22] *See* the Exchange's Fee Schedule (available at *https://info.memxtrading.com/fee-schedule/*) for additional details regarding the Exchange's DLI Tiers. *See also* Securities Exchange Act Release No. 92150 (June 10, 2021), 86 FR 32090 (June 16, 2021) (SR–MEMX–2021–07) (notice of filing and immediate effectiveness of fee changes adopted by the Exchange, including the adoption of DLI).

[23] The Exchange is also proposing to amend the definition of ''quoting requirement'' under the Definitions and Notes section under the DLI Tiers pricing table on the fee schedule in light of this proposed increase in the NBBO time required to achieve DLI Tier 1. Specifically, the Exchange is proposing that the term quoting requirement shall now mean the percentage of NBBO Time required under the relevant DLI Tier criteria (*i.e.,* rather than including the numeric value of the required NBBO Time in the definition).

[24] The pricing for DLI Tier 1 is referred to by the Exchange on the Fee Schedule under the existing description ''Added displayed volume, DLI Tier 1'' with a Fee Code of Bq1, Bq1 or Jq1, as applicable.

[25] 15 U.S.C. 78f.

[26] 15 U.S.C. 78f(b)(4) and (5).

broader forms that are most important to investors and listed companies.'' [27]

The Exchange believes that the ever-shifting market share among the exchanges from month to month demonstrates that market participants can shift order flow or discontinue to reduce use of certain categories of products, in response to new or different pricing structures being introduced into the market. Accordingly, competitive forces constrain the Exchange's transaction fees and rebates, and market participants can readily trade on competing venues if they deem pricing levels at those other venues to be more favorable. The Exchange believes the proposal reflects a reasonable and competitive pricing structure designed to encourage market participants to strive for higher volume on the Exchange, which the Exchange believes would promote price discovery and enhance liquidity and market quality on the Exchange to the benefit of all Members and market participants.

The Exchange believes that its proposal to charge a reduced fee for executions of Removed Retail Volume is reasonable, equitable, and not unfairly discriminatory. Specifically, the Exchange believes such proposal is reasonable, as it is reasonably designed to incentivize Members to submit additional Retail Orders to the Exchange, thereby contributing to a deeper and more liquidity market to the benefit of all market participants and enhancing the attractiveness of the Exchange as a trading venue. Thus, the Exchange believes the proposal reflects a reasonable attempt to deepen liquidity on the Exchange, particularly as the Exchange believes the proposed reduction in the fee for executions of Removed Retail Volume (*i.e.,* $0.0002 per share lower than the standard fee for Removed Volume) is not excessive and is instead reasonably related to the market quality benefits it is intended to achieve. The Exchange also believes that the proposed fee for executions of Removed Retail Volume is equitable and not unfairly discriminatory, as such fee would be charged uniformly to all executions of such orders for all Members.

The Exchange notes that volume-based incentives (such as Liquidity Provision Tiers, NBBO Setter Tiers, the Tape B Volume Tier, and DLI Tiers) have been widely adopted by exchanges (including the Exchange), and are reasonable, equitable, and not unfairly discriminatory because they are open to all members on an equal basis and provide additional benefits or discount that are reasonably related to the value to an exchange's market quality associated with higher levels of market activity, such as higher levels of liquidity provision and/or growth patterns, and the introduction of higher volumes of orders into the price and volume discovery process. The Exchange believes that Liquidity Provision 1, as modified by the proposed change to the rebate under such tier, NBBO Setter Tier 1, as modified by the proposed removal of the additive rebate as it applies towards executions with Fee Codes D and J and the proposed changes to the required criteria under such tier, Tape B Volume Tier 1, as modified by the proposed changes to the required criteria under such tier, and DLI Tier 1, as modified by the proposed change to the rebate and required criteria under such tier, are reasonable, equitable and not unfairly discriminatory for these same reasons, as such tiers would provide Members with an incremental incentive to achieve certain volume thresholds on the Exchange, are available to all Members on an equal basis, and, as described above, are designed to encourage Members to maintain or increase their order flow, including in the form of displayed, liquidity-adding, and/or NBBO-setting orders to the Exchange in order to qualify for an enhanced rebate for executions of Added Displayed Volume or Setter Volume, as applicable, thereby contributing to a deeper, more liquid and well balanced market ecosystem on the Exchange to the benefit of all Members and market participants. The Exchange also believes that such tiers reflect a reasonable and equitable allocation of fees and rebates, as the Exchange believes that the enhanced rebate for executions of Added Displayed Volume under the proposed modified Liquidity Provision Tier 1, Tape B Volume Tier 1 and DLI Tier 1, and the additive rebate for executions of Setter Volume under the proposed modified NBBO Setter Tier 1, each remain commensurate with the corresponding required criteria under each such tier and is reasonably related to the market quality benefits that each such tier is designed to achieve, as described above.

For the reasons discussed above, the Exchange submits that the proposal satisfies the requirements of Sections 6(b)(4) and 6(b)(5) of the Act [28] in that it provides for the equitable allocation of reasonable dues, fees and other charges among its Members and other persons using its facilities and is not designed to unfairly discriminate between customers, issuers, brokers, or dealers. As described more fully below in the Exchange's statement regarding the burden on competition, the Exchange believes that its transaction pricing is subject to significant competitive forces, and that the proposed fees and rebates described herein are appropriate to address such forces.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposal will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. Instead, as discussed above, the proposal is intended to incentivize market participants to direct additional order flow to the Exchange, which the Exchange believes would promote price discovery and enhance liquidity and market quality on the Exchange to the benefit of all Members and market participants. As a result, the Exchange believes the proposal would enhance its competitiveness as a market that attracts actionable orders, thereby making it a more desirable destination venue for its customers. For these reasons, the Exchange believes that the proposal furthers 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.'' [29]

Intramarket Competition

As discussed above, the Exchange believes that the proposal would maintain a tiered pricing structure that is still consistent with the Exchange's overall pricing philosophy of encouraging added and/or displayed liquidity and would incentivize market participants to direct additional order flow to the Exchange through volume-based tiers, thereby enhancing liquidity and market quality on the Exchange to the benefit of all Members, as well as enhancing the attractiveness of the Exchange as a trading venue, which the Exchange believes, in turn, would continue to encourage market participants to direct additional order flow to the Exchange. Greater liquidity benefits all Members by providing more trading opportunities and encourages Members to send additional orders to the Exchange, thereby contributing to

[27] Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005).

[28] 15 U.S.C. 78f(b)(4) and (5).

[29] *See supra* note 26.

robust levels of liquidity, which benefits all market participants.

The Exchange does not believe that the proposed changes would impose any burden on intramarket competition because such changes will incentivize members to submit additional order flow, thereby contributing to a more robust and well-balanced market ecosystem on the Exchange to the benefit of all Members as well as enhancing the attractiveness of the Exchange as a trading venue, which the Exchange believes, in turn, would continue to encourage market participants to direct additional order flow to the Exchange. Greater liquidity benefits all Members by providing more trading opportunities and encourages Members to send additional orders to the Exchange, thereby contributing to robust levels of liquidity, which benefits all market participants. The opportunity to qualify for the modified Liquidity Provision Tiers, NBBO Setter Tiers, Tape B Volume Tier, and DLI Tiers, and thus receive the corresponding enhanced rebates or discounted fees, as applicable, would be available to all Members that meet the associated volume requirements in any month. As described above, the Exchange believes that the required criteria under each such tier are commensurate with the corresponding rebate under such tier and are reasonably related to the enhanced liquidity and market quality that such tier is designed to promote. The Exchange does not believe that the proposed change to adopt a reduced fee for executions of Removed Retail Volume would impose any burden on intramarket competition because such changes will apply to all Members uniformly, in that the opportunity to qualify for the discounted fees is available to all Members that submit Retail Orders to the Exchange. For the foregoing reasons, the Exchange believes the proposed changes would not impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act.

Intermarket Competition

As noted 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. Members have numerous alternative venues that they may participate on and direct their order flow to, including 15 other equities exchanges and numerous alternative trading systems and other off-exchange venues. As noted above, no single registered equities exchange currently has more than approximately 15.6% of the total market share of executed volume of equities trading. Thus, in such a low-concentrated and highly competitive market, no single equities exchange possesses significant pricing power in the execution of order flow. Moreover, the Exchange believes that the ever-shifting market share among the exchanges from month to month demonstrates that market participants can shift order flow or discontinue to reduce use of certain categories of products, in response to new or different pricing structures being introduced into the market. Accordingly, competitive forces constrain the Exchange's transaction fees and rebates and market 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. As described above, the proposed changes represent a competitive proposal through which the Exchange is seeking to incentivize market participants to direct additional order flow to the Exchange through volume-based tiers, which have been widely adopted by exchanges, including the Exchange. Accordingly, the Exchange believes the proposal would not burden, but rather promote, intermarket competition by enabling it to better compete with other exchanges that offer similar pricing structures and incentives to market participants.

Additionally, 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.'' [30] The fact that this market is competitive has also long been recognized by the courts. In *NetCoalition* v. *SEC,* 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' . . . . ''.[31] Accordingly, the Exchange does not believe its proposed pricing changes impose 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)(ii) of the Act [32] and Rule 19b–4(f)(2) [33] thereunder.

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include file number SR–MEMX–2024–39 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to file number SR–MEMX–2024–39. This file

[30] *See supra* note 26.

[31] *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–NYSE–2006–21)).

[32] 15 U.S.C. 78s(b)(3)(A)(ii).

[33] 17 CFR 240.19b–4(f)(2).

number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*https://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR–MEMX–2024–39 and should be submitted on or before November 6, 2024.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[34]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2024–23799 Filed 10–15–24; 8:45 am]

BILLING CODE 8011–01–P

[34] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #20703 and #20704; SOUTH CAROLINA Disaster Number SC–20012]

Presidential Declaration Amendment of a Major Disaster for the State of South Carolina

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 6.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for the State of South Carolina (FEMA–4829–DR), dated September 29, 2024.

DATES: Issued on October 9, 2024.

Physical Loan Application Deadline Date: November 29, 2024.

Economic Injury (EIDL) Loan Application Deadline Date: June 30, 2025.

ADDRESSES: *Visit the MySBA Loan Portal at https://lending.sba.gov* to apply for a disaster assistance loan.

FOR FURTHER INFORMATION CONTACT: Vanessa Morgan, Office of Disaster Recovery & Resilience, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: The notice of the President's major disaster declaration for the State of South Carolina, dated September 29, 2024, is hereby amended to include the following areas as adversely affected by the disaster:

Incident: Hurricane Helene.

Incident Period: September 25, 2024 and continuing.

Primary Counties (Physical Damage and Economic Injury Loans): Chester, Kershaw, Orangeburg.

Contiguous Counties (Economic Injury Loans Only):

South Carolina: Berkeley, Chesterfield, Clarendon, Darlington, Dorchester, Lee.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Number 59008)

Rafaela Monchek,

Deputy Associate Administrator, Office of Disaster Recovery & Resilience.

[FR Doc. 2024–23806 Filed 10–15–24; 8:45 am]

BILLING CODE 8026–09–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #20751 and #20752; TENNESSEE Disaster Number TN–20019]

Presidential Declaration of a Major Disaster for Public Assistance Only for the State of Tennessee

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for Public Assistance Only for the State of Tennessee (FEMA–4832–DR), dated October 9, 2024.

DATES: Issued on October 9, 2024.

Physical Loan Application Deadline Date: December 9, 2024.

Economic Injury (EIDL) Loan Application Deadline Date: July 9, 2025.

ADDRESSES: *Visit the MySBA Loan Portal at https://lending.sba.gov* to apply for a disaster assistance loan.

FOR FURTHER INFORMATION CONTACT: Vanessa Morgan, Office of Disaster Recovery & Resilience, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the President's major disaster declaration on October 9, 2024, Private Non-Profit organizations that provide essential services of a governmental nature may file disaster loan applications online using the MySBA Loan Portal *https://lending.sba.gov* or other locally announced locations. Please contact the SBA disaster assistance customer service center by email at *disastercustomerservice@sba.gov* or by phone at 1–800–659–2955 for further assistance.

The following areas have been determined to be adversely affected by the disaster:

Incident: Tropical Storm Helene.

Incident Period: September 26, 2024 and continuing.

Primary Counties: Carter, Claiborne, Cocke, Grainger, Greene, Hamblen, Hawkins, Jefferson, Johnson, Sullivan, Unicoi, Washington.

The Interest Rates are:

	Percent
For Physical Damage:	
Non-Profit Organizations with Credit Available Elsewhere ...	3.250
Non-Profit Organizations without Credit Available Elsewhere	3.250
For Economic Injury:	
Non-Profit Organizations without Credit Available Elsewhere	3.250

The number assigned to this disaster for physical damage is 207518 and for economic injury is 207520.

(Catalog of Federal Domestic Assistance Number 59008)

Rafaela Monchek,

Deputy Associate Administrator, Office of Disaster Recovery & Resilience.

[FR Doc. 2024–23805 Filed 10–15–24; 8:45 am]

BILLING CODE 8026–09–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #20730 and #20731; SAN CARLOS APACHE TRIBE Disaster Number AZ–20007]

Presidential Declaration of a Major Disaster for Public Assistance Only for the San Carlos Apache Tribe

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for Public Assistance Only for the San Carlos Apache Tribe (FEMA–4833–DR), dated October 4, 2024.

DATES: Issued on October 4, 2024.

Physical Loan Application Deadline Date: December 3, 2024.

Economic Injury (EIDL) Loan Application Deadline Date: July 7, 2025.

ADDRESSES: *Visit the MySBA Loan Portal at https://lending.sba.gov* to apply for a disaster assistance loan.

FOR FURTHER INFORMATION CONTACT: Alan Escobar, Office of Disaster Recovery & Resilience, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the President's major disaster declaration on October 4, 2024, Private Non-Profit organizations that provide essential services of a governmental nature may file disaster loan applications online using the MySBA Loan Portal *https://lending.sba.gov* or other locally announced locations. Please contact the SBA disaster assistance customer service center by email at *disastercustomerservice@sba.gov* or by phone at 1–800–659–2955 for further assistance.

Incident: Watch Fire.

Incident Period: July 10, 2024 through July 17, 2024.

The following areas have been determined to be adversely affected by the disaster:

Primary Area: San Carlos Apache Tribe.

The Interest Rates are:

	Percent
For Physical Damage:	
Non-Profit Organizations with Credit Available Elsewhere	3.250
Non-Profit Organizations without Credit Available Elsewhere	3.250
For Economic Injury:	
Non-Profit Organizations without Credit Available Elsewhere	3.250

The number assigned to this disaster for physical damage is 207305 and for economic injury is 207310.

(Catalog of Federal Domestic Assistance Number 59008)

Rafaela Monchek,

Deputy Associate Administrator, Office of Disaster Recovery & Resilience.

[FR Doc. 2024–23804 Filed 10–15–24; 8:45 am]

BILLING CODE 8026–09–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #20459 and #20460; SAN CARLOS APACHE TRIBE Disaster Number AZ–20005]

Presidential Declaration of a Major Disaster for the San Carlos Apache Tribe

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for the San Carlos Apache Tribe (FEMA–4833–DR), dated October 4, 2024.

DATES: Issued on October 4, 2024.

Physical Loan Application Deadline Date: December 3, 2024.

Economic Injury (EIDL) Loan Application Deadline Date: July 7, 2025.

ADDRESSES: *Visit the MySBA Loan Portal at https://lending.sba.gov* to apply for a disaster assistance loan.

FOR FURTHER INFORMATION CONTACT: Alan Escobar, Office of Disaster Recovery & Resilience, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the President's major disaster declaration on October 4, 2024, 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 *disaster customerservice@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: Watch Fire.

Incident Period: July 10, 2024 through July 17, 2024.

Primary Area (Physical Damage and Economic Injury Loans): San Carlos Apache Tribe.

Contiguous Counties (Economic Injury Loans Only):

Arizona: Gila, Graham, Pinal.

The Interest Rates are:

	Percent
For Physical Damage:	
Homeowners with Credit Available Elsewhere	5.375
Homeowners without Credit Available Elsewhere	2.688
Businesses with Credit Available Elsewhere	8.000
Businesses without Credit Available Elsewhere	4.000
Non-Profit Organizations with Credit Available Elsewhere	3.250
Non-Profit Organizations without Credit Available Elsewhere	3.250
For Economic Injury:	
Business and Small Agricultural Cooperatives without Credit Available Elsewhere	4.000
Non-Profit Organizations without Credit Available Elsewhere	3.250

The number assigned to this disaster for physical damage is 204595 and for economic injury is 204600.

(Catalog of Federal Domestic Assistance Number 59008)

Rafaela Monchek,

Deputy Associate Administrator, Office of Disaster Recovery & Resilience.

[FR Doc. 2024–23807 Filed 10–15–24; 8:45 am]

BILLING CODE 8026–09–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #20734 and #20735; SOUTH CAROLINA Disaster Number SC–20013]

Presidential Declaration of a Major Disaster for Public Assistance Only for the State of South Carolina

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for Public Assistance Only for the State of South Carolina (FEMA–4829–DR), dated October 6, 2024.

DATES: Issued on October 6, 2024.

Physical Loan Application Deadline Date: December 5, 2024.

Economic Injury (EIDL) Loan Application Deadline Date: July 7, 2025.

ADDRESSES: *Visit the MySBA Loan Portal at https://lending.sba.gov* to apply for a disaster assistance loan.

FOR FURTHER INFORMATION CONTACT: Vanessa Morgan, Office of Disaster Recovery & Resilience, U.S. Small Business Administration, 409 3rd Street

SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the President's major disaster declaration on October 6, 2024, Private Non-Profit organizations that provide essential services of a governmental nature may file disaster loan applications online using the MySBA Loan Portal *https://lending.sba.gov* or other locally announced locations. Please contact the SBA disaster assistance customer service center by email at *disastercustomerservice@sba.gov* or by phone at 1–800–659–2955 for further assistance.

Incident: Hurricane Helene.

Incident Period: September 25, 2024 and continuing.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Abbeville, Aiken, Allendale, Anderson, Barnwell, Calhoun, Cherokee, Chester, Colleton, Edgefield, Fairfield, Greenville, Hampton, Jasper, Laurens, Lexington, McCormick, Newberry, Oconee, Orangeburg, Pickens, Richland, Saluda, Spartanburg, Union, Williamsburg, York and the Catawba Indian Nation.

The Interest Rates are:

	Percent
For Physical Damage:	
Non-Profit Organizations with Credit Available Elsewhere ...	3.250
Non-Profit Organizations without Credit Available Elsewhere	3.250
For Economic Injury:	
Non-Profit Organizations without Credit Available Elsewhere	3.250

The number assigned to this disaster for physical damage is 207348 and for economic injury is 207350.

(Catalog of Federal Domestic Assistance Number 59008)

Rafaela Monchek,

Deputy Associate Administrator, Office of Disaster Recovery & Resilience.

[FR Doc. 2024–23800 Filed 10–15–24; 8:45 am]

BILLING CODE 8026–09–P

SURFACE TRANSPORTATION BOARD

[Docket No. FD 36790]

Norfolk Southern Railway Company—Trackage Rights Exemption—CSXT Transportation, Inc.

Norfolk Southern Railway Company (NSR), a Class I rail carrier, has filed a verified notice of exemption under 49 CFR 1180.2(d)(7) to acquire overhead trackage rights from CSX Transportation, Inc. (CSXT), over an approximately 95-mile CSXT rail line between Falls, Pa., at or near CP River, CSXT milepost QA 2, and Baltimore, Md., including all necessary trackage within CSXT's Bayview Yard, and between the western end of CSXT's Bayview Yard (MP BAL 0.0±) and a connection at MP BAL 0.5± (the Lines).

According to the verified notice, NSR and CSXT have agreed to a Form A Trackage Rights Addendum to their Master Trackage Rights Agreement for the overhead trackage rights.[1] NSR states that the new trackage rights will permit NSR to reroute traffic over the Lines while CSXT's Howard Street Tunnel (HST) in Baltimore is closed for a project that includes clearing the HST for double-stack rail passage. The verified notice states that the trackage rights will provide temporary alternate routes for the duration of the project, which will alleviate potential congestion resulting from the rerouted traffic.[2] NSR states that the new overhead trackage rights are scheduled to expire when the project is complete and operations through the HST resume.[3]

The transaction may be consummated on or after October 30, 2024, the effective date of the exemption (30 days after the verified notice was filed).[4]

As a condition to this exemption, any employees affected by the acquisition of the trackage rights will be protected by the conditions imposed in *Norfolk & Western Railway—Trackage Rights—Burlington Northern, Inc.,* 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Railway—Lease & Operate—California Western Railroad,* 360 I.C.C. 653 (1980).

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 October 23, 2024 (at least seven days before the exemption becomes effective).

All pleadings, referring to Docket No. FD 36790, 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 NSR's representative, William A. Mullins, Mullins Law Group PLLC, 2001 L Street NW, Washington, DC 20036.

According to NSR, this action is categorically excluded from environmental review under 49 CFR 1105.6(c)(3) and from historic preservation reporting requirements under 49 CFR 1105.8(b)(3).

Board decisions and notices are available at *www.stb.gov.*

Decided: October 10, 2024.

By the Board, Scott M. Zimmerman, Acting Director, Office of Proceedings.

Regena Smith-Bernard,

Clearance Clerk.

[FR Doc. 2024–23867 Filed 10–15–24; 8:45 am]

BILLING CODE 4915–01–P

[1] NSR has filed a redacted version of the addendum with the verified notice. It has also submitted an executed, unredacted version of the addendum under seal and filed a motion for protective order. That motion will be addressed in a separate decision.

[2] NSR is also granting CSXT overhead trackage rights over certain NSR routes, for which CSXT has sought authority in *CSX Transportation, Inc.—Trackage Rights Exemption—Norfolk Southern Railway,* Docket No. FD 36776.

[3] To allow the proposed trackage rights to terminate at the time agreed to by NSR and CSXT, NSR concurrently filed a petition for partial revocation of this exemption, in *Norfolk Southern Railway Company—Trackage Rights Exemption—CSXT Transportation, Inc.,* Docket No. FD 36790 (Sub-No. 1). The petition for partial revocation will be addressed in a subsequent decision in that subdocket.

[4] Although the verified notice's captions state that expedited consideration is requested, NSR says its estimated consummation date is October 30, 2024, the standard effective date under the Board's regulations.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Public Workshop and Notice of Availability of Draft Environmental Assessment for General Mitchell International Airport, Milwaukee, Wisconsin

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of public workshop and notice of availability of draft environmental assessment.

SUMMARY: The Federal Aviation Administration (FAA) announces the release of the Draft Environmental Assessment (Draft EA) for the proposed airport improvements at the General Mitchell International Airport (MKE). The purpose of the Draft EA is to

evaluate the potential environmental impacts from the decommissioning of Runway 1R/19L and Runway 13/31; conversion of Runway 1R/19L south of Taxiway W into a parallel taxiway including lighting and pavement rehabilitation; removal of Taxiway G, Taxiway U, and Taxiway N connectors; and the removal of runway and taxiway pavement and electrical utilities. The FAA is issuing this notice to advise the public that the Draft EA will be made available for public comment and a public workshop will be held as part of the public involvement process for this project. FAA is seeking comments on the Draft EA.

DATES: The Draft EA is available for public review beginning on September 23, 2024, and a public workshop will be held on October 23, 2024. Additional written comments may be filed with the project consultant, if received by November 6th, 2024, and should be directed to: Westwood Professional Services, ATTN: Airport Environmental, 1N Systems Drive, Appleton, Wisconsin 54914.

FOR FURTHER INFORMATION CONTACT: Emma Lienau, 2300 Devon Avenue, Suite 312, Des Plaines, Illinois 60018. 847–294–7551.

SUPPLEMENTARY INFORMATION: The DEA is available for public review at the following locations during normal business hours:

- Milwaukee Public Library at Tippecanoe Branch at 3912 South Howell Ave. Milwaukee, WI 53207;
- Cudahy Family Library at 3500 Library Drive, Cudahy, WI 53110;
- South Milwaukee Public Library at 1907 10th Ave., South Milwaukee, WI 53172; and
- St. Francis Public Library at 4230 S. Nicholson Avenue, St. Francis, WI 53235.

The Draft EA may also be viewed on the following website: *https://westwoodps.com/milwaukee-mitchell-international-airport.*

Further information regarding the proposed improvement is available at the WisDOT, Bureau of Aeronautics located at 4822 Madison Yards Way, 5th Floor South, Madison, Wisconsin.

A public workshop will be held to provide the public with information on the Draft EA. The workshop will be held from 5:00 p.m.–6:00p.m. on October 23rd, 2024, at the Sijan Conference Room in the Terminal Building of Milwaukee Mitchell International Airport, 5300 South Howell Ave., Milwaukee, WI 53207.

(Authority: 42 U.S.C. 4321, 40 CFR 1501.9(c)(5)(ii), FAA Order 1050.1F, paragraph 2–5.3(b))

Issued in Des Plaines, Illinois on September 26, 2024.

Robert J Esquivel,

Acting Manager, Chicago Airports District Office, FAA Great Lakes Region.

[FR Doc. 2024–22593 Filed 10–15–24; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Notice of Availability of the Final Environmental Impact Statement and Record of Decision for the I–15; Farmington to Salt Lake City Project in Utah and Final Federal Agency Actions

AGENCY: Federal Highway Administration (FHWA), Department of Transportation.

ACTION: Notice of availability and notice of limitations on claims for judicial review of actions by UDOT and other Federal agencies.

SUMMARY: The FHWA, on behalf of UDOT, is issuing this notice to announce the availability of the combined Final Environmental Impact Statement (EIS) and Record of Decision (ROD) for the I–15; Farmington to Salt Lake City project, in Davis and Salt Lake Counties, Utah. In addition, this notice is being issued to announce actions taken by UDOT that are final Federal agency actions related to the project referenced above. Those actions grant licenses, permits and/or approvals for the project. The ROD provides details on the Selected Alternative for the proposed improvements.

DATES: This decision became operative on October 3, 2024. By this notice, FHWA, on behalf of UDOT, is advising the public of final agency actions subject to 23 U.S.C. 139(*l*)(1). A claim seeking judicial review of the Federal agency actions on the highway project will be barred unless the claim is filed on or before March 17, 2025. If the Federal law that authorizes judicial review of a claim provides a time period of less than 150 days for filing such claim, then that shorter time period still applies.

FOR FURTHER INFORMATION CONTACT: Brandon Weston, Director of Environmental Services, UDOT Environmental Services, P.O. Box 148450, Salt Lake City, UT 84114; (801) 965–4603; email: *brandonweston@utah.gov.* UDOT's normal business hours are 8 a.m. to 5 p.m. (Mountain Time Zone), Monday through Friday, except State and Federal holidays.

SUPPLEMENTARY INFORMATION: The environmental review, consultation, and other actions required by applicable Federal environmental laws for this action are being, or have been, carried out by UDOT pursuant to 23 U.S.C. 327 and a Memorandum of Understanding (MOU) dated May 26, 2022, and executed by FHWA and UDOT. Actions taken by UDOT on FHWA's behalf pursuant to 23 U.S.C. 327 constitute Federal agency actions for purposes of Federal law. Notice is hereby given that UDOT has taken final agency actions subject to 23 U.S.C. 139(*l*)(1) by issuing licenses, permits, and approvals for the I–15; Farmington to Salt Lake City Project in the State of Utah.

The purpose of the I–15; Farmington to Salt Lake City Project is to improve safety, replace aging infrastructure, provide better mobility for all travel modes, strengthen the state and local economy, and better connect communities along I–15 from Farmington to Salt Lake City. The project purpose consists of the following objectives, which are organized by UDOT's Quality of Life Framework categories of Good Health, Connected Communities, Strong Economy, and Better Mobility. Improve Safety: Improve the safety and operations of the I–15 mainline, I–15 interchanges, bicyclist and pedestrian crossings, and connected roadway network. Better Connect Communities: Be consistent with planned land use, growth objectives, and transportation plans; and Support the planned FrontRunner Double Track projects and enhance access and connectivity to FrontRunner, to regional transit and trails, and across I–15. Strengthen the Economy: Replace aging infrastructure on I–15; and Enhance the economy by reducing travel delay on I–15. Improve Mobility for All Modes: Improve mobility and operations on the I–15 mainline, I–15 interchanges, connected roadway network, transit connections, and bicyclist and pedestrian facilities to help accommodate projected travel demand in 2050.

The primary alternatives carried forward for detailed study in this Environmental Impact Statement (EIS) are the No-action Alternative and the Action Alternative. The Action Alternative includes the following subarea options: Farmington—400 West Option and State Street Option; and Salt Lake City 1000 North—Northern Option and Southern Option. UDOT identified the Action Alternative as its preferred alternative in this Draft EIS. The selected alternative includes the Farmington 400 West Option, and the Salt Lake City 1000 North—Northern Option.

The project is identified in UDOT's adopted 2024–2029 State Transportation Improvement Program as project number 19854 with funding identified for final design and construction. The project is also included in the Wasatch Front Regional Council's (WFRC) 2023–2050 Wasatch Front Regional Transportation Plan approved in May 2023.

The actions by UDOT, and the laws under which such actions were taken, are described in the EIS and the ROD (Combined Final Environmental Impact Statement and Record of Decision for I–15; Farmington to Salt Lake City Project, in Davis and Salt Lake Counties, Utah, Project No. S–I15–7(369)309 approved on October 3, 2024, and other documents in the UDOT project records. The EIS and ROD is available for review at the UDOT Central Complex, 4501 South 2700 West, Salt Lake City, Utah. In addition, the EIS and ROD documents can be viewed and downloaded from the project website at *https://i15eis.udot.utah.gov/.* This notice applies to the EIS, the ROD, and all other UDOT and Federal agency decisions and other actions with respect to the project as of the issuance date of this notice and all laws under which such actions were taken, including but not limited to the following laws (including their implementing regulations):

1. *General:* National Environmental Policy Act [42 U.S.C. 4321–4351]; Federal-Aid Highway Act [23 U.S.C. 109 and 23 U.S.C. 128]; MAP–21, the Moving Ahead for Progress in the 21st Century Act [Pub. L. 112–141].

2. *Air:* Clean Air Act [42 U.S.C. 7401–7671(q)].

3. *Land:* Section 4(f) of the Department of Transportation Act of 1966 [49 U.S.C. 303]; Landscaping and Scenic Enhancement (Wildflowers) [23 U.S.C. 319].

4. *Wildlife:* Endangered Species Act [16 U.S.C. 1531–1544 and section 1536], Fish and Wildlife Coordination Act [16 U.S.C. 661–667(d)]; Migratory Bird Treaty Act [16 U.S.C. 703–712]; The Bald and Golden Eagle Protection Act [16 U.S.C. 668].

5. *Historic and Cultural Resources:* Section 106 of the National Historic Preservation Act of 1966, as amended [16 U.S.C. 470(f) *et seq.*]; Archeological Resources Protection Act of 1977 [16 U.S.C. 470(aa)–470(ll)]; Archeological and Historic Preservation Act [16 U.S.C. 469–469(c)]; Native American Grave Protection and Repatriation Act (NAGPRA) [25 U.S.C. 3001–3013].

6. *Social and Economic:* Civil Rights Act of 1964 [42 U.S.C. 2000(d)–2000(d)(1)]; American Indian Religious Freedom Act [42 U.S.C. 1996]; Farmland Protection Policy Act (FPPA) [7 U.S.C. 4201–4209].

7. *Wetlands and Water Resources:* Clean Water Act (section 404, section 401, section 319) [33 U.S.C. 1251–1377]; Coastal Zone Management Act [16 U.S.C. 1451–1465]; Land and Water Conservation Fund (LWCF) [16 U.S.C. 4601–4604]; Safe Drinking Water Act (SDWA) [42 U.S.C. 300(f) –300(j)(6)]; Rivers and Harbors Act of 1899 [33 U.S.C. 401–406]; Emergency Wetlands Resources Act [16 U.S.C. 3921, 3931]; TEA–21 Wetlands Mitigation [23 U.S.C. 103(b)(6)(M, 133(b)(11)]; Flood Disaster Protection Act [42 U.S.C. 4001–4128].

8. *Hazardous Materials:* Comprehensive Environmental Response, Compensation, and Liability Act [42 U.S.C. 9601–9675]; Superfund Amendments and Reauthorization Act of 1986; Resource Conservation and Recovery Act [42 U.S.C. 6901–6992(k)].

9. *Noise:* Federal-Aid Highway Act of 1970, Public Law 91–605 [84 Stat. 1713]; [23 U.S.C. 109(h) & (i)].

10. *Executive Orders:* E.O. 11990 Protection of Wetlands; E.O. 11988 Floodplain Management; E.O. 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations; E.O. 11593 Protection and Enhancement of Cultural Resources; E.O. 13287 Preserve America; E.O. 13175 Consultation and Coordination with Indian Tribal Governments; E.O. 11514 Protection and Enhancement of Environmental Quality; E.O. 13112 Invasive Species.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Authority: 23 U.S.C. 139 (*l*)(1).

Ivan Marrero,

Division Administrator, Federal Highway Administration, Salt Lake City, Utah.

[FR Doc. 2024–23820 Filed 10–15–24; 8:45 am]

BILLING CODE 4910–RY–P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

Safety Advisory 24–1 Proterra Bus/ Phoenix Motorcars Technical Service Bulletin

AGENCY: Federal Transit Administration (FTA), Department of Transportation (DOT).

ACTION: Notice of safety advisory.

SUMMARY: The Federal Transit Administration (FTA) is issuing Safety Advisory 24–1 to alert transit agencies that Phoenix Motorcars (Phoenix) is voluntarily recalling certain 2020–2021 800V Catalyst and 2020–2022 ZX5 transit buses. FTA is recommending corrective actions to avoid and mitigate the risk to public transportation posed by the safety defect. The FTA's Safety Advisory 24–1, ''Proterra Bus/Phoenix Motorcars Safety Recall,'' is available in its entirety on the agency's public website. The National Highway Traffic Safety Administration (NHTSA) recall number is 24V–655.

FOR FURTHER INFORMATION CONTACT: Philip Herbert, Senior Accident Investigator for Transit Safety and Oversight, telephone (202) 366–5451 or *Philip.Herbert@dot.gov.*

Authority: 49 U.S.C. 5329; 49 CFR 1.91 and 670.29.

Veronica Vanterpool,

Deputy Administrator.

[FR Doc. 2024–23865 Filed 10–15–24; 8:45 am]

BILLING CODE 4910–57–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

Agency Request for Information; State Property Damage Only (PDO) Data Collection Practices

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Request for information.

SUMMARY: This notice requests information from interested parties to assist the agency in researching property damage only (PDO) crash data collection practices across the United States. State statutes dictate that law enforcement should complete a crash report for PDO crashes meeting a set of criteria including when damage is above a certain dollar threshold that varies by State. When a crash is below the reportable threshold, States may allow civilians to complete a crash report designed specifically for them. In some cases, jurisdictions within States have stopped collecting PDO crashes in an effort to save officer time and/or money. Other jurisdictions have stopped sending sworn officers to respond to PDO crashes. However, the impacts of these changes on crash data collection are not well documented or understood. NHTSA is seeking to identify States and jurisdictions that have modified their PDO crash reporting threshold or are using citizen or non-sworn officers to

report PDO crashes, and to determine the impacts of these practices on crash data analyses and agencies' budgets and time. NHTSA seeks comments from all interested parties, including State crash data owners, highway safety offices, law enforcement, and other stakeholders to help inform NHTSA's research into State PDO crash data collection practices.

DATES: Comments must be received on or before December 16, 2024.

ADDRESSES: You may submit comments using the Federal Docket Management System Docket ID NHTSA–2024–0023 by any of the following methods:

- *Federal Rulemaking Portal:* Go to *https://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Mail:* Send comments to: Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590.
- *Fax:* Written comments may be faxed to (202) 493–2251.
- *Hand Delivery:* If you plan to submit written comments by hand or courier, please do so at 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590 between 9 a.m. and 5 p.m. eastern time, Monday through Friday, except Federal holidays.

Please submit all comments to the Docket by December 16, 2024.

When you submit your comments, please remember to mention the agency and the docket number of this document within your correspondence. Please note that all comments received will be posted without change to *https://www.regulations.gov,* including any personal information provided. Please see the ''Privacy Act'' heading below.

Privacy Act: Anyone can search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comments (or signing the comments, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78) or at *https://www.transportation.gov/privacy.*

Confidential 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, 1200 New Jersey Avenue SE, Washington, DC 20590. 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).

Docket: For access to the docket to read the proposed changes to MMUCC, background documents, or comments received, go to *http://www.regulations.gov* at any time and follow the online instructions for accessing the dockets. Or go to West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590, between 9 a.m. and 5 p.m., Eastern Time, Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Please contact Beau Burdett, National Center for Statistics and Analysis, NHTSA (telephone: 202–366–7338 or email: *beau.burdett@dot.gov*).

SUPPLEMENTARY INFORMATION: From a national perspective, data comparability among States is important to practitioners' understanding of trends and countermeasure effectiveness. However, the United States does not have a single, uniform crash reporting standard. Fatal crashes are reported to the Fatality Analysis Reporting System (FARS) using a uniform set of data elements and case-inclusion criteria. A common way that States code crash severity is using the KABCO scale. KABCO is an abbreviation for the different levels of injury severity: Killed (fatal injury), A-level (suspected serious) injury, B-level (suspected minor) injury, C-level (possible) injury, or Property Damage Only (no injury). Though not all States use the KABCO scale, all are required to use a uniform definition for both fatalities and serious (A-level) injuries. The Federal Highway Administration's (FHWA) Safety Performance Management Measures (23 CFR part 490) and the National Highway Traffic Safety Administration's (NHTSA) Uniform Procedures for State Highway Safety Grant Programs (23 CFR part 1300) establish a single, national definition for States to report serious (A-level) injuries per the Model Minimum Uniform Crash Criteria (MMUCC). MMUCC supplies voluntary standard definitions of other crash severity levels (B- and C-level injuries, and property damage only—PDO).

Crash reporting criteria vary widely among States, especially concerning PDO crashes. Variations include differences in reporting threshold amounts, the use of full or abbreviated reports, the reporter's identity (sworn officers, non-law enforcement investigators, or citizens), and factors other than monetary value, like towaway necessity. The impact of practice variations on crash data quality, particularly PDO reporting, is unclear.

To better understand State PDO data collection practices NHTSA began a research project. To date the research project has compiled State PDO thresholds as outlined in State statutes for the past 15 years, investigated the use of abbreviated reports for PDO crashes, and conducted a literature review on the extent and costs of PDO crashes, crash reporting thresholds, and alternatives to PDO reporting by sworn officers. The next phase of this research effort moves from examining existing literature and State statutes on PDO data collection practices to speaking with select States and agencies regarding their practices and conducting crash data analyses to investigate the impact of different PDO data collection practices on data quality and safety analyses.

This notice requests information from interested parties, including State crash data owners, highway safety offices, law enforcement, and other stakeholders to assist NHTSA in conducting research to investigate different PDO crash data collection practices across the United States and the impacts of these PDO data collection practices (*e.g.,* economic impacts such as cost or time savings, impacts to traffic safety analyses, impacts to vulnerable road users, etc.). NHTSA plans to utilize the information provided under this Request for Information to enhance and support the development of the next phase in the research project.

Request for Information

The agency is interested in information that would help develop and implement the next phase of research into State PDO data collection practices. This includes information about States' PDO thresholds (the research team is examining *all* changes in the property-damage aspects of reporting thresholds: changes in the minimum dollar amount of damage, changes from a dollar-amount threshold to a towaway threshold, and elimination of the threshold altogether); the use of citizen/driver report forms; and whether States utilize non-sworn officers to report PDO crashes. NHTSA hereby seeks further information based on the below questions. This list is not exhaustive, and we encourage commenters to provide any further

information that they believe is relevant to inform the agency as it seeks to conduct the next phase of research into State PDO data collection practices.

(1) How does your State/jurisdiction determine if a crash report came from a sworn law enforcement officer or from a non-sworn officer?

a. Ideally, this would be a data element in the crash report database showing the type of person who generated the report/data. If there are codes for sworn officer, non-sworn officer, *and* citizen (involved party), that would answer this question and Question #3 as well. However, having the indicator for sworn or non-sworn is important for this first question. Does your crash database include a data element that supports this?

b. Officer badge number could be a second possible way to differentiate crash reports from sworn- versus non-sworn officers. Do you have badge numbers in the crash report/crash database *and* badge number lists identifying the type of officer (sworn versus non-sworn)?

c. Can you provide information on any training differences for sworn versus non-sworn officers related to their crash reporting processes, knowledge, or duties?

(2) Can your State supply summary statistics of crash data surrounding the most recent change in the crash reporting threshold (*i.e.,* the frequency of crashes before and after the change)?

a. We are most concerned with threshold changes in the past 15 years (*i.e.,* 2009 or more recent). We would hope to get the frequency of crashes for each KABCO severity for 5 years before and after the change. If your State changed its threshold in 2009, for example, we would ask for data from two periods: 2004 to 2008, and 2009 to 2013. Based on that example, can your system supply summary statistics of crash data for the period 5 years before *and* 5 years after the last threshold change?

b. If the reporting threshold change took place mid-year (rather than on January 1st), we would need to know the implementation date for the change. In that case, we would like to receive the frequency of crashes for the year the change took place *plus* data for 5 years before and 5 years after the change (11 years' data total, including the change year). Can your system provide data to meet that request?

c. If it has been fewer than 5 years since your most recent threshold change, can you provide any available post-change crash frequency data and can we also obtain the crash frequency for 5 years before that change?

d. If there has been more than one change in threshold in the past 15 years, can you please describe the before- and after-change periods for each of the successive threshold changes and tell us if crash frequency data would be available for those periods?

(3) Does your State use citizen/driver report forms for crash reporting?

a. How does your State collect the data from crash-involved persons?

b. How is the data from these reports stored? Specifically, is it added to the statewide crash database and, if so, are those reports tagged in some way to indicate that the data comes from a citizen/driver report?

c. How is the data from citizen/driver reports used? Specifically, is it used in safety analyses and, if so, which types of analyses (*e.g.,* safety analyses of locations, analyses of driver contributing factors, indications of belt use, other)?

d. If a crash results in *both* a report written by a law enforcement officer (sworn or non-sworn) *and* a citizen report, are both versions stored in the statewide crash database? Are both used in safety analyses? Are the data blended from both sources (and if so, how)?

This notice is for information purposes only. The agency will review and consider information provided in response to this notice as it conducts the next phase of research into State PDO data collection practices but will not respond to comments.

Chou-Lin Chen,

Associate Administrator for the National Center for Statistics and Analysis.

[FR Doc. 2024–23099 Filed 10–15–24; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

[Docket No.: OFAC–2024–0005]

Agency Information Collection Activities; Proposed Collection; Comment Request for Rough Diamonds Control Regulations

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to comment on proposed or continuing information collections, as required by the Paperwork Reduction Act of 1995. Currently, the Office of Foreign Assets Control (OFAC) within the Department of the Treasury is soliciting comments concerning OFAC's information collection requirements contained within OFAC's Rough Diamonds Control Regulations.

DATES: Written comments must be submitted on or before December 16, 2024 to be assured of consideration.

ADDRESSES: You may submit comments via the following methods:

Federal eRulemaking Portal: www.regulations.gov. Follow the instructions on the website for submitting comments. Refer to Docket Number OFAC–2024–0005.

Email: OFACreport@treasury.gov with Attn: Request for Comments (Rough Diamonds Control Regulations).

Instructions: All submissions received must include the agency name and refer to Docket Number OFAC–2024–0005 and the Office of Management and Budget (OMB) control number 1505–0198. All comments, including attachments and other supporting materials, will become part of the public record and subject to public disclosure. Sensitive personal information, such as account numbers or Social Security numbers, should not be included. Comments generally will not be edited to remove any identifying or contact information.

FOR FURTHER INFORMATION CONTACT: Assistant Director for Licensing, 202–622–2480; Assistant Director for Regulatory Affairs, 202–622–4855; Assistant Director for Compliance, 202–622–2490 or *https://ofac.treasury.gov/contact-ofac.*

SUPPLEMENTARY INFORMATION:

Title: Rough Diamonds Control Regulations.

OMB Number: 1505–0198.

Type of Review: Extension without change of a currently approved collection.

Description: The collections of information are contained in section 592.301(a)(3) of OFAC's Rough Diamonds Control Regulations. The person identified as the ultimate consignee on the Customs Form 7501 Entry Summary or its electronic equivalent is required to report that person's receipt of a shipment of rough diamonds to the relevant foreign exporting authority within 15 calendar days of the date that the shipment arrived at the U.S. port of entry.

Forms: Section 592.301(a)(3) states that the report filed by the ultimate consignee need not be in any particular form and may be submitted electronically or by mail or courier.

Affected Public: Business organizations and individuals engaged in the international diamond trade.

Estimated Number of Respondents: Based on data received from the U.S. Department of Homeland Security (DHS), U.S. Customs and Border Protection (CBP), the estimate for the number of unique reporting respondents is approximately 73 respondents per year.

Frequency of Response: The estimated annual frequency of responses is approximately 5.5 per respondent, based on average transaction volume.

Estimated Total Number of Annual Responses: The estimated total number of responses per year is approximately 402.

Estimated Time Per Response: DHS/CBP assesses that there is an average time estimate of 10 minutes per response.

Estimated Total Annual Burden Hours: The estimated total annual reporting burden is approximately 67 hours.

Request for Comments

Comments submitted in response to this notice will be summarized and 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 has 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 required to provide information.

Authority: 44 U.S.C. 3501 et seq.

Lisa M. Palluconi,

Acting Director, Office of Foreign Assets Control.

[FR Doc. 2024–23729 Filed 10–15–24; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Internal Revenue Service Advisory Council; Renewal of Charter

AGENCY: Internal Revenue Service, Department of Treasury.

ACTION: Notice of charter renewal.

SUMMARY: The Charter for the Internal Revenue Service Advisory Council (IRSAC), has been renewed for two years beginning September 30, 2024, in accordance with the Federal Advisory Committee Act (FACA).

FOR FURTHER INFORMATION CONTACT: Anna Millikan at (202) 317–6564 or send an email to *publicliaison@irs.gov.*

SUPPLEMENTARY INFORMATION: Notice is hereby given that the charter for the Internal Revenue Service Advisory Council (IRSAC) has been renewed for two years beginning September 30, 2024, in accordance with the Federal Advisory Committee Act (FACA), 5 U.S.C. 1001–1014.

The purpose of the IRSAC is to provide an organized public forum for discussion of relevant tax administration issues between Internal Revenue Service (IRS) officials and representatives of the public.

The IRSAC proposes enhancements to IRS operations; recommends administrative and policy changes to improve taxpayer experience and service, compliance and tax administration; discusses relevant information reporting issues; addresses matters concerning tax-exempt and government entities; conveys the public's perception of professional standards and best practices for tax professionals; and advises on fairness in tax administration.

Conveying the public's perception of IRS activities to Internal Revenue Service officials, the IRSAC is comprised of individuals representing a cross-section of the taxpaying public with substantial, disparate experience in tax preparation for individuals, small businesses and/or large, multi-national corporations; information reporting; tax-exempt and government entities; digital services; and professional standards of tax professionals.

Dated: October 8, 2024.

John A. Lipold,

Designated Federal Official, C&L Office of National Public Liaison, Internal Revenue Service.

[FR Doc. 2024–23648 Filed 10–15–24; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 2587

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 information collections, as required by the Paperwork Reduction Act of 1995. The IRS is soliciting comments concerning application for special enrollment examination.

DATES: Written comments should be received on or before December 16, 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. 1545–0949 in the subject line of the message.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to LaNita Van Dyke, at (202) 317–6009, Internal Revenue Service, Room 6526, 1111 constitution Avenue NW, Washington, DC 20224, or through the internet at *lanita.vandyke@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Application for Special Enrollment Examination.

OMB Number: 1545–0949.

Form Number: Form 2587.

Abstract: Filers use this form to apply to take the Special Enrollment Examination to establish eligibility for enrollment to practice before the Internal Revenue Service.

Current Actions: There are no changes being made to the form at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or households.

Estimated Number of Respondents: 15,643.

Estimated Time per Respondent: .10 hr.

Estimated Total Annual Burden Hours: 1,564.

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: October 9, 2024.

Molly J. Stasko,

Senior Tax Analyst.

[FR Doc. 2024–23789 Filed 10–15–24; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Senior Executive Service Performance Review Boards

AGENCY: Department of the Treasury.

ACTION: Notice of Appointments to Performance Review Boards (PRBs).

SUMMARY: This notice announces the appointment of members to the Department of the Treasury's Performance Review Boards (PRBs). The purpose of these Boards are to review and make recommendations concerning proposed performance appraisals, ratings, bonuses and other appropriate personnel actions for incumbents of SES positions in the Department.

DATES: Membership is effective on the date of this notice.

FOR FURTHER INFORMATION CONTACT: Kimberly Jackson or Kimberly Steide, Office of Executive Resources, 1500 Pennsylvania Avenue NW, ATTN: 1801 L Street, 6th Floor, Washington, DC 20220. Telephone: 202–622–0774.

SUPPLEMENTARY INFORMATION:

Composition of the PRB: The Boards shall consist of at least three members. In the case of an appraisal of a career appointee, more than half the members shall consist of career appointees. The persons listed below may be selected to serve on one or more PRBs within Treasury.

Names for Federal Register Publication

Top Officials

- Aditi Hardikar, Assistant Secretary for Management
- Timothy Gribben, Commissioner for the Bureau of the Fiscal Service
- Joseph Gioeli, Deputy Commissioner (Transformation and Modernization), Bureau of the Fiscal Service
- Matthew J. Miller, Deputy Commissioner (Financing and Operations), Bureau of the Fiscal Service
- Jeffrey J. Schramek, Executive Director Administrative Resource Center, Bureau of the Fiscal Service
- Andrea Gacki, Director, Financial Crimes Enforcement Network
- Jimmy Kirby Jr, Deputy Director, Financial Crimes Enforcement Network
- Kristie L. McNally, Deputy Director of the Mint
- Douglas O'Donnell, Deputy Commissioner for Services and Enforcement (IRS)
- Mary G. Ryan, Administrator for the Alcohol and Tobacco Tax and Trade Bureau
- Elisabeth Kann, Deputy Administrator for the Alcohol and Tobacco Tax and Trade Bureau
- David Lebryk, Fiscal Assistant Secretary
- Addar Levi, Deputy General Counsel
- Eric Nguyen, Deputy General Counsel

Departmental Offices

- Didem Nisanci, Chief of Staff
- Kayla Arslanian, Executive Secretary
- Donna Ragucci, Director for the Office of Small and Disadvantaged Business Utilization
- Janis Bowdler, Counselor for Racial Equity
- Ethan Zindler, Climate Counselor to the Secretary
- Diane Lim, Director, Treasury Equity Hub
- Laurel Blatchford, Chief Implementation Officer for the IRA
- Ari Krupkin, Director of Strategic Planning and Protocol
- Andrew Fair, Deputy Assistant Secretary for Investment Security Operations
- Joseph Pauloski, Director Reviews and Investigations
- Alexandra Yestrumskas, Deputy Assistant Secretary for Investment Security Policy
- David Shogren, Director, Monitoring and Enforcement
- Meena Sharma, Director, Office of Investment Security Policy and International Relations
- Patricia Pollard, Deputy Assistant Secretary for International Monetary and Financial Policy
- Evangelia Bouzis, Senior Advisor
- Mirea Grotz, Director, Office of International Trade Policy
- Brian McCauley, Deputy Assistant Secretary, Europe and Eurasia
- Jeffrey Baker, Director, Office of Development Results and Accountability
- Margaret Kuhlow, Deputy Assistant Secretary for International Development Finance and Policy
- Alejandro Mares, Director, Western Hemisphere Office
- Robert Kaproth, Deputy Assistant Secretary for South and East Asia
- Michael Kaplan, Deputy Assistant Secretary for Western Hemisphere and South Asia
- Albert Lee, Director, Markets Room
- Shannon Ding, Director, Office of East Asia
- Lailee Moghtader, Deputy Assistant Secretary for Trade and Investment Policy
- Charles Moravec, Director, Multilateral Development Banks
- Clarence Severens, Senior Advisor
- Lida Fitts, Director, Office of Energy and Infrastructure
- Mathew Haarsager, Treasury Attaché Austria
- Eric Meyer, Deputy Assistant Secretary, Africa, Middle East, and Multilateral Development Bank Operations
- Jason R. Orlando, Director, Office of Technical Assistance
- Nicholas Tabor, Deputy Assistant Secretary for International Financial Markets
- Sean Hoskins, Director of Policy
- Nicholas Steele, Director of Analysis
- Renata Miskell, Deputy Assistant Secretary for Accounting Policy and Financial Transparency
- Matthew Garber, Deputy Assistant Secretary for Fiscal Operations and Policy
- Christopher H. Kubeluis, Director for the Office of Fiscal Projections
- Walter Kim, Director for the Office of Financial Institutions Policy
- Jeanette Quick, Deputy Assistant Secretary for Financial Institutions Policy
- Jeanne Bonds, Director, Office of Community and Economic Development
- Sarah Nur, Director of International Coordination and Mission Support
- Steven E. Seitz, Director Federal Insurance Office
- Stephanie Schmelz, Deputy Director of the Federal Insurance Office
- Laurie Schaffer, Principal Deputy Assistant Secretary for Financial Institutions
- Todd Conklin, Deputy Assistant Secretary for Cybersecurity and Critical Infrastructure Protection

- Natalia Li, Director Office of Consumer Policy
- Suzanna Fritzberg, Deputy Assistant Secretary for Consumer Policy
- Pravina Raghavan, Director, Community Development Financial Institutions Fund
- Marcia Sigal, Deputy Director for Policy and Programs
- Brian M. Smith, Deputy Assistant Secretary for Federal Finance
- Gary Grippo, Deputy Assistant Secretary for Public Finance
- Fred Pietrangeli, Director for the Office of Debt Management
- Nandini Ajmani, Deputy Assistant Secretary for Capital Markets
- Anupama Murgai, Director for Capital Markets
- Melissa Moye, Director, Office of State and Local Finance
- Jeffrey Kim, Director, Federal Program Finance
- Paul Ahern, Counselor to the Under Secretary for Terrorism and Financial Intelligence
- Bradley T. Smith, Director for the Office of Foreign Assets Control
- Gregory Gatjanis, Associate Director for the Office of Global Targeting
- Sara Thannhauser, Associate Director, Program Policy and Implementation, OFAC
- Lisa M. Palluconi, Deputy Director for the Office of Foreign Assets Control
- John H. Battle, Associate Director, Office of Sanctions Support & Operations
- John M. Farley, Director, Treasury Executive Office for Asset Forfeiture
- Billy Bradley, Deputy Director, Treasury Executive Office for Asset Forfeiture
- Lawrence Scheinert, Associate Director for the Office of Compliance and Enforcement
- Ripley Quinby, IV, Deputy Associate Director, Office of Global Targeting
- Scott Rembrandt, Deputy Assistant Secretary for the Office of Strategic Policy, Terrorist Financing and Financial Crimes
- Anna Morris, Deputy Assistant Secretary for Global Affairs (Europe and Middle East)
- Jesse Baker, Deputy Assistant Secretary for Global Affairs (Asia/Middle East)
- Rhett Skiles, Deputy Assistant Secretary for Intelligence
- Thomas Wolverton, Deputy Assistant Secretary for Security and Counterintelligence
- Katherine Amlin, Deputy Assistant Secretary for (Support and Technology) Intelligence Analysis
- Michael Doyle, Director, Office of Security Programs
- Michael Neufeld, Principal Deputy Assistant Secretary for Support and Technology
- Patrick Conlon, Director for Civil Liberties, Privacy Protection and Transparency
- Alice Lin, Deputy Assistant Secretary for Legislative Affairs (Tax & Budget)
- Corey Tellez, Principal Deputy Assistant Secretary for Legislative Affairs
- Christopher Burdick, Deputy Assistant Secretary for Legislative Affairs (Terrorism and Financial Intelligence)
- Angel Nigaglioni, Deputy Assistant Secretary for Legislative Affairs (Appropriations and Management)
- Isabella More, Deputy Assistant Secretary for Legislative Affairs (Oversight)
- Diana Pilipenko, Deputy Assistant Secretary for Legislative Affairs (International Affairs)
- Michael Gwin, Principal Deputy Assistant Secretary for Public Affairs (Terrorism and Financial Intelligence)
- Scott Arceneaux, Deputy Assistant Secretary for Public Engagement
- Eric Van Nostrand, Deputy Assistant Secretary for Financial Economics
- Christopher Soares, Director, Microeconomic Analysis
- Samuel Brown, Director, Office of Macroeconomic Analysis
- Jonathan S. Jaquette, Director for Receipts Forecasting
- Aviva Aron-Dine, Deputy Assistant Secretary for Tax Policy
- Neviana Petkova, Director for Business and International Taxation
- Robert Gillette, Director for the Office of Tax Analysis
- Curtis Carlson, Director of Business Revenue
- Adam Cole, Director for Individual Taxation
- Seth Hanlon, Deputy Assistant Secretary for Tax & Climate Policy
- Gregory Leiserson, Deputy Assistant Secretary for Tax Analysis
- Jessica Milano, Chief Program Officer
- Gregory Till, Chief Operating Officer, Office of Recovery Programs
- Danielle Christensen, Deputy Chief Program Officer for State and Local Programs
- Alexander Abawi, Deputy Chief Operating Officer, Office of Recover Programs
- Jeffrey Stout, Deputy Chief Program Officer for Small Business and Community Investment Programs
- Ryan Law, Deputy Assistant Secretary for Privacy Transparency and Records
- Tonya Burton, Director for the Office of Financial Management
- Lenora Stiles, Deputy Assistant Secretary for Strategy, Planning and Performance Improvement
- Kawan Taylor, Director, Financial Reporting, Policy and Operations
- William Sessions, Deputy Assistant Secretary for Management and Budget
- Carole Y. Banks, Deputy Chief Financial Officer
- Nicole K. Evans, Deputy Assistant Secretary for Acquisitions
- J. Trevor Norris, Deputy Assistant Secretary for Human Resources and Chief Human Capital Officer
- Kimberly Steide, Deputy Chief Human Capital Officer
- Michael Wenzler, Associate Chief Human Capital Officer for Executive and Human Capital Services
- Snider Page, Director, Office of Civil Rights and Equal Employment Opportunity
- Lorraine Cole, Chief Diversity and Inclusion for Departmental Offices
- Kande Hooten, Director, Office of DC Pensions
- Antony P. Arcadi, Deputy Assistant Secretary, Information Systems and Chief Information Officer
- Roger Adams, Associate Chief Information Officer for Enterprise Infrastructure Operations Services
- Roger Mishoe, Chief Data Officer
- Nicolaos Totten, Deputy Chief Information Officer for Applications and Digital Services
- Brian Peretti, Chief Technology Officer
- Jeffrey King, Principal Deputy Chief Information Officer
- Christie Lucas, Associate Chief Information Officer for Human Resources Systems
- Robert Coffman, Chief of Operations/Deputy to the Deputy Assistant Secretary for Operations
- Matthew Burton, IT Transformation Lead for IRA
- Parraize Butler, Director, Shared Services

Office of the General Counsel

- Mark Vetter, Deputy Assistant General Counsel (Ethics)
- Jonathan Bressler, Principal Deputy Assistant General Counsel (Enforcement and Intelligence)
- Frank P. Menna, Deputy Assistant General Counsel (Enforcement and Intelligence)
- Eric Froman, Assistant General Counsel (Banking and Finance)
- Stephen Milligan, Deputy Assistant General Counsel (Banking and Finance)
- Nayla Kawerk, Deputy Assistant General Counsel (International Affairs)
- Theodore Posner, Assistant General Counsel (International Affairs)
- Jeffrey M. Klein, Deputy Assistant General Counsel (International Affairs)

- Brian J. Sonfield, Assistant General Counsel (General Law, Ethics and Regulation)
- Michael Briskin, Deputy Assistant General Counsel (General Law and Regulation)
- Lindsay Kitzinger, International Tax Counsel
- Krishna Prasad Vallabhaneni, Tax Legislative Counsel
- Helen Morrison, Benefits Tax Counsel
- Kyle Brown, Deputy Benefits Tax Counsel
- James Wang, Deputy International Tax Counsel
- Michelle Dickerman, Deputy Assistant General Counsel for Litigation, Oversight and Financial Stability
- Natasha Goldvug, Deputy Tax Legislative Counsel Personal Benefits
- Shelley Leonard, Deputy Tax Legislative Counsel (Climate)
- Sean Boyce, Chief Counsel for the Financial Crimes Enforcement Network
- Heather Book, Chief Counsel for the Bureau of Engraving and Printing
- John F. Schorn, Chief Counsel for the U.S. Mint
- Lillian Lai-Lin Cheng, Chief Counsel for the Bureau of the Fiscal Service
- Christina McMahon, Chief Counsel for Alcohol and Tobacco Tax and Trade Bureau

Bureau of Engraving and Printing

- Dwayne Thomas, Associate Director, District Currency Replacement Facility Programs
- Steven Fisher, Associate Director (Chief Financial Officer)
- Richard Roy Clark, Associate Director (Quality)
- Craig Deitrick, Associate Director (Management)
- Justin D. Draheim, Associate Director (Product Design and Development)
- Harinder Singh, Associate Director, (Chief Information Officer)
- Ronald Voelker, Associate Director, Manufacturing (WCF)
- Yolanda Ward, Associate Director, Manufacturing (DCF)
- David Aten, Associate Director (Strategic Currency Transformation)

Financial Crimes Enforcement Network

- Amy L. Taylor, Associate Director, Technology Solutions and Services Division/CIO
- Peter Bergstrom, Associate Director, Management/CFO
- Dara Daniels, Associate Director Research and Analysis Division
- Whitney Case, Associate Director, Enforcement and Compliance Division
- Matthew R. Stiglitz, Associate Director, Global Investigations Division
- Katherine Ford, Associate Director, Strategic Operations Division

U.S. Mint

- Kenyatta Fletcher, Associate Director for Financial Management/CFO
- Francis O'Hearn, Associate Director for Information Technology
- Robert Kuryzna, Plant Manager, Philadelphia
- Randall Johnson, Associate Director for Manufacturing
- Keith Adams, Associate Director for Sales and Marketing/Chief Marketing and Sales Officer
- Gregory Dawson, Associate Director of Strategy and Performance

Alcohol and Tobacco Tax and Trade Bureau

- Caroline F. May, Assistant Administrator Permitting and Taxation
- Gregory Greeley, Assistant Administrator, Information Resources/CIO
- Amy Graydon, Assistant Administrator, External Affairs/Chief of Staff
- Anthony Gledhill, Assistant Administrator, Field Operations, TTB
- Joseph Burruss, Assistant Administrator, Management/CFO
- Anita Ko, Assistant Administrator, Data Analytics/Chief Data Officer

Bureau of the Fiscal Service

- Nathaniel Reboja, Assistant Commissioner and Chief Information Officer
- Peter T. Genova, Deputy Assistant Commissioner, Security Services
- Tony Paul, Deputy Assistant Commissioner and Chief Technology Officer
- Ryan Schanedig, Deputy Assistant Commissioner, Enterprise IT Operations
- Daniel Berger, Assistant Commissioner and Chief Financial Officer
- Erica Gaddy, Deputy Assistant Commissioner and Deputy Chief Financial Officer
- Dara Seaman, Associate Commissioner Financial Operations
- Linda C. Chero, Assistant Commissioner, Disbursing and Debt Management
- Christina Cox, Deputy Assistant Commissioner, Modernization, Innovation and Payment Management
- Vona Susan Robinson, Deputy Assistant Commissioner, Federal Disbursement Services
- Marisa Anthony, Deputy Assistant Commissioner, Programs, Policy and Customer Relations
- D. Michael Linder, Assistant Commissioner, Revenue Collections Management
- Tannura Elie, Deputy Assistant Commissioner, Tax and Compliance
- Madiha D. Latif, Deputy Assistant Commissioner, Collections and Deposits
- Lori Santamorena, Executive Director, Government Securities Regulations Staff
- Douglas Anderson, Assistant Commissioner (Retail Securities Services)
- Paula E. Corbin, Deputy Assistant Commissioner, ARC Service Delivery
- Daniel J. Vavasour, Assistant Commissioner, ARC Management, Modernization and Customer Care
- David T. Copenhaver, Assistant Commissioner (Wholesale Securities Services)
- Thomas T. Vannoy, Deputy Assistant Commissioner (Wholesale Securities Services)
- Adam H. Goldberg, Deputy Assistant Commissioner and Business Transformation Executive
- Sandra Paylor, Assistant Commissioner, Fiscal Accounting
- Jason T. Hill, Deputy Assistant Commissioner, ARC Management, Modernization and Customer Care
- Amanda M. Kupfner, Assistant Commissioner and Chief Strategy Integration Officer
- Alyssa W. Riedl, Deputy Assistant Commissioner, Retail Securities Services
- Angela Jones, Assistant Commissioner and Chief Human Resource Officer
- Bernadette Goodwin, Deputy Assistant Commissioner, Fiscal and Financial Agent Services

Authority: 5 U.S.C. 4314(c)(4).

Kimberly Jackson,

Human Resources Specialist, Office of Executive Resources.

[FR Doc. 2024–23832 Filed 10–15–24; 8:45 am]

BILLING CODE 4810–AK–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–NEW]

Agency Information Collection Activity Under OMB Review: Veterans Child Care Assistance Program (VCAP)

AGENCY: Veterans Health Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995, this notice announces that the

Veterans Health Administration (VHA), Department of Veterans Affairs (VA), will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden, and it includes the actual data collection instrument.

DATES: Comments and recommendations for the proposed information collection should be sent by November 15, 2024.

ADDRESSES: To submit comments and recommendations for the proposed information collection, please type the following link into your browser: *www.reginfo.gov/public/do/PRAMain,* select ''Currently under Review—Open for Public Comments,'' then search the list for the information collection by Title or ''OMB Control No. 2900–NEW.''

FOR FURTHER INFORMATION CONTACT: VA PRA information: Maribel Aponte, 202–461–8900, *vacopaperworkreduact@va.gov*.

SUPPLEMENTARY INFORMATION:

Title: Veterans Child Care Assistance Program (VCAP) (VA Forms 10–380, 10–381, 10–382).

OMB Control Number: 2900–NEW. *https://www.reginfo.gov/public/do/PRASearch*.

Type of Review: New collection.

Abstract: The Veterans Child Care Assistance Program (VCAP) was established via Public Law 116–315, section 5107a, of the Johnny Isakson and David P. Roe, M.D. Veterans Health Care and Benefits Improvement Act of 2020. Section 5107a provided permanent authority in 38 United States Code section 1709C for VA to provide child care assistance to certain veterans receiving health care at VA medical facilities. This child care assistance is provided solely for the time period of the veteran's health care appointment.

VA intends to collect appropriate information from veterans in order to establish eligibility and intent to utilize VCAP. VA facilities with onsite drop-in child care centers will be able to access the current VA systems to verify veteran name and SSN for eligibility, but must maintain their contact information and the child's information for use in the child care setting for emergency and safety reasons. This information also will be used for auditing and validation purposes in the reimbursement system for those veterans submitting claims for financial reimbursement of child care expenses. Such verification is necessary to pay allowable claims, as well as monitor and prevent fraudulent claims.

VA Form 10–380—VCAP Child Registration Intake Form: The eligible veteran will complete this form to register the child or children who will be cared for on VA premises for the duration of the veteran's health care appointment.

VA Form 10–381—VCAP Appointment Certification Form: The veteran individual will complete this form to attest they are attending a certified appointment and have a qualifying veteran-child relationship for the purpose of establishing eligibility for child care assistance.

VA Form10–382—VCAP Reimbursement Claim Form: This form will be used by the veteran individual to request reimbursement for the cost of child care at licensed non-VA child care facilities. Reimbursement for child care services is limited to the time required for the veteran's health care appointment and travel to/from the eligible child care provider.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published at 89 FR 64044, August 6, 2024.

Total Annual Burden: 215,639 hours.

Total Annual Responses: 4,174,528.

VA Form 10–380

Affected Public: Individuals or Households.

Estimated Annual Burden: 70,400 hours.

Estimated Average Burden per Respondent: 15 minutes.

Frequency of Response: Once annually.

Estimated Number of Respondents: 281,600.

VA Form 10–381

Affected Public: Individuals or Households.

Estimated Annual Burden: 125,895 hours.

Estimated Average Burden per Respondent: 2 minutes.

Frequency of Response: 13 times annually.

Estimated Number of Respondents: 290,528.

VA Form 10–382

Affected Public: Individuals or Households.

Estimated Annual Burden: 19,344 hours.

Estimated Average Burden per Respondent: 10 minutes.

Frequency of Response: 13 times annually.

Estimated Number of Respondents: 8,928.

Authority: 44 U.S.C. 3501 *et seq.*

Dorothy Glasgow,

VA PRA Clearance Officer (Alt.), Office of Enterprise and Integration, Data Governance Analytics, Department of Veterans Affairs.

[FR Doc. 2024–23824 Filed 10–15–24; 8:45 am]

BILLING CODE 8320–01–P

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Part II

Department of Commerce

National Oceanic and Atmospheric Administration

15 CFR Part 922

Chumash Heritage National Marine Sanctuary; Final Rule

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

15 CFR Part 922

[Docket No. 240829–0230]

RIN 0648–BL31

Chumash Heritage National Marine Sanctuary

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

ACTION: Final rule.

SUMMARY: NOAA is designating Chumash Heritage National Marine Sanctuary (CHNMS) in the waters along and offshore of the coast of central California to recognize the national significance of the area's ecological, historical, archaeological, and cultural resources and to manage this special place as part of the National Marine Sanctuary System. The sanctuary boundary encompasses 4,543 square miles (mi²) (3,431 square nautical miles (nmi²)) of submerged lands and marine waters from approximately two miles southeast of the marina at Diablo Canyon Power Plant in San Luis Obispo County to Naples along the Gaviota Coast in Santa Barbara County. NOAA is establishing the terms of designation for CHNMS and the regulations to implement the national marine sanctuary designation. NOAA has also published a final environmental impact statement (final EIS), final management plan, and Record of Decision.

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

ADDRESSES: Copies of the final EIS and management plan described in this rule and the Record of Decision (ROD), and additional background materials are available at: *https://sanctuaries.noaa.gov/chumash-heritage/*.

FOR FURTHER INFORMATION CONTACT: Laura Ingulsrud, West Coast Regional Policy Analyst, 99 Pacific Street, Suite 100F, Monterey, CA 93940, 831–647–6450, *laura.ingulsrud@noaa.gov*.

SUPPLEMENTARY INFORMATION:

I. Introduction

A. Background

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

NOAA is designating CHNMS in the waters along and offshore of the coast of central California to recognize the national significance of the area's ecological, historical, archaeological, and cultural resources and to manage this special place as part of the National Marine Sanctuary System. The sanctuary boundary will encompass 4,543 mi² (3,431 nmi²) of submerged lands and marine waters from approximately two miles southeast of the Diablo Canyon marina in San Luis Obispo County to Naples along the Gaviota Coast in Santa Barbara County. This boundary reflects NOAA's Final Preferred Alternative, which is described in the final environmental impact statement (final EIS) as Alternative 4 (Combined Smallest) and Sub-Alternative 5b (Gaviota Coast Extension), plus a small area (151 mi², 114 nmi²) in the center of the Santa Lucia Bank analyzed as part of the Initial Boundary Alternative, thereby creating a straight line across the northern section of the new sanctuary. NOAA has also included in the final management plan a framework to provide collaborative co-stewardship with the local Tribes and Indigenous communities [1] in this area for CHNMS.

The specific area being designated as a national marine sanctuary includes the coastline of central California from approximately two miles southeast of Diablo Canyon marina, south along the San Luis Obispo County coast and a portion of Santa Barbara County to approximately two miles south of Dos Pueblos Creek near the township of Naples along the Gaviota Coast. Roughly 116 miles of the mainland coast (132 miles if including the shoreline of offshore rocks and islands) are part of the sanctuary designation. The sanctuary's boundaries also include the State waters off the Gaviota coast, the offshore marine waters from the western end of Channel Islands National Marine Sanctuary (CINMS), and northwards, including about half of the Santa Lucia Bank, to approximately 55 miles west of the Santa Maria River mouth, and then east and then north to the point of origin at south of the Diablo Canyon marina. This area out to approximately 60 miles (51 nmi) from shore includes numerous offshore features such as the Santa Lucia Bank, portions of its escarpment, Rodriguez Seamount, Arguello Canyon, and other offshore features and resources. Coastal watersheds drain into this area via multiple outlets, including the Santa Maria and Santa Ynez river mouths and several other coastal streams and rivers. Strong coastal winds drive seasonal upwelling which fuels the area's high biological productivity, supporting dense aggregations of marine life. Specifically, winds offshore of Point Arguello/Point Conception initiate a powerful upwelling process that nourishes other nearby productive ecosystems, such as those located within CINMS. The presence of a biogeographic transition zone around Point Conception, where temperate waters from the north meet waters from the subtropics, creates an area of nationally-significant biodiversity in sea birds, marine mammals, invertebrates, and fishes.

For more than 10,000 years, the productive and diverse ecosystems in the region have been essential to the way of life of Indigenous Peoples in the region, in particular the Chumash, one of the few ocean-going bands among the First Peoples of the Pacific Coast. Tribal connections to the region include traditional and ancestral homelands, customary uses of marine resources for food and cultural connections, and

[1] This rule uses ''Tribes and Indigenous communities'' and other related phrases to refer broadly to federally recognized Tribes, Native American Tribes that are not federally recognized, and other Indigenous groups and organizations. When appropriate to reference the federally recognized Tribe in this area, the Santa Ynez Band of Chumash Indians, the rule specifically names that Tribe. When appropriate to reference federally recognized Tribes more broadly, the EIS uses the terms ''federally recognized Tribe(s)'' or ''federally recognized Tribal Nation(s).'' As such, use of the term ''Tribe'' or ''Tribal'' is not intended to refer only to federally recognized Tribes unless otherwise specified.

stewardship of resources and ecosystems within ancestral waters. Coastal landscapes and seascapes, including viewsheds, are integral and sacred elements of Native American cultural connections to the region. Additionally, during the last glacial maximum, the region's coastline extended beyond the present-day coast to include now-submerged areas that were likely inhabited by ancestors of California Tribes before the last sea level rise. As ocean-going Indigenous peoples on the California coast, the Chumash traveled to sea, to the Channel Islands, and along the coast in traditional redwood plank canoes called ''tomols.'' Coastal Chumash traditionally harvested an array of marine resources such as abalone and other shellfish, *Olivella* shells, fish, kelp and other seaweeds, and marine mammals. Today, Chumash Peoples undertake ocean voyages in tomol canoes to honor their ancestors' crossings to the offshore islands and to continue to honor ceremonial sites within their historic areas.

The marine environment of the sanctuary has provided and continues to provide a special sense of place to its changing coastal communities and visitors because of its historical, archaeological, cultural, aesthetic, and biological resources. The Indigenous peoples along this coast were the first people living in present-day California to have contact with Europeans when Spanish explorers arrived on the Pacific Coast in the mid-1500s. Subsequent waves of Spanish, Mexican, English, Russian, and American explorers and settlers traveled to this region over the next 300 years. The region was shaped by development of a mission system from San Diego to San Francisco, the California gold rush in the mid-1800s, ranching for cattle and the hide/tallow trade, military training and operations, a coastal and offshore oil boom, and, more recently, coastal and offshore renewable energy development. Maritime shipping has been prominent in this portion of California, with treacherous weather and currents leading to over 200 reported ship and aircraft wrecks; at least 20 prominent shipwrecks alone have been found in the area between Point Conception and Point Sal. Two shipwrecks that lie within the sanctuary—the *Yankee Blade* and the *McCulloch*—have been listed on the National Register of Historic Places; the *Montebello,* also on the National Register, lies to the north of the sanctuary's boundaries.

Coastal tourism, recreational activities, and commercial fishing are prominent components of the coastal and marine economy in this region, particularly in San Luis Obispo County. Coastal and offshore energy and military activities are more prominent in the portion of this region along the Santa Barbara County coastline. Public access to the sanctuary, in particular through State and local parks, is available along the coastline of both counties, as well as from public harbors in Morro Bay, Port San Luis and Santa Barbara. Private land holdings in both counties and a large military base in Santa Barbara County limit access as well as human use and exploitation of natural habitats. Marine research is a small but growing sector of the ocean uses in this area.

B. Need for Action

The NMSA authorizes the Secretary to designate national marine sanctuaries to meet the purposes and policies of the NMSA, which are available at 16 U.S.C. 1431(b), including:

- To identify and designate as national marine sanctuaries areas of the marine environment which are of special national significance and to manage these areas as the National Marine Sanctuary System;
- To provide authority for comprehensive and coordinated conservation and management of these marine areas, and activities affecting them, in a manner which complements existing regulatory authorities;
- To facilitate to the extent compatible with the primary objective of resource protection, all public and private uses of the resources of these marine areas not prohibited pursuant to other authorities;
- To develop and implement coordinated plans for the protection and management of these areas with appropriate Federal agencies, State and local governments, Native American Tribes and organizations, international organizations, and other public and private interests concerned with the continuing health and resilience of these marine areas; and,
- To create models of, and incentives for, ways to conserve and manage these areas, including the application of innovative management techniques.

The nationally significant natural resources, physical features and habitats, and the cultural and historical resources within the sanctuary warrant long-term protection and management to reduce threats that would adversely affect their historical, cultural, archaeological, ecological, recreational, and educational value. For example, many threatened or endangered species, such as blue whales, snowy plovers, black abalone, white sharks, and leatherback sea turtles, rely on habitats, physical features, or prey found in the sanctuary. This area also contains hundreds of known or suspected shipwrecks of historical importance, including several on the National Register of Historic Places. Moreover, this region and its abundant resources have been home to coastal, ocean-going Indigenous Peoples for tens of thousands of years, and submerged village sites may exist along paleoshorelines in the submerged lands of the sanctuary. Various levels of human development and activity can cause harm to these natural, cultural and historical resources from: new offshore energy development; decommissioning and removal of coastal and offshore industrial facilities; sound, discharges and whale strikes from vessel traffic; plastics, marine debris and pollutants from coastal runoff; and most of all, acute and cumulative impacts of climate change.

Accordingly, NOAA is designating this area as a national marine sanctuary to: (1) manage and protect nationally-significant natural resources, physical features and habitats, and cultural and historical resources through a regulatory and nonregulatory framework; (2) document, characterize, monitor, study, and conserve these resources; (3) provide interpretation of their natural, cultural, historical, and educational value to the public; (4) promote public stewardship and responsible use of these resources for various purposes to the extent compatible with the sanctuary's principal goal of resource protection; (5) develop a coordinated, community-based, ecosystem-based management regime with partner Federal agencies, State and local governments, the federally recognized Tribe, and other Indigenous organizations; and (6) develop and carry out an innovative collaborative management structure to involve Indigenous communities, including federally recognized Tribes, other Indigenous groups and organizations, and individuals and communities with knowledge of Indigenous culture, history, and environment, in important management programs and initiatives of the sanctuary.

Designating a new national marine sanctuary along the coast of central California allows NOAA to complement and supplement existing Federal and State resource management programs, policies, and regulations. For instance, discharge regulations to establish more comprehensive water quality protection across the geographic range for sanctuary protection under NMSA will bolster existing authorities under the Clean Water Act (CWA; 33 U.S.C. 1251 *et seq.*). NOAA has well-regarded and

successful programs to conduct outreach, education, and communication that will recognize and promote this area's nationally-significant natural, historical, and cultural properties. NOAA can assist the region's scientific expertise and technological resources to enhance ongoing research, and provide a hub for the coordination of these activities. Through its focus on various initiatives benefiting the marine and coastal economy, NOAA's designation of the area as a national marine sanctuary enhances and facilitates public stewardship of natural, historical, and cultural resources. Lastly, designating this national marine sanctuary provides expanded conservation of key resources within the California Current Large Marine Ecosystem, and creates a collaborative framework to involve Indigenous communities in region-wide management.

C. Designation Process

1. Notice of Intent To Designate a National Marine Sanctuary

In July 2015, a broad community consortium led by the Northern Chumash Tribal Council submitted a nomination through the Sanctuary Nomination Process. The nomination identified opportunities for NOAA to expand upon existing local and State efforts to study, interpret, and manage the area's unique cultural and biological resources. The nomination also highlighted the maritime history and cultural heritage of Chumash Peoples, who, along with other Indigenous communities, have deep cultural connections to this area of central California. NOAA completed its review of the nomination and, on October 5, 2015, added the area to the inventory of successful nominations eligible for designation. All nominations submitted to NOAA can be found at: *https://www.nominate.noaa.gov/nominations*.

On November 10, 2021, NOAA began the sanctuary designation process for the proposed CHNMS by publishing a notice of intent (86 FR 62512) to prepare a draft EIS as well as other pertinent designation materials such as a draft management plan, terms of designation, and a proposed rule, as required by NMSA and the National Environmental Policy Act (NEPA; 42 U.S.C. 4321 *et seq.*). The notice of intent also announced NOAA's intent to fulfill its responsibilities under the requirements of the National Historic Preservation Act (NHPA; 54 U.S.C. 300101 *et seq.*) and Executive Order 13175.

Following the notice of intent, NOAA conducted three virtual public meetings, hearing oral comments from 100 participants, and received thousands of written comments during an 83-day public comment period. The majority of comments supported the goals of sanctuary designation, including protecting the cultural heritage of Chumash Tribal communities and protecting the coastal California ecosystem's health and resilience. Many commenters also noted the importance of managing the area to promote recreation and tourism to support the local economy, to foster education and research programs, and to establish a shared management approach with Indigenous communities. Commenters also voiced concerns about overlapping existing and potential uses of the area such as fishing and offshore energy development. Overall, comments covered a diversity of other topics including views on: the proposed boundary and name for the proposed sanctuary; alternatives to consider for the boundary and name for the proposed sanctuary; activities that should be regulated; what non-regulatory programs the proposed sanctuary should have; and different ways to structure collaborative or co-management with Native American Tribes. More detail about the scoping comments is contained in the final EIS, section 3.11 and Appendix B.

2. Public Comment on Draft Designation Materials

After the close of the public scoping process, NOAA engaged in an 18-month process to evaluate the comments received; to determine which activities might require regulations, which should best be addressed through non-regulatory actions of the management plan, and which warranted no action; and to assess the potential environmental impacts of sanctuary designation on the natural and human environment. NOAA held public meetings and workshops to gain information on certain areas, such as research and monitoring, wildlife disturbance, recreation and tourism, education, and water quality. NOAA held formal government-to-government consultation meetings with the one federally recognized Tribe in the region, the Santa Ynez Band of Chumash Indians (SYBCI), and also held engagement meetings with other non-federally recognized Tribes and Indigenous organizations in the region. Three documents were released for public comment on August 25, 2023—a draft management plan,[2] a proposed rule with terms of designation and proposed regulations (88 FR 58123), and a draft environmental impact statement.[3] The Department of Defense (DoD), the Bureau of Ocean Energy Management (BOEM), the Bureau of Safety and Environmental Enforcement (BSEE) and SYBCI served as cooperating agencies in reviewing and assisting with their expertise in development of the draft EIS. NOAA held three public workshops in September 2023 (two in-person and one virtual) to present the recommended actions, explain its analysis, and answer questions, and it held three public comment meetings in September and October 2023 (two in-person and one virtual) to receive oral public comments on the draft designation materials. The public comment period closed on October 25, 2023; comments were received orally at public meetings, in writing, via email, and through the comment portal *regulations.gov* (docket #NOAA–NOS–2021–0080). On request, NOAA also conducted meetings with several stakeholder groups following the close of the public comment period for the express and limited purpose of receiving clarifications, primarily on technical issues, regarding the public comments submitted by the groups. Meeting summaries are available on the public rulemaking docket at *regulations.gov* (docket #NOAA–NOS–2021–0080).

In total, NOAA received 2,292 separate oral and written public comment submissions, that totaled more than 110,500 comments including campaign letters and petition signatures. NOAA reviewed all comments, organizing them into nearly 500 separate, substantive issues that each received a written response (see Appendix A of the final EIS, Response to Comments and section V of this final rule). The comments and NOAA's responses to those comments have guided development of the final terms of designation and regulations as outlined in this final rule, the final management plan, and the final EIS. Each of those documents are outlined in sections below, including a discussion of the Final Preferred Alternative.

3. Development of Terms of Designation and Regulations

Section 304(a)(4) of the NMSA requires that the terms of designation

[2] *https://nmssanctuaries.blob.core.windows.net/sanctuaries-prod/media/chumash/2023-proposed-chumash-heritage-nms-draft-management-plan.pdf.*

[3] *https://nmssanctuaries.blob.core.windows.net/sanctuaries-prod/media/chumash/2023-proposed-chumash-heritage-nms-deis.pdf.*

include the geographic area included within the sanctuary; the characteristics of the area that give it conservation, recreational, ecological, historical, research, educational, or aesthetic value; and the types of activities that would be subject to regulation by the Secretary to protect these characteristics. Section 304(a)(4) also specifies that the terms of designation may be modified only by the same procedures by which the original designation was made.

The purpose and need for the sanctuary provide the overarching basis for developing the regulations. NOAA developed this rulemaking and the sanctuary terms of designation based on information received during public scoping comments, cooperating agency review, and government-to-government consultation with Tribal Nations under Executive Order 13175, as well as feedback from interagency coordination, comments received through the public comment process on the draft designation materials, from analysis of issues and potential impacts as explained in the final EIS, and internal staff analysis and expertise.

Comments from the scoping and the public review processes from Tribal representatives, representatives of other Indigenous groups, governmental agencies, users such as the fishing industry and offshore wind energy, telecommunications and oil and gas industries, other interested organizations, and the public addressed the need for regulations and exemptions for certain activities. NOAA consulted with the Pacific Fishery Management Council as required under NMSA section 304(a)(5). NOAA also considered existing regulations for other west coast national marine sanctuaries, including Monterey Bay, Greater Farallones, Channel Islands, and Olympic Coast national marine sanctuaries, and developed terms of designation and a set of regulations that are generally consistent with other sanctuary provisions in similar resource areas. In developing the regulations, NOAA evaluated resource sensitivity, industry practices, and feasibility of implementing certain regulations, to balance resource protection regulations with existing and future compatible activities that may occur in the sanctuary.

Following publication of the proposed rule, in consideration of public comments and further review, NOAA made changes to the terms of designation and the regulations which are described in detail in section III of this final rule. NOAA provides a detailed discussion of the final regulations in section IV, subsection A through I, of this rule. The text of the final regulations are presented at the end of this rule.

4. Development of Final Management Plan and Framework for Tribal Collaborative Co-Stewardship

When designating a national marine sanctuary, NOAA also develops and presents a management plan that describes the management activities and initiatives that it proposes to conduct. The final management plan for the designation of CHNMS describes actions that NOAA will take to manage the sanctuary, summarized in 12 action plans, such as research and monitoring, education and outreach, sanctuary resource protection, and sanctuary operations, as well as practical programs to address certain issue areas, such as climate change, offshore energy, water quality, and wildlife disturbance. NOAA has developed the final management plan for the Final Preferred Alternative it is designating.

In addition to engaging in government-to-government consultation with the federally recognized SYBCI, as described in section VI Classification below, NOAA has conducted meetings with non-federally recognized Tribes and Indigenous organizations along the central California coast, including the Northern Chumash Tribal Council, yak tityu tityu yak tiłhini Northern Chumash Tribe, Coastal Band of the Chumash Nation, Xolon Salinan Tribe, Salinan Tribe of Monterey and San Luis Obispo Counties, Wishtoyo Chumash Foundation, and Barbareño/Ventureño Band of Mission Indians. After the draft designation materials were released, NOAA also met with many of these same organizations as part of consultations conducted under Section 106 of the National Historic Preservation Act, in which some of these organizations participated as additional consulting parties. Close, deliberate collaboration between NOAA and these Indigenous organizations has been an essential element of this sanctuary designation process. NOAA has incorporated input from federally recognized Indian Tribes and all interested Indigenous community entities throughout the sanctuary designation process, as well as toward sanctuary management after designation. The final management plan includes an Indigenous Cultural Heritage Action Plan that describes how sanctuary management would involve Tribal and Indigenous perspectives and collaboration in a number of specific sanctuary management actions.

Additionally, NOAA is including in the final management plan a framework for collaborative co-stewardship of the new sanctuary with federally recognized Native American Tribes and non-federally recognized Indigenous groups. A detailed explanation of that framework and an outline of opportunities for Tribal and Indigenous community collaboration in management of the sanctuary are found in the introduction to the final management plan. In summary, the framework, revised based on the public comments, has built upon extensive input from representatives from the SYBCI and non-federally recognized Indigenous organizations in this coastal area. NOAA envisions relying on government-to-government consultation with federally recognized Tribes; an Intergovernmental Policy Council involving federally recognized Tribes and the State of California; and a Sanctuary Advisory Council (to be established after designation) that has one or more voting seats for federally recognized Tribes and one or more voting seats to represent the knowledge, history, and culture of Indigenous communities more broadly. NOAA also intends to work with the Sanctuary Advisory Council, after sanctuary designation, on the establishment of an Indigenous Cultures Advisory Panel as a working group of the Sanctuary Advisory Council. The Indigenous Cultures Advisory Panel will provide advice to the Sanctuary Advisory Council, with coordination and communication with other groups as appropriate, about cultural issues important to these coastal Tribes and Indigenous groups. NOAA also envisions a role for one or more non-profit foundations to support joint projects between NOAA and federally recognized Tribes and/or non-federally recognized Indigenous groups.

The following substantive changes were made to the draft management plan, as reflected in the final management plan and described in more detail in EIS Section 3.2.3:

- The Framework for Indigenous Collaborative Co-Stewardship in the Introduction was revised to clarify collaborative management roles and responsibilities;
- Nearly all action plans were enhanced with new or clarified activities, or potential partners, based on public comments; and
- A Boundary Adjustment Action Plan was added that calls for a process to consider, analyze, and support future decision-making on possible expansion of the boundary of the sanctuary, or expansion of Monterey Bay National Marine Sanctuary (MBNMS), or designation of a new sanctuary, to

protect resources to the north (up to the MBNMS boundary), offshore (west of CHNMS), and within Morro Bay Estuary. Strategy RP–7 regarding consideration of expanded conservation in Morro Bay Estuary, was removed from the Resource Protection Action Plan and integrated into the Boundary Adjustment Action Plan. Implementation of this action plan would not in and of itself result in an expansion of the sanctuary boundaries, but rather would set the stage for NOAA to gather information to ultimately decide if pursuing such a change is warranted. Any subsequent boundary adjustments would be guided by Section 304 of the NMSA and would require a separate public process under the NMSA and NEPA.

5. Final Environmental Impact Statement

In accordance with NEPA (42 U.S.C. 4321 *et seq.*) and the NMSA (16 U.S.C. 1434), NOAA has released a final EIS for the national marine sanctuary designation in advance of the publication of this final rule. The final EIS (*https://sanctuaries.noaa.gov/chumash-heritage*) has been revised based on public comment and interagency consultation. The final EIS describes the purpose and need for the proposed action of designating a national marine sanctuary in the coastal and offshore waters of central California—the purpose of this regulatory action—and evaluates the potential environmental consequences of the designation of a national marine sanctuary; identifies a range of alternatives, including the preferred alternative; includes a comparison of the beneficial and adverse impacts among alternatives; and provides an assessment of resources and uses in the area.

The final EIS analyzed the Initial Boundary Alternative (7,573 mi^2; 5,718 nmi^2; 152 miles of mainland coast), which generally represented the boundary identified in the original nomination and in the notice of intent (86 FR 62512) but with some adjustments described in section 3.2 of the final EIS, and four alternatives that are smaller than the Initial Boundary Alternative, including:

- Alternative 1, Bank to Coast, which focused management from the Santa Lucia Bank to the coast (6,098 mi^2; 4,605 nmi^2; 152 miles of mainland coast);
- Alternative 2, Cropped Bank to Coast (5,553 mi^2; 4,194 nmi^2; 115 miles of mainland coast), largely copied Alternative 1, however it excluded the waters from Cambria to Hazard Canyon Reef, which would be the most direct path to onshore points of interconnection at Morro Bay for the installation of subsea electrical transmission lines from the Morro Bay WEA;
- Alternative 3, Diablo to Gaviota Creek, excluded more (relative to Alternative 2) northern waters that BOEM had identified for potential offshore wind development by removing the Diablo Canyon Call Area from the boundaries of the proposed sanctuary, and focused management on the area from the Diablo Canyon Call Area and nuclear power plant south to Gaviota Creek (5,804 mi^2; 4,382 nmi^2; 98 miles of mainland coast), but it included offshore waters west of the Santa Lucia Bank (based on public comment, the boundary for Alternative 3 was adjusted slightly smaller nearshore, south of Diablo Canyon Power Plant (DCPP), to ensure its original intent could be achieved; see Section III.B for more information);
- Alternative 4, Combined Smallest, excluded both the western and northern offshore areas focusing management on the smallest area (4,328 mi^2; 3,268 nmi^2; 98 miles of mainland coast) (based on public comment, the boundary for Alternative 4 was adjusted slightly smaller nearshore, south of DCPP, to ensure its original intent could be achieved; see Section III.B for more information).

The final EIS also analyzed two small expansion areas:

- Sub-Alternative 5a, Morro Bay Estuary (2.5 mi^2; 1.9 nmi^2; 11 miles of mainland coast), would include the tidally-influenced portions of Morro Bay Estuary and could be added to the Initial Boundary Alternative or Alternative 1 (but would not be added to alternatives 2–4);
- Sub-Alternative 5b, Gaviota Coast Extension (64 mi^2; 48 nmi^2; 18 miles of mainland coast), would include in the proposed sanctuary the State waters from Gaviota Creek to the township of Naples, a potential addition to any of the action alternatives.

The final EIS also included a ''No Action Alternative'' in which NOAA would not designate the area as a national marine sanctuary. NOAA also identified a Final Preferred Alternative in the final EIS (see Section 5.4.9 in the final EIS and subsection 6 below). NOAA indicated in the proposed rule and the draft EIS (*e.g.,* sections 3.1.1 and 3.9.2) that, based on public comments received on the draft designation documents and NOAA's experience administering the National Marine Sanctuary System, pursuant to NEPA and the Administrative Procedure Act, NOAA may choose to select a new alternative in the final rule and final EIS that is within the geographic and regulatory scope of these alternatives considered in the draft EIS, and that is a logical outgrowth of the proposed rule.

The final EIS evaluated and considered the potential impacts of implementing the final regulations and conducting the various management programs and initiatives described in the final management plan.

The final EIS focused on eight issue areas: physical resources; biological resources; commercial fishing and aquaculture; cultural heritage and maritime heritage resources; socioeconomics, human uses, and environmental justice; offshore energy; marine transportation; and homeland security and Department of Defense (DoD) activities.

NOAA has provided a section in the final EIS (see Section 1.5) to outline the substantive changes it made between the draft and the final EIS. A brief summary of some of those changes include:

- Changing the preferred alternative;
- Minor changes to the boundary for Alternative 3 and Alternative 4 south of Diablo Canyon Nuclear Power Plant to ensure the intent behind those alternatives can be met;
- Excluding the small harbor area at Vandenberg Space Force Base;
- Clarifying regulations to reflect that oil and gas leaseholders are excepted from certain regulations, regardless of whether they are producing oil and gas at the time of sanctuary designation, to align with the scope of oil and gas rights under existing leases or lease units;
- Changes to streamline and clarify the certification process;
- Pulling together into one section in Chapter 4.6 the information about submarine fiber optic cables that had been distributed throughout the draft EIS; and
- Changes to various appendices to the EIS, including the addition of Appendix A, Response to Comments.

6. Final Preferred Alternative

In accordance with NEPA (42 U.S.C. 4321 *et seq.*) and based on public comments on the draft designation materials and further review, NOAA has revised its Agency-Preferred Alternative from the draft EIS and has selected its Final Preferred Alternative as Alternative 4, plus Sub-Alternative 5b, plus a small area analyzed as part of the Initial Boundary Alternative in the center of the Santa Lucia Bank, thereby creating a straight line across the northern section of the new sanctuary (see Figure 5–1a in the final EIS). The

Final Preferred Alternative covers 4,543 mi^2 of coastal and ocean waters, and spans 116 miles of California coast off the counties of San Luis Obispo and Santa Barbara. The sanctuary spans a maximum distance of 60 miles from shore, and reaches a maximum depth of 11,580 feet below sea level. Describing the boundary in a clockwise fashion, the Final Preferred Alternative starts along the coast two miles southeast of the breakwater for the Diablo Canyon Power Plant marina, then runs south along the mean high water line through San Luis Obispo County and northern and western Santa Barbara County to the eastern end of the Naples Marine Conservation Area on the Gaviota Coast. Along this stretch, the harbor areas at Port San Luis and Vandenberg Space Force Base near Point Arguello are excluded from the sanctuary. Offshore, the boundary extends from the western edge of Channel Islands National Marine Sanctuary, around important features like Rodriguez Seamount, most of Arguello Canyon, and about half of the Santa Lucia Bank and part of its escarpment. At a point approximately 55 miles offshore of the Santa Maria River mouth, the boundary extends east 43 miles, then due north for 12 miles to the point of origin south of the Diablo Canyon Power Plant marina.

NOAA has evaluated the adverse and beneficial impacts from the Initial Boundary Alternative, as well as the various alternatives that considered smaller and larger boundaries. This evaluation has included careful review of over 110,000 comments submitted on the draft designation materials (see final EIS Appendix A, Response to Comments). The Final Preferred Alternative provides significant beneficial impacts on cultural heritage and maritime heritage resources through inclusion of Sub-Alternative 5b along the Gaviota Coast. It provides other beneficial but less-than-significant impacts in nearly all resource areas, such as: physical resources; biological resources; commercial fishing and aquaculture; cultural heritage and maritime heritage resources; socioeconomics, human uses, and environmental justice; and DoD and homeland security activities, largely through sanctuary regulations that would limit the scale and scope of offshore development activities and other human uses that could harm natural, historical, and cultural resources. NOAA has considered the adverse impacts of the Final Preferred Alternative and finds them to be an acceptable balance between resource use and conservation of sanctuary resources. This alternative has no significant adverse impacts and the least amount of adverse but less-than-significant impacts on development of offshore renewable energy, and telecommunications and submarine fiber optic cables, as well as on marine transportation (compared to the Initial Boundary Alternative and all other action alternatives).

NOAA has reconsidered offshore wind industry concerns regarding the sanctuary in the particular context of the Morro Bay leases, in conjunction with existing infrastructure and competing uses of the proposed sanctuary area (see Figure 5–2 in the final EIS), and in light of the purposes and policies of the NMSA and Administration priorities. Adopting the Final Preferred Alternative allows offshore wind developers to complete siting and permitting for subsea electrical transmission cables from the three Morro Bay offshore wind leases to landing sites at both Morro Bay and Diablo Canyon without having to route cables through the new sanctuary. The Final Preferred Alternative is the most manageable boundary at this time and will allow NOAA to focus on numerous core activities outlined in the management plan without the need to focus resources on myriad permitting issues related to offshore wind development. This avoids any perception of risk that a sanctuary permit review of proposed cables could delay or otherwise interfere with development of these renewable energy projects. Additionally, accommodating cable routes to landing sites at both Morro Bay and Diablo Canyon would allow space for the cable routes to make siting adjustments (''micro siting'') to avoid sensitive resources or certain seafloor features or hazards. See also the discussion in subsection B to this section of the final rule and response to Comment BO–1 in Appendix A for additional explanation of NOAA's identification of the Final Preferred Alternative.

As explained further in subsection III.F of the final rule, NOAA anticipates initiating a process, ''Phase 2,'' to consider establishing additional sanctuary protection 5–7 years after designation consistent with NOAA's timeline for the first management plan review process, which is also a reasonable period of time for developers to obtain permits and easements from other agencies for subsea electrical transmission cables. This Phase 2 process would commence no later than January 2032 and would inform NOAA's consideration of future options for sanctuary protection of this area (see also the Boundary Adjustment Action Plan in the final management plan). Any future sanctuary designation or expansion could then recognize any existing cables or other permitted structures as existing structures via a sanctuary certification process.

Including the Gaviota Coast extension within the Final Preferred Alternative would provide additional protection of important coastal resources. It would include waters off three popular State beaches and parks—Gaviota, Refugio, and El Capitán—and would ensure that Kashtayit and Naples State Marine Conservation Areas are entirely within the sanctuary. It would include beaches, kelp forests, and rocky and soft substrate reefs. As discussed in Section 4.5 of the final EIS, that portion of the Gaviota Coast was home to numerous, large Chumash villages at the time of European first contact. Ensuring conservation of these resources is an important benefit to including this sub-alternative in the Final Preferred Alternative. The continued presence and use of offshore structures and development in this area, such as pipelines and cables related to the Santa Ynez Unit oil and gas development, could be accommodated via the certification process included in the regulations. Repair, replacement, or removal of the structures necessary for existing oil and gas production could be considered via an ONMS authorization process.

In identifying the Final Preferred Alternative, NOAA considered which boundary alternative would be most manageable while simultaneously maximizing the principal purposes for the proposed sanctuary. The Final Agency-Preferred Alternative includes numerous coastal, nearshore, and offshore living resources and habitats of national significance, including a large portion of the Santa Lucia Bank, most of Arguello Canyon and all of the Rodriguez Seamount. The Final Preferred Alternative allows NOAA to focus its management on some of the key areas historically important to the SYBCI and other Chumash bands and natural resources important to their heritage.

The draft EIS and the proposed rule provided notice to the public that, based on public comments received on the draft designation materials and NOAA's experience administering the national marine sanctuary program, pursuant to NEPA and the Administrative Procedure Act, NOAA may choose to identify an alternative in the final rule and final EIS that is within the geographic and regulatory scope of the alternatives considered in the draft EIS and that is

a logical outgrowth of the proposed rule. Alternative 4 and Sub-Alternative 5b, plus the small additional area in the center of the Santa Lucia Bank (and part of the Initial Boundary Alternative), and impacts associated with these alternatives, are thoroughly discussed in the draft EIS and summarized in the proposed rule. NOAA received public comments on these Alternatives that it carefully considered in identifying the Final Preferred Alternative.

II. Terms of Designation for Chumash Heritage National Marine Sanctuary

Section 304(a)(4) of NMSA as amended, 16 U.S.C. 1434(a)(4), requires that the terms of designation be described at the time a new sanctuary is designated, including the geographic area to be included within the sanctuary, the characteristics of the area that give it conservation, recreational, ecological, historical, research, educational, or aesthetic value, and the types of activities that will be subject to regulation to protect those characteristics.

The following represents the terms of designation:

Preamble

Under the authority of the NMSA, approximately 4,500 mi^2 (3,400 nmi^2) of the coast of central California's San Luis Obispo and Santa Barbara counties are hereby designated as a National Marine Sanctuary for the purpose of providing long-term protection and management of the ecological, cultural, and historical resources and the conservation, recreational, scientific, educational, and aesthetic qualities of the area.

Article I: Effect of Designation

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

Article II: Description of the Area

Chumash Heritage National Marine Sanctuary covers approximately 4,500 mi^2 (3,400 nmi^2) in central California. The Sanctuary's shoreline is approximately 116 miles long along the mainland, and 132 miles long when also counting the shoreline of offshore rocks and islands. The boundary begins at the mean high water line approximately two miles southeast of Diablo Canyon marina in San Luis Obispo County, and extends to the south along the mean high water line to approximately two miles east of Dos Pueblos Canyon near the township of Naples along the Gaviota Coast, in Santa Barbara County. The boundary then shifts due south offshore to the State waters line, then to the west along the State waters line to approximately the outfall of Gaviota Creek, then in a southwest direction along the western end of Channel Islands National Marine Sanctuary, southward to include Rodriguez Seamount and shifting to the northwest in an arc reaching approximately 60 miles due west of Purisima Point and, at a distance approximately 55 miles west of the Santa Maria River mouth, it turns due east for 43 miles then due north for 12 miles to the point of origin at mean high water line at the coastline approximately two miles southeast of the Diablo Canyon marina. Port San Luis and the small harbor area at Vandenberg Space Force Base are not included in the Sanctuary. The Sanctuary includes offshore waters and seafloor features such as Rodriguez Seamount, Arguello Canyon, and large portions of the Santa Lucia Bank. The boundary coordinates are defined by regulation (see 15 CFR 922.230 and appendix A to 15 CFR part 922, subpart V).

Article III: Special Characteristics of the Area

For well over 10,000 years, First Peoples along North America have resided on the coast and in inland valleys adjacent to central California. Caves and other village sites at the nearby Channel Islands indicate occupation in this region as much as 13,000 years before present. At that time, due to glaciation at northern latitudes, the sea level was as much as 10 miles offshore from the present coastline. Paleoshorelines may exist in this area that could provide further evidence of early human occupation. The Native Americans who live in this coastal area today, the Chumash and Salinan, can trace generations of family lineages in this region, that, when coupled with other historical accounts and archaeological data, show this coast and ocean area have supported their people, cultures, and heritage for thousands of years.

The special characteristics of the coast east of Point Conception, consisting of a south-facing coast with a channel sheltered by offshore islands, allowed Chumash to develop and make use of the plank canoe, called a ''tomol,'' for fishing and trade with other Chumash groups. Chumash villages north of Point Conception could not as easily make use of the plank canoe in the rougher waters, but relied on the abundance of shellfish in this area and reed canoes, also used by Salinans. Between the Santa Maria River through the Gaviota Coast, 14 Chumash villages existed at the time of contact with Europeans, nearly 500 years ago. The largest Chumash village on the California coast at that time was ''Mikiw,'' located on the west bluff of Dos Pueblos Canyon. Numerous sites exist further north along the Sanctuary's coast, many on private lands and undisclosed. Most of the inhabited sites were located at the mouths of rivers or along the seashore where there was an abundance of food. The range of sites documented along or near the Sanctuary's coast includes rock art, shrines, village sites, camp sites, cemeteries, organic remains, evidence of trade systems, and evidence of various forms of subsistence, including hunting, fishing, and extraction.

Serial use and development along this coastline, beginning with Indigenous Peoples, then Spanish exploration and occupation, Russian fur trading, ranching and the trade for hides and tallow, discovery of gold, commercial fishing, and onshore and offshore oil and gas development have all had a hand in shaping this region's coast and human use of resources. All of these uses have been dependent on marine transportation, and as a result over 200 ship and aircraft wrecks are recorded in this area, including several of national significance such as the *Yankee Blade.* Commercial fishing for numerous abundant fish stocks and commercial fishermen are also part of the rich maritime heritage in the central coast region.

The natural resources of the ocean have been a principal element of most of the human occupation and exploitation of the region. Strong and persistent coastal winds drive upwelling, an oceanographic process critical to the highly productive marine ecosystem. Large kelp forests, vast sandy beaches, rocky shorelines, shallow and deep reefs, and coastal wetlands are interconnected, co-dependent biological communities

prominent in this region. Important, large-scale features include the Santa Lucia Bank, a highly productive, approximately 1,000-square mile area about half of which is within the Sanctuary, and thriving deep sea communities at Rodriguez Seamount and in Arguello Canyon. These productive waters complement other protected portions of the California Current by serving as critical foraging habitat for huge populations of shearwaters from New Zealand, humpback whales born offshore of Central America, leatherback sea turtles that migrate from and back to Indonesian islands, and albatross from Hawaii. More sedentary, local species depend on healthy communities in the Sanctuary, including the endangered snowy plover and black abalone, and commercially-important fish species like Dungeness crab, sablefish, spot prawn, squid, salmon, and lingcod. An estimated 33 species of marine mammals are found in the area, 18 of which can be seen on a regular basis. The Sanctuary is considered a seabird hot spot, with a higher richness of bird species than other sanctuaries offshore California. At least 400 species of fish have been documented in the area, which is also a higher richness of species than in nearby areas, likely because the Sanctuary includes warmer waters south and east of the ecological transition zone around Point Conception—Point Arguello and colder waters to the north.

The nationally significant ecological transition zone in the area around Point Conception—Point Arguello, where species more common in sub-tropical waters to the south meet with species more common in colder temperate waters to the north, is a central feature of the Sanctuary. The northern range of many warmer water species and the southern range of many colder water species meet in the area between Point Conception and Point Arguello. Increasing ocean temperatures and other impacts from climate change intensify the need to study biogeographic shifts in this area and affirm the importance of protecting the habitats on which these species depend.

Rodriguez Seamount, 45 mi southwest of Point Conception, formed 10–12 million years ago through volcanic activity. It rises more than a mile above the seafloor to a relatively shallow depth of around 2,000 ft. below sea level. Scientists consider it to be relatively rare in that it may once have been an island, rising to possibly 200 ft. above sea level; due to sea level rise and seafloor subsidence, the seamount is now fully submerged. From its time as an island, it has remnants of sandy beach features and from its time as a seamount, it has large coral and sponge colonies. Preliminary studies indicate a high percentage of invertebrate species as well as fish species found on Rodriguez Seamount that are not found on other nearby seamounts. Some surveys have uncovered substantial aggregations of coral colonies, with large individuals likely decades old, indicating a low level of disturbance to date. A special management zone for Rodriguez Seamount has been designated by Sanctuary regulations to allow for special protection in the water column 500 ft. above the seamount and to complement regulations adopted separately under the Magnuson-Stevens Fishery Conservation and Management Act to protect benthic habitats.

The area contains dramatic coastlines consisting of rocky shorelines, large bluffs, and sweeping sandy beaches. Other than an approximately 10-mile stretch of urban development along the coast from Port San Luis through Oceano, most of the 116 miles of Sanctuary coastline is undeveloped due to State and county park ownership, a large stretch owned by the U.S. Government as a military installation, and private landholdings of large and small ranches or dispersed single-family dwellings. This lack of development creates a sense of wildness and highly-valued aesthetics of a natural coastal setting worthy of national marine sanctuary designation.

Article IV: Scope of Regulations

Section 1. Activities Subject to Regulation

The following activities are subject to regulation, including prohibition, as may be necessary to ensure the protection and effective management of the ecological, cultural, historical, conservation, recreational, scientific, educational, or aesthetic resources or qualities of the area:

a. Exploring for, developing, or producing oil, gas, or minerals (*e.g.,* clay, stone, sand, metalliferous ores, gravel, non-metalliferous ores, or any other solid material or other physical matter of commercial value) within the Sanctuary;

b. Discharging or depositing, from within or into the boundary of the Sanctuary, or from beyond the boundary of the Sanctuary, any material or other matter;

c. Taking, removing, moving, catching, collecting, harvesting, feeding, injuring, destroying, attracting, possessing, or causing the loss of, or attempting to take, remove, move, catch, collect, harvest, feed, injure, destroy, attract, or cause the loss of, a marine mammal, sea turtle, bird, historical resource, or other Sanctuary resource;

d. Drilling into, dredging, or otherwise altering the submerged lands of the Sanctuary; or constructing, placing, or abandoning any structure, material, or other matter on or in the submerged lands of the Sanctuary;

e. Flying a motorized aircraft above the Sanctuary;

f. Operating a vessel (*i.e.,* water craft of any description) within the Sanctuary;

g. Aquaculture or kelp harvesting within the Sanctuary;

h. Introducing or otherwise releasing from within or into the Sanctuary an introduced species; and,

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

Listing an activity here means the Secretary of Commerce can regulate the activity, after complying with all applicable regulatory laws, without going through the designation procedures required by paragraphs (a) and (b) of section 304 of the NMSA, 16 U.S.C. 1434(a) and (b). No term of designation issued under the authority of the NMSA may take effect in California State waters within the Sanctuary if the Governor of California certifies to the Secretary of Commerce that such term of designation is unacceptable within the review period specified in the NMSA.

Section 2. Emergencies

Where necessary to prevent or minimize the destruction of, loss of, or injury to a Sanctuary resource or quality, or to minimize the imminent risk of such destruction, loss, or injury, any and all activities, including those not listed in section 1, are subject to immediate temporary regulation, including prohibition.

Article V: Effect on Leases, Permits, Licenses, and Rights

Pursuant to section 304(c)(1) of the NMSA, no valid lease, permit, license, approval, or other authorization issued by any Federal, State, or local authority of competent jurisdiction, or any right of subsistence use or access, may be terminated by the Secretary of Commerce or designee as a result of this designation or as a result of any Sanctuary regulation if such authorization or right was in existence on the effective date of this designation.

The Secretary of Commerce or designee, however, may regulate the exercise (including, but not limited to, the imposition of terms and conditions) of such authorization or right consistent with the purposes for which the Sanctuary is designated.

In no event may the Secretary or designee issue a permit authorizing, or otherwise approve: (1) The exploration for, development of, or production of oil, gas, or minerals within the Sanctuary; (2) the discharge of primary-treated sewage except for regulation, pursuant to section 304(c)(1) of the Act, of the exercise of valid authorizations in existence on the effective date of Sanctuary designation and issued by other authorities of competent jurisdiction; or (3) the disposal of dredged material within the Sanctuary other than at sites authorized by the U.S. Environmental Protection Agency prior to the effective date of designation. The disposal of dredged material does not include the beneficial use of dredged material. Any purported authorizations issued by other authorities after the effective date of Sanctuary designation for any of these activities within the Sanctuary shall be invalid.

Article IV does not authorize the direct regulation of lawful fishing activities (commercial and recreational) within the Sanctuary, such as setting catch quotas, establishing spatial closures for fishing, or setting fishing seasons. However, all activities listed in article IV could apply to a person engaged in the act of fishing, such as, but not limited to, vessel operations, wildlife disturbance, discharges, introduction of an introduced species, or disturbance of cultural or historical resources. Aquaculture and kelp harvesting, by contrast, are subject to direct regulation under these terms of designation. Fishing in the Sanctuary may be regulated by other Federal or State authorities of competent jurisdiction, and designation of the Sanctuary shall have no effect on any fishery management regulation, permit, or license issued thereunder.

Article VI: Alteration of This Designation

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

[End of terms of designation]

III. Changes From Proposed to Final Rule

Based on public comments received between August 25 and October 25, 2023, NOAA's responses to those comments, internal deliberations, interagency consultations, and Tribal consultation, NOAA has made the following changes to the proposed rule and, where appropriate, corresponding changes to the final EIS and management plan.

A. Sanctuary Boundary and Preferred Alternative

NOAA has revised its Agency-Preferred Alternative from the draft EIS and now identifies its Final Preferred Alternative as Alternative 4, plus Sub-Alternative 5b, plus a small area analyzed as part of the Initial Boundary Alternative in the center of the Santa Lucia Bank, thereby creating a straight line across the northern section of the new sanctuary (see Figure 5–1a in the final EIS). The reasons for selecting this as the Final Preferred Alternative are discussed in detail in Section I, subsection C.6 of this final rule, Section 5.4.9 in the final EIS, and in various responses to comments, in particular response to Comment BO–1 (see Appendix A of the final EIS).

B. Changes to Boundaries for Alternatives 3 and 4, and Exclusion of the Harbor Area at Vandenberg Space Force Base

An original primary purpose of Alternative 3 (and Alternative 4, which is a composite smallest boundary that omits the ocean areas excluded from either Alternative 1 or 3) was to exclude areas from the sanctuary identified or potentially necessary for offshore wind development, specifically an additional potential wind energy area (WEA) in Federal waters and corridors to allow subsea electrical transmission cables to connect to both Morro Bay and Diablo Canyon grid connections without passing through the sanctuary. Following public comment on the draft designation materials, pursuant to NEPA, minor alterations were made to the nearshore boundary of Alternative 3 (and Alternative 4) to ensure the intent of this alternative could be met. Concerns that drove this change include consideration of the following clarifying information received in public comments: the need for access to the Diablo Canyon grid connections and necessary landing site sufficient to allow for gentle turns (rather than sharp angles) for cables; the ability to cross existing submarine fiber optic cables at roughly right angles; regulatory challenges routing cables through the special marine protected areas in State waters; space to make minor siting adjustments (''micro siting'') to cable routes to avoid sensitive resources or certain seafloor features or hazards; and space to achieve the offshore wind industry's intent for the distance between cables to be at least three times the water depth, in line with recommendations of the International Cable Protection Committee. The resulting changes to the boundary include shifting the boundary that first intercepts the coast in the north one mile to the southeast so that it originates now about two miles southeast of the Diablo Canyon marina breakwater. The boundary also is shifted due south from this coastal point and then due west to create more space in which cables could be planned and permitted without needing to pass through the sanctuary. This same shift was made for Alternative 4. In both alternatives, these shifts reduce the potential size of the sanctuary by 148 square miles, and reduce the total distance along the coast by one mile. These changes are consistent with the intent of these Alternatives and with the purposes and goals of the draft designation materials. See maps in Chapter 3 of the final EIS, and see sections 3.5 and 3.6 of the final EIS for more information on why these boundary adjustments constitute minor variations qualitatively within the geographic and regulatory scope of alternatives assessed in the draft EIS.

NOAA also intended to exclude from the sanctuary the waters of all harbors, which typically host and require activities that can be inconsistent with sanctuary regulations. Morro Bay, the private marina at Diablo Cove and Port San Luis were all excluded in boundary alternatives. NOAA inadvertently failed to exclude the military harbor area at Vandenberg Space Force Base from sanctuary alternatives. The exclusion area would be roughly 0.1 square miles, and would be defined by the breakwater at the harbor area, and a line 0.1 mile due east, and then turning due north until it intercepts the MHWL at the coast. NOAA is excluding this small area from the final sanctuary boundary. This is a technical correction that is consistent with the purposes and goals of the draft designation materials. See maps in Chapter 3 of the final EIS, and see Section 3.2.1 of the final EIS, footnote 3, for more information.

C. Terms of Designation

NOAA made changes to the final terms of designation based on public comment and responses to those

comments, changes to other designation materials to ensure consistency, and its final actions on this designation. First NOAA modified Article II to describe the area being designated in conformance with the Final Preferred Alternative (rather than the Agency-Preferred Alternative from the draft phase). NOAA made changes to Article III to more accurately describe the Indigenous communities' historical uses of the area, including the number and general area of known or suspected historical village sites. In that section, NOAA has also clarified that about half of the Santa Lucia Bank will be in the final boundary, rather than nearly all of it as described in the proposed rule. In Article V, NOAA is removing a clause that could create confusion regarding its limitation on future permit decisions, and in particular removing unnecessary language about permitting existing oil and gas activities. In this section of the Terms of Designation in the proposed rule, NOAA had inadvertently included language from the regulations describing existing oil and gas activities that would not require a permit. However, Article V mandates that certain activities can not receive a permit for any reason, and one of those activities is oil, gas or mineral development, new or existing. The language explaining what activity constitutes existing oil and gas development, that would be exempt from permitting, is irrelevant in this section and has been removed. Were that language included in the final rule, it would imply NOAA intends to issue permits for existing oil and gas production, and it does not; rather, it is excepting existing oil and gas production from sanctuary permitting. Note, however, that construction, repair, replacement, or removal of existing oil and gas infrastructure that would disturb the submerged lands or potentially lead to discharges would still require an ONMS authorization or other approval. Lastly, NOAA is adding clarification in this section that NOAA's use of the term ''fishing'' means both commercial and recreational fishing.

D. Final Regulations

NOAA's intent with designation of this sanctuary has been to allow existing oil and gas production to continue after sanctuary designation. Based on public comments and interagency discussion, NOAA is clarifying the exception to the prohibition on oil, gas and mineral exploration, development, and production (922.232(a)(1)) to reflect that leaseholders can continue to develop oil and gas resources as allowed under existing leases and lease units. The language in the proposed rule had limited this exception to production from reservoirs under production from Platforms Irene and Heritage at the time of sanctuary designation. The revised language will now read: ''(1) Exploring for, developing, or producing oil, gas, or minerals within the Sanctuary, except for oil and gas production, which includes well abandonment, pursuant to leases or lease units in effect upon the effective date of Sanctuary designation''. This change ensures that any reservoir that was temporarily shut in at the time of designation, or any reservoir not yet developed but within a lease or lease unit in effect on the date of Sanctuary designation could still be developed pursuant to such lease or lease unit and meet this exception to the regulatory prohibition on oil, gas or mineral development in the sanctuary.

NOAA has also made a technical clarifying revision to 15 CFR 922.232(a)(2)(iii) to more accurately describe the nature of exceptions to this regulation. This change is a minor conforming amendment consistent with the intent, purposes, and policies of the proposed rule.

Because the prohibition on discharges within or into the sanctuary (922.232(a)(2)(i)) has similar language to allow through regulatory exception discharges into reservoirs that are incidental and necessary to oil and gas production, NOAA revised the exception to this discharge prohibition to now read: ''H. Discharges incidental and necessary to oil and gas production within or into reservoirs contained within existing leases or lease units in effect on the effective date of Sanctuary designation from Platform Irene or Platform Heritage, including well abandonment''. 15 CFR 922.232(a)(2)(i)(H). This clarification ensures sanctuary designation will not require oil and gas developers to seek sanctuary approval for discharges into reservoirs incidental and necessary to oil and gas development allowed under existing leases or lease units. Discharges from platforms or pipelines into the sanctuary are not covered by this exception and would require sanctuary review and approval; existing, permitted discharges at the time of sanctuary designation can be certified as an existing activity.

The prohibition on disturbance of the submerged lands of the sanctuary (922.232(a)(3)) also has an exception to describe existing oil and gas development. Consistent with other exceptions, NOAA revised the exception to allow for drilling, maintaining, or abandoning a well necessary for purposes related to oil and gas production pursuant to existing leases or lease units in effect on the effective date of Sanctuary designation from Platform Irene or Platform Heritage. 15 CFR 922.232(a)(3)(vi). These changes reflect technical corrections and clarifications, based on discussions with the expert agency (Department of the Interior) that are consistent with the proposed rule and that reflect the intended scope of the proposed rule.

In response to public comment and to implement technical and procedural corrections and clarifications consistent with the purposes of the proposed rule, NOAA made changes to the Certification Process (922.234) to allow existing, permitted activities in effect at the time the sanctuary is designated. These changes include clarifying that applicants/permit holders have 120 days after the effective date of sanctuary designation to notify NOAA regarding any Federal-, State- or locally-issued lease, permit, license, approval, other authorization or right of subsistence use or access. NOAA also clarified that when considering imposing any conditions on a certification, the ONMS Director may seek and consider the views of other persons or entities, but will not hold a public hearing. NOAA added a clause to clarify that the ONMS Director can amend, suspend or revoke the certification when the underlying permit is amended, suspended or revoked, but NOAA also removed language that allowed an already-issued certification to be reopened at any time. While these revisions constitute changes from certification procedures at some other sanctuary sites, they have been made in response to site-specific needs and concerns, including the anticipated number of certification requests. NOAA will coordinate with the Federal, State or local agency that issued an underlying permit should concerns arise in the future about an existing activity.

Based on interagency coordination, NOAA is including a section of the regulations describing two memorandums of agreement NOAA will enter into for interagency coordination to address regulatory or statutory issues—introduced species aquaculture projects and the Sunken Military Craft Act. See Section IV, subsection H of this final rule for a description of these memoranda of agreement. This addition is a clarification of intended agency procedures on coordination and constitutes a minor technical and procedural update that is consistent with the purposes and policies of the proposed rule.

E. Finalizing the Name for the Sanctuary

The draft designation materials indicated that the name for the sanctuary was not yet final and would depend on the final boundary selected, among other factors. NOAA's assessment has shown it is reasonably and historically accurate to consider the final boundary identified for this sanctuary, extending from just south of Diablo Canyon in the north through most of the Gaviota Coast, as lying along the coastline that has historically been considered the ancestral lands of Chumash Peoples. Given the extensive public comment in support of the name ''Chumash Heritage,'' and given that this boundary is least likely to overlap with ancestral lands and waters of Salinan Peoples, NOAA is designating this sanctuary with the name ''Chumash Heritage National Marine Sanctuary.''

F. Phase 2 for Considering Sanctuary Conservation in This Region

NOAA is adding this section to the final rule to express the importance of and its commitment to ''Phase 2,'' to evaluate and consider establishing additional sanctuary protection 5–7 years after designation consistent with NOAA's timeline for the first sanctuary management plan review process. As noted elsewhere, the selection of the Final Preferred Alternative, while providing significant beneficial impacts for marine conservation, is the boundary least likely to create potential regulatory uncertainty perceived by offshore wind developers because they are not expected to require sanctuary permits for subsea electrical transmission cables to shore. NOAA anticipates initiating the review process to consider expanding sanctuary protections 5 to 7 years after designation consistent with NOAA's timeline for the first management plan review process. This timeframe would provide a reasonable amount of time for offshore wind developers to obtain permits and easements from other agencies to develop their subsea electrical transmission cables, and possibly install some of those cables. NOAA has included a Boundary Adjustment Action Plan in the final management plan that envisions commencing, in January 2032, formal consideration of expanding sanctuary conservation for resources north of the current boundary up to the MBNMS boundary, west of the current boundary to include areas within the Initial Boundary Alternative, and into Morro Bay Estuary. Sanctuary conservation in the future, if warranted, could involve expanding CHNMS boundaries, shifting the boundaries for MBNMS, or designating a new sanctuary, or some combination of these. A future designation or expansion would require a separate public process under the NMSA and NEPA.

NOAA acknowledges that some important studies may need to begin soon after CHNMS designation to help collect information on the nationally-significant resources in these areas, the potential threats to those resources, and the appropriateness of a national marine sanctuary to address those threats. As resources are available, NOAA will begin those studies and characterizations.

This approach allows NOAA to work more closely with the Salinan and northern Chumash Tribes and Indigenous communities, and other interested parties, on various conservation options for the resources in this region. NOAA considers these steps and other potential actions to be part of ''Phase 2 Sanctuary Conservation'' for this region.

IV. Summary of Final Regulations

A. Adding New Subpart V

NOAA is amending 15 CFR part 922 by adding a new subpart (subpart V) that contains site-specific regulations for the sanctuary. This subpart includes the boundary, contains definitions of common terms used in the new subpart, identifies prohibited activities and exceptions, and establishes procedures for certification of existing uses and permitting otherwise prohibited activities.

B. Sanctuary Boundary

NOAA's designation of Chumash Heritage National Marine Sanctuary consists of an area of approximately 4,500 square miles (mi^2) (3,400 square nautical miles (nmi^2) of coastal and ocean waters along the central coast of California and the submerged lands thereunder. The northern boundary commences approximately two miles southeast of the Diablo Canyon marina at the mean high water line (MHWL) and extends for 116 miles south along the MHWL through the remainder of San Luis Obispo County coast, excluding Port San Luis (at the port's boundary for International Regulations for Preventing Collisions at Sea (COLREGS) demarcation line (33 CFR 80.1130), and then further south and east to include the coast of western Santa Barbara County, excluding the small harbor area at Vandenberg Space Force Base (as defined by the existing breakwater to a point 0.1 mile due east of the end of the breakwater and then due north to the MHWL at the shoreline), to approximately two miles east of Dos Pueblos Canyon along the Gaviota Coast near the township of Naples. The boundary then shifts due south offshore to the State waters line, to the west along the State waters line to approximately Gaviota Creek, then in a southwest direction along the western end of CINMS, southward to include Rodriguez Seamount and shifting to the northwest in an arc reaching approximately 60 miles due west of Purisima Point and, at a distance approximately 55 miles west of the Santa Maria River, it turns due east for 43 miles and then due north for 12 miles to the point of origin at MHWL at the coastline approximately two miles southeast of Diablo Canyon marina.[4]

C. Definitions

This rule incorporates and adopts common terms defined in the national regulations at 15 CFR 922.11. In addition, NOAA is including two site-specific definitions.

NOAA is defining ''beneficial use of dredged material'' to distinguish between suitable dredge material that is discharged into the sanctuary for the purpose of protecting or restoring habitat of the sanctuary, which could be permitted, versus disposal of dredge material at a new disposal site within the sanctuary for purposes other than habitat protection or restoration, which would not be permittable. Dredged material eligible for this definition can come from a public harbor adjacent to the sanctuary, which is Port San Luis. Beneficial use of dredged material is not disposal of dredged material.

NOAA is defining the ''Rodriguez Seamount Management Zone'' to define the special marine area immediately on top of, around, and adjacent to the Rodriguez Seamount. This definition is necessary because NOAA is including a regulation that specifically prohibits the collection, or other injury, of any sanctuary resource below 1,500 ft. water depth in this area from any activity other than from lawful fishing. This corresponds to the water depth about 500 ft. above the very top of the seamount. Existing fishing regulations, separately established under the Magnuson-Stevens Fishery Conservation and Management Act (MSA), already restrict bottom trawling in much of the Rodriguez Seamount Management Zone. This special area,

[4] The boundary would initiate approximately two miles southeast of the breakwater at the private marina at Diablo Canyon Power Plant at MHWL. The detailed legal boundary description is included in § 922.230 and the coordinates are located in 15 CFR part 922, subpart V, appendix A.

entirely within the boundaries of the sanctuary, is bounded by geodetic lines connecting a heptagon generally centered on the top of the Rodriguez Seamount, and consists of approximately 570 mi^2 (430 nmi^2) of ocean waters and the submerged lands thereunder. The northeast corner of this zone is located approximately 27 miles southwest of Point Conception off the coast of Santa Barbara County. Exact coordinates for the Rodriguez Seamount Management Zone boundary are provided in appendix B to subpart V.

D. Prohibited and Regulated Activities

NOAA is supplementing and complementing existing management of this area by adopting the following regulations in § 922.232 to protect sanctuary resources and qualities.

1. Prohibition on Exploring for, Developing, or Producing Oil, Gas, or Minerals

The central California coast has hosted oil and gas development for over 100 years and the area being designated as a national marine sanctuary has hosted oil and gas development for nearly 40 years. There have been oil spills from platforms and pipelines in this area, and spills from onshore development and onshore pipeline transportation, all of which have caused significant environmental harm. Additional information about these spill incidents is contained in section 4.7 of the final EIS. NOAA is prohibiting exploration, development, and production of offshore oil and gas resources within the sanctuary to reduce the risk of offshore spills from oil and gas development in the area. Oil and gas production pursuant to existing leases and lease units in effect on the effective date of sanctuary designation, specifically from Platform Irene (as part of the Point Pedernales Unit development) and Platform Heritage (as part of the Santa Ynez Unit development), including well abandonment, and including transportation in pipelines of product to shore, would be allowed to continue after sanctuary designation until those leases and lease units are terminated.

Constructing and operating offshore platforms and pipelines also can cause direct impacts on natural, historical, and cultural resources, particularly from disturbance to the seafloor and benthic species. Those impacts would also be prevented because this regulation would not allow new oil and gas exploration, development, or production. Any construction, repair, replacement, or removal of existing oil and gas infrastructure that would disturb the submerged lands or potentially lead to discharges would require an ONMS authorization or other approval.

Most if not all of the platforms and pipelines within the sanctuary are likely to be decommissioned and removed within 10 years of sanctuary designation.[5] The prohibition on new oil and gas development would not preclude the removal of these structures and restoration, if necessary, or any damage caused by removal, although a sanctuary permit, authorization, or other approval would be required in order to allow disturbance to the submerged lands during decommissioning, removal, and restoration activities. If any structures were proposed to be left behind after facilities removal, NOAA would need to approve that structure through a sanctuary permit or authorization. NOAA would be integrally involved in the planning and conduct of such decommissioning, removal, and restoration activities for structures within the sanctuary.

This prohibition would also not allow for development, including exploratory activities, of any seafloor minerals. While seafloor mining has not been proposed in this area, this regulation would ensure that the disturbance to benthic habitat and species likely to result from seafloor mining would not occur in the sanctuary.

2. Prohibition on Discharges

This prohibition on discharges (NOAA uses ''discharge'' in this rule to refer to both ''discharge and deposit'' as used in the regulation) has three main elements: prohibition on any discharge within or into the sanctuary; discharge from beyond the sanctuary boundary that subsequently enters and injures sanctuary resources; and discharges from cruise ships. Each is explained in separate paragraphs below. All three sub-elements of this prohibition are consistent with discharge prohibitions in adjacent national marine sanctuaries.

The prohibition on discharges within or into the sanctuary is in recognition that various substances can be discharged from vessels or from infrastructure or individuals along the shoreline that can harm sanctuary resources or quality. The discharge regulations bolster existing authorities such as the Clean Water Act (CWA; 33 U.S.C. 1251 *et seq.*) that provide some, yet incomplete, protection of resources from the adverse effects of discharges. Establishing a cohesive regulatory framework across nearshore and offshore waters of the sanctuary will provide value to boaters and others using sanctuary waters. Section 4.2.1 of the final EIS contains a detailed discussion of water quality and discharges that constitute key sources of water pollution in the area, and a brief summary of key points is provided here. While sewage is largely well-regulated from onshore facilities, and while the EPA has established a No Discharge Zone within three miles of the California coastline, NOAA's prohibition will complement this regulatory framework and apply throughout the entire geographic region of the sanctuary; it will also provide additional enforcement authority to protect sanctuary resources. Moreover, NOAA will commit staff time towards education and outreach to help promote compliance with this important regulation. Furthermore, the prohibition would extend throughout the sanctuary to ensure discharge of sewage from vessels does not cause acute or cumulative impacts on natural resources or water quality.

Oil discharged from vessels or from shore can cause acute toxicity in organisms, and can foul feathers of seabirds, leading to illness or death. Discharging other debris from vessels, by accident or on purpose, can lead to long-term impacts on resources. A chronic accumulation of plastics in marine ecosystems, for instance, can lead to an accumulation of plastic in marine organisms including those that are eventually ingested by humans.

NOAA is including some exceptions for this prohibition consistent with those exceptions at adjacent sanctuaries. For instance, NOAA is excepting discharge of fish, fish parts, chumming materials, or bait used in and resulting from lawful fishing activities within the sanctuary. NOAA is also excepting discharge of sewage waste from a vessel that has been treated by a Type I or Type II marine sanitation device, as these systems provide effective treatment for sewage as to mitigate any impact their discharge can have on marine resources. Normal vessel operations can also involve washing down the deck or the anchor, which is excepted provided the wash down qualifies as ''clean'' per the definition at 15 CFR 922.11. There are also normal discharges from operating motorized vessels that are excepted, such as clean vessel engine cooling water, clean vessel generator water, and clean bilge water, as well as exhaust from an engine or generator. Provided that these discharges are clean, they may be discharged within or into the sanctuary. The more common threat to sanctuary

[5] Final Programmatic EIS for Oil and Gas Decommissioning Activities on the Pacific OCS (BSEE & BOEM, 2023)

resources can come from oily bilge water, soiled by oil that drips or leaks into an engine compartment. Oily bilge water may not be discharged into the sanctuary under this prohibition, and would have to be disposed of at onshore pumpout stations. NOAA will coordinate with harbormasters to ensure existing onshore pumpout facilities remain operable, and, if necessary, to explore if other facilities are needed.

NOAA is excepting the disposal of dredged material within the sanctuary at disposal sites approved by the EPA prior to designation. The sanctuary boundaries do not include the two known EPA-approved dredge disposal sites used for Morro Bay dredging. NOAA is not aware of any other such sites within the sanctuary. Nonetheless, this exception would allow an agency to demonstrate, after sanctuary designation, that a disposal site approved by the EPA existed prior to sanctuary designation.

Within the sanctuary, NOAA will also consider allowing via permit the beneficial use of material removed from dredging Port San Luis, specifically to protect or restore habitat such as a sandy beach. The beneficial use of dredged material for habitat protection or restoration purposes is different from the disposal, or discarding, of dredged material. A proposed project involving the beneficial use of dredged material from Port San Luis may be eligible for approval by NOAA if the project demonstrates a sanctuary habitat protection or restoration purpose and if the permit requirements and criteria are met.

NOAA is excepting routine discharges from U.S. Coast Guard operations, which is consistent with NOAA's approach at two other national marine sanctuaries offshore California, Cordell Bank and Greater Farallones National Marine Sanctuaries. One part of the exception would allow U.S. Coast Guard vessels that lack sufficient holding tank capacity and lack a Type I or II marine sanitation device to discharge sewage and non-clean graywater beyond 3 nmi from shore. A second part of the exception would allow discharge of ammunition, pyrotechnics, and other material directly related to training from beyond 12 nmi from shore from U.S. Coast Guard vessels and aircraft conducting training activities for search and rescue and live ammunition fire in the sanctuary. NOAA recognizes that these exceptions are necessary to ensure existing U.S. Coast Guard patrols, operations, and training can be maintained in the new sanctuary. U.S. Coast Guard patrol vessels provide a tremendous benefit to NOAA by assisting with enforcement of national marine sanctuary regulations. Moreover, the U.S. Coast Guard is an essential element of marine safety to all mariners operating offshore in central California, and they also provide enforcement of other Federal laws, conduct drug smuggling interdiction activities, and protect the homeland. ONMS has developed plans with U.S. Coast Guard District 11 leadership through informal discussions and NMSA section 304(d) consultation to limit discharges into other west coast national marine sanctuaries and anticipates similar approaches could be explored for U.S. Coast Guard operations in the sanctuary. Therefore, NOAA considers the discharge exception for U.S. Coast Guard vessels appropriate.

Finally, NOAA is including an exception that would allow discharges incidental and necessary to normal oil and gas production activities from Platforms Irene and Heritage into reservoirs of existing leases and lease units in effect at the time of sanctuary designation. These could include drill mud to maintain well pressure and control during drilling as well as other materials necessary to force oil and gas products from one part of the reservoir into producing wells. The last step in the life of an oil and gas well is to abandon the well, with the operator pumping cement into the well to prevent release of hydrocarbons in the future; this activity would be part of the exception. Use of the depleted reservoirs for injection or storage of any material not considered incidental and necessary to normal oil and gas production would not be covered by the exception but could be considered via permit processes.

Discharges from beyond the boundary of the sanctuary would also be prohibited when those discharges subsequently enter the sanctuary and harm a sanctuary resource or quality. An example of this could be a spill from an onshore oil pipeline that flows down a creek, enters the sanctuary at the MHWL, and injures seabirds, fish, algae, or the sanctuary seafloor or other habitat. Unlike a discharge directly within or into the sanctuary, for a discharge to violate this prohibition, the discharge must injure a sanctuary resource or quality. This prohibition could also be applied to a spill or other discharge that originated from the marine environment and subsequently entered the sanctuary and injured a sanctuary resource or quality. The same exceptions that are included for the sub-element prohibiting discharge directly within or into the sanctuary would also apply for a discharge from beyond the boundary, except for the exception for dredge disposal and the exception for discharges incidental and necessary to oil and gas production. NOAA intends that dredge disposal discharges beyond the boundary of the sanctuary need to be designed in such a manner that they do not enter the sanctuary and injure sanctuary resources or qualities.

The third sub-element of this discharge regulation would prohibit discharge from cruise ships. Across most national marine sanctuaries, NOAA has applied consistent regulations that allow for fewer exceptions for cruise ship discharges than for other vessel discharges within or into sanctuaries because cruise ships can generate very large volumes of waste or other discharges. Even if treated, the volume of sewage and graywater, for instance, on a cruise ship of more than 2,000 passengers can reach several million gallons a day. Sewage discharge may contain bacteria or viruses that can cause disease in humans and wildlife, and can cause excessive growth and decomposition of oxygen-depleting plant life, resulting in harm or death to organisms. Section 4.2.1 of the final EIS provides additional detail on these sorts of discharges. The only exceptions for cruise ships discharging within CHNMS would be for clean vessel engine cooling water, clean vessel generator cooling water, vessel engine or generator exhaust, clear bilge water, or anchor wash; in essence, discharges directly linked to propelling and operating the vessel itself.

3. Prohibition on Drilling Into or Altering the Submerged Lands

The seabed is a large and important habitat in the ecosystem within the sanctuary, and NOAA is prohibiting activities that would drill into, dredge, or otherwise alter or disturb the submerged lands of the sanctuary. This prohibition would include constructing, placing or abandoning any structure, material, or other matter on the submerged lands. This is a common regulatory prohibition that NOAA has applied to most national marine sanctuaries. The purpose is to prevent activities that cause harm to habitat and species on or near the seafloor, such as drilling into or dredging into the seafloor. The regulation includes exceptions for certain activities including disturbance during the conduct of lawful fishing activities, kelp harvesting, or anchoring a vessel. NOAA is also excepting from this prohibition the installation of an aid to navigation, as well as the repair, replacement, or other maintenance on existing structures, specifically docks, piers,

breakwaters, or jetties. Also, NOAA is including an exception for maintenance dredging of the entrance channels for Port San Luis in existence at the time the sanctuary is designated. Vandenberg Space Force Base periodically conducts dredging near its coastal loading dock, within and adjacent to the small harbor excluded from the sanctuary, and typically relies on onshore disposal of the sand. Future dredging disturbance beyond the harbor exclusion, thus within the sanctuary, would be exempted with the general exemption for existing Department of Defense activities as well as via this exception for harbor maintenance dredging. NOAA has also included an exception to allow for drilling, maintaining, and abandoning wells incidental and necessary to normal oil and gas production activities pursuant to existing leases or lease units in effect at the time of sanctuary designation from Platforms Irene or Heritage.

For these exceptions, NOAA has considered both the anticipated level of disturbance to the submerged lands and the purpose of the specified activities, most of which are related to maritime safety. The proposed exceptions are intended to further the policy of the NMSA to facilitate public and private uses of sanctuary resources to the extent compatible with the primary objective of resource protection. However, in order to conserve and protect populations of coral and sponge colonies, NOAA will not apply any of these exceptions within the Rodriguez Seamount Management Zone. The only exception that would apply within the Rodriguez Seamount Management Zone is the exception for seabed disturbance conducted during lawful fishing activity as regulated under the MSA. Note, however, that most of the Rodriguez Seamount Management Zone has been designated by the Pacific Fishery Management Council as groundfish essential fish habitat under the MSA, and areas in and around the zone are currently closed to bottom trawling under regulations at 50 CFR part 660, subpart C.

Certain currently proposed or contemplated future activities could result in disturbance to the submerged lands in the area proposed for sanctuary designation. Procedures described below in the section on General Permits, Authorizations, Certifications, and Special Use Permits could be used to allow such an activity that is otherwise prohibited, provided that the applicable criteria and requirements are met and that any permit conditions can be satisfied by developers. Examples of such activities that would be prohibited by the seabed disturbance regulation unless a sanctuary general permit, ONMS authorization, or certification were issued include construction and operation of subsea electrical transmission cables from wind development in Federal waters beyond the sanctuary, or construction and operation of wind platforms in State waters near Vandenberg Space Force Base. Disturbance of submerged lands during repair and maintenance of existing structures not listed as being exempted, such as oil pipelines to shore from Platform Irene, or trans-oceanic fiber optic telecommunications cables, would also require a permit, authorization, or certification from NOAA before proceeding.

With respect to subsea electrical transmission cables, BOEM cannot issue leases, rights of way, or easements for wind development within national marine sanctuaries per the Outer Continental Shelf Lands Act (OCSLA), 43 U.S.C. 1337(p)(10). As discussed in the final EIS, if, despite the boundaries selected for CHNMS, offshore wind developers require cable routing through the new sanctuary, NOAA intends to coordinate with BOEM on potential integration of NMSA authorities and BOEM's OCSLA authorities. NOAA has well-tested procedures to review and allow scientific collection, site assessment, and characterization activities through a sanctuary general permit for research purposes under 15 CFR part 922, subpart D, and 15 CFR 922.233 of this rule. NOAA is revising its 2011 Policy and Permitting Guidelines for Submarine Cables [6] and should be releasing those in advance of any permit needs for subsea electrical transmission cables in this region, should developers propose cable routes within CHNMS (see Section IV.H.4 of this final rule preamble for more information). Wind developers and the public will have a chance to comment on those guidelines. Otherwise, NOAA's selection of the Final Preferred Alternative provides the best opportunity to reduce the permitting needs and the risks offshore wind developers perceive with the sanctuary permit process.

NOAA acknowledges that the telecommunications industry has already made a large investment in submarine fiber optic cables in the area, with more cables being possible in the future. The following most likely permitting approach would be relevant to telecommunications cables that may be proposed or presently lie within the final sanctuary boundary. The following would also be relevant to any other type of submarine cable that may be proposed within the final sanctuary boundary. Sanctuary general permits, authorizations, and special use permits are only issued after satisfaction of permit review criteria and necessary reviews under NEPA, NHPA, and other environmental compliance processes are completed.

- For existing submarine cables within the sanctuary, NOAA could issue a certification of the existing Federal-, State- or locally-issued permit. If that underlying permit allows for repair and maintenance, or subsequent removal, NOAA can certify the permitted activity(ies) and avoid further permit review unless the underlying project or permit significantly changes.
- For the installation of a submarine cable on the outer continental shelf within the sanctuary, NOAA could issue an ONMS authorization of a permit issued by the U.S. Army Corps of Engineers (USACE) under section 10 of the Rivers and Harbors Act (33 U.S.C. 403), under 15 CFR 922.36 and 922.232(e) of this rule. NOAA is also evaluating whether there may be additional valid Federal, State, or local permits, licenses, or approvals that may also be authorized in this context.
- For installation of cables within State waters of the sanctuary, NOAA could similarly consider authorizing, under 15 CFR 922.36 and 922.232(e) of this rule, a lease issued by the State Lands Commission or a coastal development permit issued by the California Coastal Commission.
- Because historically USACE permits have had a limited time period and not applied to the entire lifetime of a cable project, NOAA has relied on the special use permit under section 310 of the NMSA to authorize the continued presence of the cable on or in the seabed within the sanctuary. However, as described in Section IV.H.4 of this final rule preamble, NOAA issued a **Federal Register** Notice on August 16, 2024 (89 FR 66689) date that modified the SUP category for the continued presence of commercial subsea cables in the following way: for a two-year period beginning on August 16, 2024, the SUP category does not apply to sanctuaries designated after August 16, 2024, including Chumash Heritage National Marine Sanctuary. In other words, for the duration specified in the notice (and subject to extension), the continued presence of commercial subsea cables in Chumash Heritage National Marine Sanctuary is not subject to the

[6] *https://nmssanctuaries.blob.core.windows.net/sanctuaries-prod/media/archive/library/pdfs/subcable_final_guidance_2011.pdf.*

requirements of section 310 of the NMSA.

- To allow any necessary maintenance and repair associated with a cable that might cause a disturbance of the submerged lands of the sanctuary, NOAA could rely on the initial ONMS authorization of the USACE section 10 permit and/or State permit for the cable installation depending on whether it included future repair and maintenance. Alternatively, NOAA could issue an ONMS authorization of a separate USACE and/or State permit that is issued specifically for the maintenance and repair activity. As a third option for repair and maintenance of cables that pre-existed the sanctuary designation, NOAA could rely on its certification of the underlying permit if that permit authorized repair to and maintenance of the cable.

NOAA has coordinated with USACE regarding this approach in Federal waters, and intends to continue that coordination throughout the designation process and as plans for cabling in the area are developed. Regular coordination with State agencies has occurred in the past and NOAA would conduct specific coordination meetings related to submarine cable permitting as necessary. In sum, NOAA's final regulations contain several permitting mechanisms that provide NOAA with flexibility in its approach to any individual permitting request (see also section H of this preamble below and section 3.2.2 of the final EIS).

Decommissioning and removal activities that would disturb the sanctuary seabed, such as oil and gas platform removal, would require a permit, authorization, or certification from NOAA before proceeding. Further, NOAA has already commented, or could comment in the future as appropriate, to Federal, State, and local agencies leading regulatory review of these actions; also, some of these examples have been discussed with BOEM and BSEE, as cooperating agencies under NEPA for this designation, given the relevance to their authorities.

4. Prohibition on Possessing, Moving, Removing, or Injuring or Attempting To Possess, Move, Remove, or Injure a Sanctuary Historical Resource

NOAA is prohibiting possessing, moving, removing, or injuring, or attempting to possess, move, remove, or injure a sanctuary historical resource, as defined at 15 CFR 922.11. This prohibition reduces the risk of direct harm to sanctuary historical and cultural resources. ''Moving'' and ''injuring'' include any changes to the position or State of historical resources, as well as covering, uncovering, moving, or taking artifacts from a shipwreck, even if the artifacts are not located directly on a shipwreck. Sanctuary historical resources include cultural and archaeological resources and artifacts. This sanctuary prohibition would apply within both State and Federal waters of the sanctuary and is necessary to ensure conservation of historical resources on the more than 100 ship and aircraft wrecks thought to exist in the sanctuary, as well as other known or unknown historical resources, such as resources that may be associated with submerged Native settlements.

5. Prohibition on Taking Any Marine Mammal, Sea Turtle or Bird Within or Above the Sanctuary

This prohibition ensures conservation of important populations of marine mammals, sea turtles, and birds that are found in or above the sanctuary. The regulation would not apply should a person be authorized to take a marine mammal, sea turtle, or bird by NOAA or the U.S. Fish and Wildlife Service pursuant to the Marine Mammal Protection Act (MMPA), the Endangered Species Act (ESA), or the Migratory Bird Treaty Act (MBTA). The term ''take'' including ''taking'' is defined in the national sanctuary regulations at 15 CFR 922.11.

6. Prohibition on Possessing Within the Sanctuary (Regardless of Where Taken, Moved, or Removed From) Any Marine Mammal, Sea Turtle, or Bird

This regulation is a companion to the preceding prohibition and would restrict a person's ability to possess any marine mammal, sea turtle, or bird within the sanctuary, except as allowed by the MMPA, ESA, or MBTA, or as necessary for valid law enforcement purposes.

7. Prohibition on Deserting a Vessel Aground, at Anchor, or Adrift in the Sanctuary or Leaving Harmful Matter Aboard a Grounded or Deserted Vessel in the Sanctuary

Other adjacent national marine sanctuaries, similar to the proposed CHNMS, have considerable boating traffic along the coast and from local harbors. NOAA responds to dozens of vessel sinkings, groundings, and discharges each year in some of these national marine sanctuaries, many with significant response and restoration costs and damage to sanctuary resources. Along with responding to those incidents, NOAA has adopted this regulation as a means to prevent a vessel's sinking, grounding, or other incident, given that prevention is much less expensive than responding to incidents and can optimally prevent impacts and damage to sanctuary resources as well as to private property. NOAA is prohibiting deserting a vessel aground within the sanctuary for the same reasons. In the definition of the term ''deserting'' in the national sanctuary regulations at 15 CFR 922.11, NOAA has clarified conditions that constitute deserting a vessel. Finally, with this proposed regulation NOAA is prohibiting leaving harmful matter aboard a grounded or deserted vessel in the sanctuary; the intent is to minimize additional damage to sanctuary resources. The sanctuary regulations at 15 CFR 922.11 also define ''harmful matter.''

8. Prohibition on Attracting Any White Shark Within the Sanctuary

White sharks function as a key species in coastal ecosystems in three broad areas in the world, with California and Baja California forming one of those population centers. Several different areas within the sanctuary have important populations of adult and sub-adult white sharks, and may offer linkage to other white shark aggregation areas in CINMS, MBNMS, and Greater Farallones National Marine Sanctuary (GFNMS). Including this regulation provides similar levels of protection to these central California white shark aggregation sites within CHNMS by preventing harm or behavioral disturbance to white sharks. The regulation applies the definition of ''attract'' in the national sanctuary regulations at 15 CFR 922.11. The prohibition against attracting white sharks is intended to address harassment and disturbance related to human interaction from research activities directed at white sharks or shark diving programs known generally as adventure tourism, or from recreational boaters who may approach a white shark. NOAA has concluded these activities can degrade the natural environment, impacting the species as a whole, or adversely impacting individual sharks from repeated encounters with humans and boats. A similar prohibition against attracting great white sharks was promulgated for MBNMS in 1996 and GFNMS in 2008, and, at those sanctuaries, NOAA has not observed the inadvertent attraction of white sharks from lawful fishing activities. NOAA would have the ability to issue permits for activities that involve attracting a white shark if the permit procedures and requirements are met, as described below.

9. Prohibition on Moving, Removing, Taking, Collecting, Catching, Harvesting, Disturbing, Breaking, Cutting or Otherwise Injuring a Sanctuary Resource Located Below 1,500 ft. Water Depth Within the Rodriguez Seamount Management Zone; Prohibition on Possessing Any Sanctuary Resource, the Source of Which Is Below 1,500 ft. Water Depth Within the Rodriguez Seamount Management Zone

NOAA is adopting a regulatory framework for Rodriguez Seamount that is similar to its approach for Davidson Seamount in MBNMS. With the CHNMS regulations, NOAA is creating the Rodriguez Seamount Management Zone to ensure conservation of diverse and rare resources found on the seamount, including coral and sponges and other invertebrates, or living in the water column immediately above it. The seamount has seafloor features that suggest it may have been exposed above sea level millions of years ago, and its uncommon geomorphologic and benthic habitat features could be damaged without further protection. The top of the seamount is at approximately 2,000 ft. water depth, so under the regulation there will be a buffer of 500 ft. above the top of the seamount to protect organisms that migrate above the seamount diurnally.

This prohibition does not apply to lawful fishing activity that is regulated under the MSA and its implementing regulations. NOAA, through conservation actions under the MSA, has prohibited bottom trawling on and around Rodriguez Seamount since June 2006. Additional protections provided to the seamount by the sanctuary regulations would protect the high biodiversity and deep-sea habitat on the seamount. Long life histories and slow growth of deep-sea communities mean that these habitats have long recovery times following injuries and adverse impacts; additional protections for resources 1,500 ft. below sea level (roughly 500 ft. above the top of the seamount) will add critical additional risk mitigation for these sensitive resources.

10. Prohibition on Introducing or Otherwise Releasing From Within or Into the Sanctuary an Introduced Species, Except Striped Bass Released During Catch and Release Fishing Activity

NOAA is prohibiting introducing or otherwise releasing an introduced species, as that term is defined in the national sanctuary regulations at 15 CFR 922.11, into the sanctuary. NOAA has adopted the same introduced species regulation at other national marine sanctuaries offshore of California to prohibit the release of an introduced species into the sanctuary. Releases and subsequent spreading of introduced species have devastated marine ecosystems across the globe; most notably the alga *Sargassum horneri* has become a disruptive introduced species at nearby CINMS and has the potential to cause ecological and economic harm. This and other introduced species are potentially spread by vessels and have proliferated in the Santa Barbara Channel. Removing or otherwise eradicating introduced species once they have established local populations is extremely difficult; hence, preventative and deterrence measures offer added benefits against the harms caused from introducing such species within national marine sanctuaries. The exemption for catch and release of striped bass recognizes the State of California has size limits for striped bass, an introduced but now established species harvested by recreational fishermen. Releasing a striped bass will not be a violation of this prohibition.

11. Prohibition on Interfering With, Obstructing, or Preventing an Investigation, Search, or Other Enforcement Activity

NOAA adopts a regulation, similar to regulations at other local national marine sanctuaries, to prohibit interfering with various sanctuary enforcement activities. This regulation will assist in NOAA's enforcement of the sanctuary regulations and strengthen sanctuary management.

E. Exemption for Emergencies

The prohibitions for CHNMS would not apply to any activity necessary to respond to emergencies that threaten life, property, or the environment. However, this exemption for emergencies does not apply to the prohibitions on the development of oil, gas, or minerals; attracting a white shark; introducing an introduced species; or interfering with an investigation or other enforcement activity.

F. Department of Defense Exemption

NOAA is establishing a broad exemption to allow existing activities carried out or approved by the various branches of the Department of Defense (DoD) as specifically identified in Chapter 4.9 or Appendix I to the final EIS. NOAA has coordinated with the DoD to include in Appendix I to the final EIS a list of the existing activities that occur in or immediately adjacent to the sanctuary that would qualify for this exemption.

The area overlaps with the Point Mugu sea range and is adjacent to Vandenberg Space Force Base, which conducts both military missions from the base as well as hosting commercial space launches. All launches from the base or within the proposed sanctuary that are carried out or approved by DoD would be included in this exemption. With respect to commercial and civil launches from the base and associated activities, DoD has informed NOAA that:

- DoD approval is required for these activities.
- DoD conducts NEPA reviews for these activities. Other Federal agencies, such as the Federal Aviation Administration and/or the U.S. Coast Guard, may be cooperating agencies for purposes of these NEPA reviews.
- DoD also conducts all required natural and cultural resource consultations for these activities.
- Civil partners and commercial providers conducting these activities are required to comply with DoD best management practices.

NOAA advises that based on public comments received, additional coordination with DoD, and NOAA's experience administering the National Marine Sanctuary System, pursuant to NEPA and the Administrative Procedure Act, final EIS Appendix I reflects minor changes to the list of exempted activities based on DoD's administrative record of environmental compliance for the exempted activities. These minor conforming changes were made to ensure that the list of exempted activities in Appendix I reflects the most current information as to the existing activities that DoD carries out or approves and includes references to the environmental compliance materials that DoD provided. As such, these minor changes are consistent with the purposes of the proposed rule and do not alter the no adverse impacts conclusion in final EIS Section 4.9.

New DoD activities that would not otherwise be prohibited by the CHNMS regulations would not require an amendment to the list of exempted activities. For those new DoD activities that would otherwise be prohibited by the CHNMS regulations, NOAA has included in the regulations a process whereby the ONMS Director, upon consultation with the appropriate counterpart at the DoD, can also exempt such new activities carried out by the DoD. An activity is considered to be a new activity, and not covered by the exemption for existing DoD activities, if the activity is new or modified in any

way (including change in location, frequency, duration, or technology used) from the activities described or listed in section 4.9 or Appendix I, and the activity is likely to cause adverse effects on sanctuary resources or qualities that are substantially greater or different in kind than the effects of the activities described or listed in section 4.9 or Appendix I.

A new activity that is not covered by the exemption for existing DoD activities could be conducted if a sanctuary general permit or ONMS authorization, as applicable, were issued for the proposed activity. In addition, NOAA commits to working with the DoD to consider exempting new activities from the CHNMS regulatory prohibitions through subsequent rulemaking procedures, for instance in subsequent management plan and regulatory review processes for CHNMS. Any changes to the list of exempted DoD activities could only occur after compliance with all applicable laws, such as the Administrative Procedure Act and NEPA, as necessary, and after public notice and comment, as applicable.

NOAA is willing to work with the DoD to create a mechanism whereby new activities that are likely to injure sanctuary resources, and thereby also require section 304(d) consultation, could be handled in a single, consolidated review.

This final regulation also contains language common to regulations for other national marine sanctuaries about obligations of the DoD in the event an incident results in threatened or actual destruction, loss of, or injury to a sanctuary resource or quality. NOAA recognizes that this broad exemption is necessary to ensure military readiness for the DoD to conduct existing training, operations, and military readiness activities in the area proposed to be designated as a national marine sanctuary. The United States military has been able to maintain readiness and conduct training and other operations in other national marine sanctuaries based on similar broad exemptions.

G. Emergency Regulations

NOAA is not including any sanctuary-specific regulation to allow for development of emergency regulations to address urgent threats to sanctuary resources. Rather, the emergency regulation provision included in the regulations of general applicability, which apply to all national marine sanctuaries (see 15 CFR 922.7), would also apply to CHNMS. Emergency regulations are used when there is an imminent risk to sanctuary resources and a temporary regulation or prohibition is necessary to prevent or minimize the destruction or loss of those resources, or otherwise minimize the imminent risk of such destruction, loss, or injury.

H. General Permits, Certifications, Authorizations, Special Use Permits, Memorandums of Agreement

1. Sanctuary General Permits

NOAA is including authority to issue sanctuary general permits to allow certain activities that would otherwise violate prohibitions in the sanctuary's regulations. This language would not allow issuance of a sanctuary general permit for oil, gas, or mineral exploration, development, or production; introducing an introduced species; or interfering with an investigation or other enforcement activity; or as further limited in § 922.232(f) of the proposed regulations. National marine sanctuary program-wide regulations describe, at 15 CFR 922.30, different purposes for which a sanctuary general permit could be issued, three of which would apply to this proposed sanctuary: ''Research—activities that constitute scientific research or scientific monitoring of a national marine sanctuary resource or quality,'' ''Education—activities that enhance public awareness, understanding, or appreciation of a national marine sanctuary or national marine sanctuary resource or quality,'' and ''Management—activities that assist in managing a national marine sanctuary.''

NOAA is adding to the list at § 922.30, an additional purpose specific to CHNMS for which a sanctuary general permit could be issued: ''Native American cultural or ceremonial activities—activities within Chumash Heritage National Marine Sanctuary that will promote or enhance local Native American cultural or ceremonial activities; or will promote or enhance education and training related to local Native American cultural or ceremonial activities.'' NOAA has adopted this general permit category to address a need identified during scoping. Specifically, NOAA received a scoping comment letter stating that Indigenous peoples should be allowed to conduct the following cultural activities in the proposed sanctuary, subject to all other applicable law: collecting culturally-significant resources including bones, feathers, shells, animals, and plants; burials of cremated remains in biodegradable receptacles; survey and other work at submerged Indigenous living sites, like villages or caves, including collecting artifacts like stone bowls or pestles. ONMS may be able to allow some of these activities to occur within the proposed sanctuary under existing authorities and the current general permit categories at § 922.30 (*e.g.,* a research or education permit may be appropriate to authorize survey activities at submerged Indigenous living sites). However, ONMS is including this additional general permit category for CHNMS to ensure that activities to promote or enhance Native American cultural or ceremonial activities may be allowed to occur within the sanctuary, consistent with the purpose and need of the designation. The permit category will be recipient neutral; *i.e.,* any person, as that term is defined in 15 CFR 922.11, would be able to apply for a permit under the proposed category. However, permits may only be issued for those activities that will promote or enhance local Native American cultural or ceremonial activities or education and training related to such activities. NOAA has determined that this permit category would further the purposes and policies of the NMSA by facilitating uses of sanctuary resources compatible with the primary objective of resource protection, and by enhancing public awareness, understanding, appreciation, and wise and sustainable use of the historical, cultural, and archaeological resources of the proposed sanctuary.

The regulations will require compliance with 15 CFR part 922, subpart D, in the national regulations for permit application processes, review procedures, amendments, and other permitting stipulations. These national permitting regulations include a list of factors NOAA considers in deciding whether or not to issue the permit, such as whether the activity must be conducted within the sanctuary, or whether the activity will be compatible with the primary objective of protection of sanctuary resources and qualities. NOAA will be able to impose specific terms and conditions through a permit as appropriate.

2. Certifications

Under 16 U.S.C. 1434(c), NOAA may not terminate any valid lease, permit, license or right of subsistence use or access (''permit or right'') that is in existence on the date of designation of a sanctuary. However, NOAA may regulate the exercise of such permit or right consistent with the purposes for which the sanctuary is designated. Pre-existing activities specifically authorized by a valid Federal, State, or local lease, permit, license, or rights of subsistence use or access might be

occurring within CHNMS that would otherwise be prohibited by sanctuary regulations. Therefore, NOAA has included § 922.234 to describe the process by which it could certify an existing valid lease, permit, license, or right of subsistence use or access within the sanctuary boundaries, consistent with 16 U.S.C. 1434(c) and 15 CFR 922.10. In compliance with the NMSA, the regulations at § 922.234 State that certification is the process by which such activities existing prior to the designation of the sanctuary that violate sanctuary prohibitions may be allowed to continue. NOAA may, however, further regulate the exercise of such activities by applying additional terms and conditions as a condition of the certification to achieve the purposes for which the sanctuary would be designated. Requests for certifying permitted existing uses would have to be received by NOAA within 120 days of the effective date of the designation. As referenced in the proposed rule preamble, NOAA further clarifies that pre-existing structures on the submerged lands of the sanctuary, including pipelines, cables, and oil and gas structures, are subject to the certification requirements.

3. ONMS Authorizations

Pursuant to § 922.36 in the national regulations and § 922.232(e) in the CHNMS regulations, NOAA will have the authority to consider allowing an activity otherwise prohibited by § 922.232 if such activity is specifically authorized by any valid Federal, State, or local lease, permit, license, approval, or other authorization issued after the effective date of sanctuary designation. This ''ONMS authorization authority'' will apply to most of the proposed prohibitions as outlined in § 922.232(e) and as limited in § 922.232(f). However, NOAA could not issue an authorization to allow for exploration, development, or production of oil, gas, or minerals, or for interfering with an investigation or other enforcement action. In general, an ONMS authorization could not be issued to allow for an introduction of an introduced species; however, NOAA proposes a process by which an ONMS authorization for aquaculture projects raising an introduced species approved by the State of California could be issued after making certain findings. NOAA has previously adopted a memorandum of agreement (MOA) with the State of California for considering aquaculture projects raising an introduced species in State waters of MBNMS and intends to update that MOA to address future aquaculture projects raising an introduced species that may be proposed within CHNMS.

4. Special Use Permits

NOAA has the authority under the NMSA to issue special use permits (SUPs) at national marine sanctuaries, as established by section 310 of the NMSA (16 U.S.C. 1441) and by 15 CFR 922.31. SUPs can be used to authorize specific activities in a sanctuary if such authorization is necessary to establish conditions of access to, and use of, any sanctuary resource or to promote public use and understanding of a sanctuary resource. Section 310 of the NMSA establishes four requirements for SUPs: (1) activities must be compatible with the purposes for which the sanctuary is designated and with protection of sanctuary resources; (2) SUPs shall not authorize the conduct of any activity for a period of more than five years unless otherwise renewed; (3) activities carried out under the SUP must be conducted in a manner that does not destroy, cause the loss of, or injure sanctuary resources; and (4) permittees are required to purchase and maintain comprehensive general liability insurance, or post an equivalent bond, against claims arising out of activities conducted under the SUP and to agree to hold the United States harmless against such claims. The NMSA authorizes NOAA to assess and collect fees for the conduct of any activity under an SUP, including costs incurred, or expected to be incurred, in issuing the permit and the fair market value use of sanctuary resources; for instance, for use of the seabed to protect a buried cable from anchor damage. Implementing regulations at 15 CFR 922.35 provide additional detail on assessment of fees for SUPs. Like with sanctuary general permits, NOAA can place conditions on SUPs specific to the activity being permitted.

The activities that may qualify for a SUP are set forth in the **Federal Register** (78 FR 25957 (May 3, 2013); 82 FR 42298 (Sept. 7, 2017)). Categories of SUPs may be changed or added to through public notice, and no SUP may be issued for any category of activity unless ONMS has published a notice in the **Federal Register** that such category of activity is subject to the requirements of section 310 of the NMSA. NOAA is not proposing any new SUP category as part of the designation of CHNMS.

However, as memorialized in a **Federal Register** Notice issued on August 16, 2024 date (89 FR 66689), NOAA modified the SUP category for the continued presence of commercial subsea cables in the following way: for a two-year period beginning on August 16, 2024 date, the SUP category does not apply to sanctuaries designated after August 16, 2024 date. In other words, via this notice, NOAA informed the public that for the duration specified in the notice, the continued presence of commercial subsea cables in sanctuaries designated after August 16, 2024 date is not subject to the requirements of Section 310 of the NMSA. The duration specified in the notice may be further extended via subsequent **Federal Register** Notices. The purpose of this modification is to afford NOAA adequate time to evaluate the need for updating this SUP category, to publish any proposed updates to the category and/or to implement guidance for the category, to consider and respond to public comment, and to finalize any updates to the category. NOAA will publish **Federal Register** Notices of any such subsequent proposed or final updates. See the Notice (89 FR 66689) for more information. (Need to update based on content of FRN).

As further described in the August 16, 2024 date **Federal Register** Notice, the modification of the SUP category for the continued presence of commercial subsea cables was effective immediately, however, at the time of modification, NOAA also initiated a request for public comments on its evaluation of this SUP category generally. Any comments received pursuant to that request will be considered and addressed when NOAA publishes any proposed updates to the SUP category and/or to implementing guidance for the category. See 89 FR 66689 for additional information.

SUP categories that are potentially relevant to known activities at the proposed CHNMS include the discharge of cremated human remains, and discharges from fireworks displays.

5. Memoranda of Agreement

NOAA is including a section of the regulations describing two memoranda of agreement it will enter into for interagency coordination to address regulatory or statutory issues—introduced species aquaculture projects and the Sunken Military Craft Act. Regarding introduced species, NOAA has previously established an agreement to coordinate with State agencies on review of aquaculture projects that could include introduced species into MBNMS and GFNMS. NOAA would revise and update that to include CHNMS. This regulation also acknowledges that sunken military craft in CHNMS will continue to be administered by the respective Secretary concerned pursuant to the Sunken Military Craft Act. NOAA will enter into

a Memorandum of Agreement with the appropriate agencies regarding collaboration on implementing the Sunken Military Craft Act. The ONMS Director will request approval from the respective Secretary concerned for any terms and conditions of ONMS authorizations that may involve sunken military craft in CHNMS.

I. Other Conforming Amendments

The general regulations in 15 CFR part 922, subpart A, for general information and 15 CFR part 922, subpart D, for National Marine Sanctuary permitting are also amended so that the regulations are accurate and up-to-date. The modified sections to conform to adding a new sanctuary are:

- Section 922.1 Purposes and applicability of the regulations
- Section 922.4 Boundaries
- Section 922.5 Allowed activities
- Section 922.6 Prohibited or otherwise regulated activities
- Section 922.30 National Marine Sanctuary general permits
- Section 922.36 National Marine Sanctuary authorizations
- Section 922.37 Appeals of permitting decisions

V. Response to Comments

This final rule includes NOAA's responses to some comments from Appendix A of the final EIS. These comments and responses are included in this preamble because they address the significant issues raised in public comments on the proposed rule and offer additional information about why certain changes were made to the rule, the terms of designation, the regulations, or the management plan. The final rule retains the numbering/naming of the comment from Appendix A so readers can track the comments that have been included in this preamble and more efficiently find other related comments/responses in Appendix A that have not been included in this preamble. As such, cross-references have been retained here for completeness. For a full scope of all of the comments received on the draft designation documents, including the draft EIS and the draft management plan, and their responses, please review Appendix A of the final EIS.

1. *Comment GN–1*: An overwhelming majority of comments (>98%) voiced support for the proposed sanctuary, its goals and objectives, and the proposed regulations. Commenters encouraged NOAA to proceed with the sanctuary designation process due to the importance of resources in the study area and the need to provide additional protection of these resources.

Response: NOAA agrees with the view that this sanctuary area contains nationally significant natural, historical, and cultural resources worthy of protection. Numerous opportunities exist to collaborate on the management of this area with a diversity of Native American Tribes and Indigenous organizations. The new sanctuary would help both the State and Federal governments achieve their biodiversity conservation goals that have been established. The sanctuary would promote various forms of engagement with and use of the sanctuary and its resources (*e.g.,* cultural activities, fishing, recreation, and research), while establishing additional regulations and non-regulatory programs to conserve the area's nationally-significant resources. It would help promote mitigation and adaptations in response to climate change, from establishing conservation actions, to promoting ''blue carbon'' ecosystem components, such as kelp forests and whale populations.[7] NOAA, working in collaboration with partners, would bring outreach activities, education programs, and research and monitoring to aid our understanding of the area and promote co-stewardship.

2. *Comment GN–2*: General opposition to the overall sanctuary process was expressed for a variety of reasons, including the potential that it could lead to additional regulations or potentially restricted access.

Response: NOAA has followed a very deliberate public process for designation of the new sanctuary. The process is consistent with NOAA's contemporary practice for designating other national marine sanctuaries and consistent with the provisions of the NMSA, in particular Section 304 (Procedures for Designation and Implementation), 16 U.S.C. 1434. Preceding the designation process, NOAA conducted an extensive public review at the five-year interval for the original nomination of the sanctuary; the proposed designation process began in November, 2021 with publication of the Notice of Intent (NOI) to conduct scoping and prepare an EIS, which provided for additional opportunity for public input during the scoping phase. NOAA received more than 14,300 comments and 22,000 comments, respectively, in these two public processes, nearly all in favor of designation and additional protections. Many of the comments formed the basis of alternatives and regulations proposed for designation. NOAA continued this highly public process with various public workshops preceding the release of the draft designation documents. More than 110,000 comments were received on the draft designation materials. NOAA has diligently reviewed, considered, and responded to the issues raised in those comments throughout this appendix.

The designation materials include the rule, the final EIS and the final management plan. These materials have been revised through the extensive public process outlined above. Only the regulations that are necessary to address threats to sanctuary resources are included in the designation. See also the Regulations and Permitting section of comments and responses. Regarding concerns about restricted access, NOAA's sanctuary regulations impose no limits on public access to sanctuary waters (see response to Comment SE–8), and will encourage responsible use and enjoyment of the sanctuary (see, for example, the management plan's Blue Economy Action Plan).

3. *Comment GN–6*: There is a concern that once NOAA is given control, nothing can stop it from imposing more restrictions like eliminating recreational uses that belong to everyone. No specific human uses should be banned. Most of what NOAA says it will allow can be done right now, without giving NOAA control of the oceans and beaches that belong to everyone.

Response: NOAA has only developed regulations for the sanctuary to restrict or eliminate human activities that can harm sanctuary resources. Any limits on recreation or other activities would be to reduce harm to resources, such as discharge of untreated sewage from a recreational vessel. Sensible exceptions are included in the regulations for activities that on their face could be prohibited, but for which NOAA has concluded they could nonetheless continue, such as exceptions to the submerged lands disturbance regulation for anchoring a vessel. The proposed exceptions are intended to facilitate public and private uses of sanctuary resources to the extent compatible with the primary objective of resource protection. Any future change in these regulations would require that NOAA conduct a public review process that mirrors the extensive process it has undertaken for this initial designation of the sanctuary.

4. *Comment BO–1:* NOAA should close the gap created between Cambria and Montaña de Oro, including the waters off Morro Rock, by designating the final sanctuary with the Initial Boundary Alternative or Alternative 1 rather than the Agency-Preferred Alternative. Many reasons were given

[7] *https://www.fisheries.noaa.gov/feature-story/whales-and-carbon-sequestration-can-whales-store-carbon.*

including the area's important ecological characteristics and connectivity to other sanctuaries, sacred significance to Indigenous communities, and the importance for NOAA to have regulatory oversight for offshore wind and other types of uses or development and overall resource protection in this area.

Response: NOAA acknowledges that a final sanctuary boundary that originates at the southern end of MBNMS (at Cambria) and extends southward, ''closing the gap,'' as achieved by the Initial Boundary Alternative or Alternative 1, would protect important ecological characteristics, historical resources, and sacred Indigenous heritage resources in that area. However, as discussed in detail in Section 5.4.9 in the final EIS, NOAA has included a Final Preferred Alternative with the coastal boundary and offshore waters of Alternative 4, plus Sub-Alternative 5b, plus a small area to more fully protect the Santa Lucia Bank that had been part of the Initial Boundary Alternative (see Figure 5–1 in Section 5.4.9 of the final EIS). This alternative has been identified after thorough consideration of public and Indigenous community comments, NOAA's responses to those comments, Administration priorities, and consultation among Federal agencies.

The reasons for further reducing the final sanctuary boundary at this time center around clarifying information provided by the three Morro Bay offshore wind energy lease holders during the public comment period, and NOAA's consideration of this information in light of renewable energy and conservation goals, the purposes and policies of the NMSA, and the purpose and need of the proposed sanctuary. NOAA also considered public comments supporting offshore wind energy development, as well as the State of California's support for sanctuary designation and the State's goal for transitioning to 100% clean energy. In public comments, the leaseholders identified a need to develop between 15–24 subsea electrical transmission cables between offshore leases and two landing sites at Morro Bay and Diablo Canyon grid connections. Presently they estimate landing roughly half of the cables at each grid connection. The three leaseholders' current design requirements may mean they will seek access to a portion of the seabed between 30–45 miles wide, narrowing as cables approach land and shallower water. Their comments on the draft EIS note that subsea electrical transmission cables need broad gradual bends (rather than sharp turns) and need to cross other cables at largely 90-degree angles. With these parameters, all of the boundaries analyzed in the EIS for CHNMS would be expected to require cable routing from the Morro Bay leases through the sanctuary to shore, except for Alternative 4. While the draft EIS anticipated the leaseholders may need to route cables to DCPP and that NOAA could rely on its permitting process to review such cable placement, the lease holders expressed persistent concerns. Several of the Morro Bay leaseholders expressed persistent concerns with the NOAA permit process for submarine cables and whether or not, in the end, they would be able to obtain permit approvals from NOAA to construct 15–24 subsea electrical transmission cables within the sanctuary from the offshore leases to onshore grid connections. They also expressed concerns that existing sanctuary permitting procedures could jeopardize their ability to obtain financing for their development, and they sought to avoid the introduction of any permitting risk that NOAA might be unable in the future to approve one, several or all permit requests for cables in the sanctuary.

In considering an area for designation, the NMSA requires NOAA to, ''enhance public awareness, understanding, appreciation, and wise and sustainable use of the marine environment . . .,'' 16 U.S.C. 1431(b)(4), and to evaluate, among other factors, the manageability of the area, the negative impacts produced by management restrictions on resources development, and socioeconomic effects of sanctuary designation. 16 U.S.C. 1433(b). At this final designation phase, NOAA has reconsidered offshore wind industry concerns regarding the sanctuary in the particular context of the Morro Bay leases, in conjunction with existing infrastructure and competing uses of the proposed sanctuary area, and in light of the purposes and policies of the NMSA as referenced above. including any potential, negative impacts produced by Sanctuary management restrictions on resources development, as well as the sustainable use of the marine resources to support renewable energy, climate change mitigation, and conservation goals. NOAA has identified this adjusted boundary, which would further the purpose and need of the sanctuary designation while also supporting renewable energy goals of the Administration and the State of California through allowing offshore wind developers to complete siting and permitting for subsea electrical transmission cables from the three Morro Bay offshore wind leases to landing sites at both Morro Bay and Diablo Canyon without having to route cables through the new sanctuary, given their permitting uncertainty concerns as described above. The Final Preferred Alternative would be the most manageable boundary at this time and would allow the new sanctuary to focus on numerous core activities outlined in the management plan without the need to focus resources on myriad permitting issues related to offshore wind development. If NOAA decides to adopt sanctuary protections at a later time for additional areas (see the final management plan's Boundary Adjustment Action Plan), such a process would be informed by an improved, more certain understanding of offshore wind development in this area.

The Final Preferred Alternative meets the purposes and need for the designation as described in Chapter 2 of the final EIS, and it meets the designation standards identified in Section 303 of the NMSA. NOAA also acknowledges and affirms its commitment to respecting Indigenous Knowledge and promoting co-stewardship in this area while advancing climate and conservation goals. This final sanctuary boundary would allow protection of nationally-significant natural, ecological, historical, and cultural resources along 116 miles of the California coast, out to nearly 60 miles from shore and a maximum depth of 11,580 feet. The total area within the Final Preferred Alternative is 4,543 square miles, making it one of the largest national marine sanctuaries in the National Marine Sanctuary System, if the Final Preferred Alternative is selected.

The draft EIS and the proposed rule provided notice to the public that, based on public comments received on the draft designation documents and NOAA's experience administering the National Marine Sanctuary System, pursuant to NEPA and the Administrative Procedure Act, NOAA may choose to identify an alternative in the final rule and final EIS that is within the geographic and regulatory scope of the alternatives considered in the draft EIS. Alternatives 4 and 5b along with the small, additional area included over the Santa Lucia Bank (analyzed in the Initial Boundary Alternative), and impacts associated with these alternatives, are thoroughly discussed in the draft EIS. NOAA received public comments on these alternatives that it carefully considered in identifying the Final Preferred Alternative. As explained in Section 3.6 of the final EIS, the minor variation in the boundary for

Alternative 4 south of DCPP is also within the scope of alternatives discussed in the draft EIS and does not result in environmental impacts not previously considered. The Final Preferred Alternative is thus within the geographic and regulatory scope of the alternatives considered in the draft EIS. Based on this information, NOAA has determined that there are no substantial changes to the proposed action that are relevant to environmental concerns, nor are there significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts. As such, preparation of a supplemental EIS is not required.

NOAA considers the Final Preferred Alternative to be Phase 1 for establishing national marine sanctuary protection for this important coastline and these nationally-significant resources. At the first management plan review process beginning on or before January 2032, NOAA commits to evaluating and considering the need for and suitability of several potential boundary adjustments to protect additional areas, including moving the CHNMS boundary to the southern end of MBNMS. Resources worthy of and requiring sanctuary protection would be assessed at that time and the appropriateness of expanding the sanctuary would be evaluated. Any subsequent boundary adjustments would be guided by Section 304 of the NMSA and would require a separate public process under the NMSA and NEPA. A ''Boundary Adjustment Action Plan'' has been added to the final management plan.

5. *Comment BO–4:* NOAA should protect the waters from Morro Rock north because, as it has noted for other sections of the proposed sanctuary, this area includes numerous State parks—Morro Bay, Estero Bluffs, Harmony Headland—as well as other State conservation areas, such as Morro Strand State Beach Campground, Cayucos State Beach and White State Marine Conservation Area, all of which could benefit from adjacent sanctuary protection. By protecting adjacent areas, a larger overall protected zone is created, each side supporting the other.

Response: NOAA will consider future protection of this area as part of the Phase 2 process, which will inform NOAA's consideration of future options for sanctuary protection of this area (see Boundary Adjustment Action Plan under EIS Section 3.2.3 and Section 5.4.9 for more information on Phase 2). As contemplated in the new ''Boundary Adjustment Action Plan'', NOAA anticipates conducting studies about resources that may warrant sanctuary protection prior to 2032, when it will formally initiate a process to consider adjusting the sanctuary's boundary.

6. *Comment BO–5:* NOAA should not close the gap at this time, rather create a sanctuary expansion action plan to consider expanding the sanctuary over that area in the future, after offshore cables are built and can be certified by NOAA as an acceptable, existing use.

Response: NOAA agrees with the premise of the comment and has included a new ''Boundary Adjustment Action Plan'' in the final management plan for the sanctuary.

7. *Comment BO–6:* NOAA should include the Gaviota Coast Extension (Sub-Alternative 5b) in the final sanctuary boundary because of important biological and cultural resources, and the value that area holds for coastal recreation.

Response: The boundary for the Final Preferred Alternative includes the Gaviota Coast Extension (Sub-Alternative 5b). The EIS recognizes that there are important resources in this area that would benefit from sanctuary protection, such as biological resources, cultural resources, and coastal recreation.

8. *Comment BO–7:* NOAA should include Morro Bay Estuary (Sub-Alternative 5a) in the final sanctuary boundary as it is important to Indigenous communities and is an important part of the overall ecosystem.

Response: At this time, NOAA is not including the estuary within the sanctuary and will consider if future sanctuary protection of the estuary is warranted as part of the new ''Boundary Adjustment Action Plan.'' NOAA is open to considering a future boundary expansion to include the Morro Bay Estuary through a separate process under Section 304 of the NMSA.

9. *Comment BO–9:* Any final boundary needs to include the deep water portions removed by Alternatives 1, 2 and 4, because that area is a newly-discovered ecological hotspot, is important to bird species, and may hold important seafloor habitats not yet discovered.

Response: NOAA considered the inclusion of these areas in the Initial Boundary Alternative. The Final Preferred Alternative for the sanctuary does not include the area west of the Santa Lucia Bank, beyond approximately 65 miles from shore. NOAA fully considered existing resource information for this area. The public comments did not provide substantial new information about why that area should be included in the final sanctuary boundary relative to the reasons NOAA provided for excluding it in Section 5.4.9 in the draft EIS. NOAA still has concerns about the extra management burden without existing evidence regarding clearly nationally-significant natural or maritime heritage resources in the area. Data are also unclear as to the threats to resources found in this area and NOAA lacks information that would support why a sanctuary designation is the proper management tool to protect these resources. As outlined in the new ''Boundary Adjustment Action Plan'' in the final management plan, if new data demonstrate that significant living marine, submerged maritime heritage and/or cultural resources in this area would benefit from sanctuary protections, NOAA could consider a boundary expansion in the future. See also the response to Comment BR–5.

10. *Comment BO–14:* NOAA should create an exclusion zone for the existing harbor area off Vandenberg Space Force Base (VSFB) so that the military's current harbor-related activities are not within the sanctuary.

Response: NOAA's intent is to exclude existing coastal harbors from the boundaries of the sanctuary in recognition that there can be numerous activities and structures necessary within a harbor that may otherwise be inconsistent with a national marine sanctuary and are best managed by local authorities. The Initial Boundary Alternative in the draft EIS excluded three harbors—Morro Bay, the private marina at Diablo Canyon Power Plant and all of Port San Luis, and should have also excluded an area that contains the existing harbor activities at VSFB. The analysis of all alternatives in the final EIS and the boundary for the Final Preferred Alternative excludes this small area from the sanctuary (see final EIS Figure 3–3). This is a technical correction that is consistent with the purposes and goals of the draft designation materials. This change is also a minor variation of the boundary alternatives previously presented, the impacts of which are encompassed in the scope of alternatives in the draft EIS, and is thus qualitatively within the spectrum of alternatives assessed in the draft EIS. Based on this information, NOAA has determined that there are no substantial changes to the proposed action that are relevant to environmental concerns, nor are there significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts. As such, preparation of a supplemental EIS is not required for this minor change. See final EIS Section 4.9 for more information.

11. *Comment BO–16:* NOAA should reconsider an alternative that it rejected that would have created buffer zones around the harbors and along their shorelines so that harbor-related activities would not occur within the sanctuary.

Response: As explained in the draft EIS, NOAA considered but eliminated from detailed study the request for large exclusion zones around the two main public harbors in the study area—Morro Bay and Port San Luis (see EIS Section 3.9.6). None of the facts have changed related to consideration of exclusion areas for those harbors. In the Final Preferred Alternative, NOAA is excluding all waters and the submerged lands that fall within the two existing harbors along this stretch of coast (Port San Luis and Vandenberg Space Force Base). Note the waters off Morro Bay Harbor and Diablo Canyon Power Plant marina are not part of the Final Preferred Alternative. Activities that occur within the harbors are not affected by sanctuary regulations (with limited exceptions—*e.g.,* the ''enter and injure'' element of the discharge regulation could be relevant if, for instance, a hazardous discharge originated within a harbor and flowed beyond the harbor into the sanctuary and injured resources). Further, all existing dredge material disposal sites authorized by the USEPA are being excepted by regulation (see 15 CFR 922.232(a)(2)(i)(G)); presently NOAA is only aware of dredge material disposal sites offshore Morro Bay that would meet this regulatory exception; but as noted above, the waters off Morro Bay Harbor are not included in the Final Preferred Alternative. Other regulations have exceptions for activities that are often commonplace in a sanctuary near a harbor, such as: maintenance dredging of harbor entrance channels; anchoring a vessel; installing or maintaining an authorized navigational aid; discharging fish or fish parts during the conduct of lawful fishing activities. NOAA believes that the final boundary and the regulations, with appropriate exceptions, accommodate existing harbor activities and this alternative is not necessary. See also response to Comment BO–27.

12. *Comment BO–17:* NOAA should exclude the entire area of the State tidelands granted to Port San Luis Harbor District (along the shoreline from Point San Luis to approximately South Palisades Park in Shell Beach to three miles offshore). The Harbor District has authority for uses of the submerged lands within this area and applying sanctuary regulations would create an unnecessary redundancy.

Response: NOAA has already excluded from the sanctuary a very large area within (shoreward of) the COLREGS line for Port San Luis, approximately 1.6 square miles under the Initial Boundary Alternative, alternatives 1–4, and the Final Preferred Alternative. No specific plans or development proposals have been provided to NOAA to indicate that the sanctuary's overlapping State tidelands granted to Port San Luis Harbor District would create conflicts. The State of California has granted certain State tidelands to various locally-organized harbor districts for the purposes of creating public access for commercial or recreational activities through harbor facilities. The State's mandate for use of these areas is not concentrated on resource conservation, research and monitoring, education and outreach and the other various mandates Congress has established for the National Marine Sanctuary System. Thus, the regulations and other sanctuary management programs that NOAA could pursue in these waters are not redundant with the purpose of the waters and State tidelands granted to Port San Luis Harbor District by the State. See also response to Comment BO–27.

13. *Comment BO–18:* NOAA should designate the final boundary for the sanctuary with an exclusion zone along the coast of Pismo Beach, out to two miles offshore.

Response: NOAA considered but did not conduct a detailed analysis of this alternative because there was inadequate justification as to why a separate, special exclusion area was needed for the coastal waters and submerged lands off the city of Pismo Beach. In the absence of such justification, this broad exclusion would not meet the purpose and need of the sanctuary (see EIS Section 3.9.6). Note that NOAA has included a regulatory exception for any disturbance of the submerged lands that might occur due to repair and maintenance of any existing pier or dock in the sanctuary (see 15 CFR 922.232(a)(3)(iv)), so any repair and maintenance of the Pismo Pier would not require a permit review by the sanctuary. Many national marine sanctuaries include the waters and submerged lands offshore of coastal cities and have developed numerous successful collaborative programs with those local governments. For example, the Water Quality Action Plan for CHNMS includes strategies, modeled off similar successful programs in Monterey Bay National Marine Sanctuary (MBNMS), that showcase collaboration with cities and other municipalities to help ensure healthy and safe marine water quality for public enjoyment and for marine species such as those caught by recreational fishermen. See also response to Comment BO–27.

14. *Comment BO–20:* NOAA should designate a new ''Alternative 6'' limited to the shoreline boundary of Alternative 4 but only extending offshore to 120 ft water depth, deep enough to include the likely location of paleoshorelines to concentrate the new sanctuary on coastal features important to local Indigenous Peoples.

Response: NOAA is not adopting this suggestion in the final sanctuary action because ''Alternative 6'' would not meet the purpose and need of designating a new sanctuary. The purpose and need includes not just protection and conservation of cultural heritage features, but also protection of ecological and ecosystem resources of the area. Note however that the Final Preferred Alternative adopts a portion of the request from this comment—the shoreline boundary is Alternative 4 (with a minor modification described in Section 3.5.1 of the final EIS), with the addition of the shoreline of Sub-Alternative 5b.

15. *Comment BO–22:* The proposed sanctuary boundary is too large. Just because cultural artifacts may exist somewhere within its broad borders does not seem to be a good use of taxpayer money. Significant cultural sites should first be identified and studied to determine if special protections are warranted, then a small sanctuary could be proposed to protect those unique and culturally historic sites.

Response: NOAA disagrees with the premise of the comment. The purposes of the sanctuary include much more than conservation of individual, submerged cultural sites. The EIS identifies other purposes, including conservation of nationally-significant ecological resources, protecting important physical oceanographic processes, promoting multiple uses of the sanctuary, conserving and studying historical shipwrecks, and creating a framework for ecosystem-based and community-based conservation. Nonetheless the Final Preferred Alternative does adopt largely the ''Combined Smallest'' boundary, with several small additions included.

16. *Comment BO–27:* Special boundary exclusions should be minimized, as they will distract from NOAA's ability to manage the whole of the ecosystem and result in adjacent development that can harm sanctuary resources.

Response: Largely, NOAA agrees with the comment. Numerous small, special

exclusions within a sanctuary for different purposes and needs could create significant challenges managing the ecosystem as a whole and could complicate enforcement. This practice generally is avoided in national marine sanctuaries. To aid overall management, the Final Preferred Alternative does not have small inclusion or exclusion areas that were recommended in other comments, other than the existing coastal harbors, as has been the practice for many other national marine sanctuaries. These areas are excluded in recognition that there can be numerous activities and structures necessary within a harbor that may otherwise be inconsistent with a national marine sanctuary and are best managed by local authorities.

17. *Comment PN–2:* NOAA should provide more justification for the sanctuary designation, including: specific requests and documentation of the benefits of the sanctuary to the Federal government; documentation of consistency with designation criteria; and justification for the national significance of resources throughout the geographic extent of the sanctuary.

Response: NOAA documented the anticipated beneficial impacts of the proposed sanctuary on the appropriate resources and sectors in Chapter 4 of the EIS. Regarding documentation of the designation criteria, NOAA has determined that the sanctuary would effectively manage and conserve nationally-significant biological, ecological, physical, cultural, etc. resources consistent with NOAA's mandate under the NMSA. In particular, Chapter 2 of the EIS describes the national significance of the resources in the sanctuary area, with reference to the national significance criteria that NOAA applied in considering the nomination of CHNMS. Further discussion of the nationally significant resources in the Initial Boundary Alternative (in other words, the full geographic extent of the area considered for sanctuary designation) is contained throughout Chapter 4. NOAA's documentation of the affected environment demonstrates the presence and importance of nationally-significant resources throughout the Initial Boundary Alternative. As explained in the EIS, an assessment and basis for why the proposed sanctuary meets the designation standards and factors is discussed throughout the EIS; in particular, see chapters 2 and 3 and Appendix E.1.

While current technical/scientific/cultural surveys do not permit the level of mapping detail requested by one commenter at this time, it is also not necessary to generate this information and not required by the NMSA or NEPA. NOAA has extensively demonstrated the national significance of resources throughout the area. The entirety of the area supports ecosystem connectivity necessary for the health of the biological resources, and NOAA has learned from Tribes and Indigenous groups about the cultural significance throughout the area.

18. *Comment RP–1:* Stronger regulations should be adopted, including restrictions on fishing, speed limits for ships, designating areas to be avoided, regulation of recreational activities, imposing a requirement to decommission and dismantle all offshore energy platforms and turbines, and removing exceptions for existing oil and gas production. Providing exceptions or exemptions would increase the risk of damage to the marine environment. The proposed regulations are not strong enough to meet the purposes of the NMSA or the need for the proposed sanctuary, and activities which could be harmful to the sanctuary should not be granted permits.

Response: Under the NMSA, a purpose and policy of sanctuaries is to ''facilitate to the extent compatible with the primary objective of resource protection, all public and private uses of the resources of these marine areas not prohibited pursuant to other authorities.'' 16 U.S.C. 1431(b)(6). NOAA believes that the regulations effectively balance resource protection goals while allowing for compatible uses in the sanctuary, and therefore, the regulations meet the purpose and need of the sanctuary. Once designated, NOAA will monitor and evaluate threats to sanctuary resources and consider, where appropriate, the need to propose additional regulatory actions. The management plan identifies many non-regulatory, programmatic measures (*e.g.,* voluntary vessel speed reduction) whereby NOAA would address threats to sanctuary resources. See topic-specific comments and responses (*e.g.,* fishing, oil, and gas) for additional details regarding specific regulations. Regarding decommissioning of oil and gas platforms, NOAA's regulations would accommodate the processes and requirements of the State and of the Bureau of Safety and Environmental Enforcement (BSEE) (see response to Comment OG–15). Although the regulations prohibit abandoning structures on the submerged lands of the sanctuary, as well as other activities that could occur during and after decommissioning, NOAA could issue permits, authorizations, or certifications (as appropriate) to enable the removal and/or disposal, in a manner compatible with the sanctuary's purposes, of structures related to oil and gas development. Regarding OSW turbines, BOEM, BSEE, or California State requirements may govern decommissioning and removal, and NOAA would also, in reviewing any permit proposals for such structures, consider terms and conditions reasonably necessary to protect sanctuary resources (see responses to Comments RP–2 and RP–11).

See Section 3.9.7 of the final EIS for NOAA's explanation on why the regulations do not address issues regarding fishing restrictions, vessel speed limits, designating areas to be avoided, and regulation of recreational activities.

19. *Comment RP–5:* The proposed regulations would duplicate other Federal and State laws (*e.g.,* Clean Water Act, CEQA) and duplicate authorities of other councils and government agencies (*e.g.,* California Coastal Commission, California State Lands Commission, USACE). These overlapping authorities are burdensome, difficult for members of the public to understand, and a waste of governmental resources. Rather than adding layers of regulation, NOAA needs to coordinate and collaborate within the existing regulatory system. In addition, existing regulations are already enforced by the California Department of Fish and Wildlife (CDFW) and Pacific Fisheries Management Council (PFMC).

Response: In developing sanctuary regulations, NOAA carefully considers the role that existing State and Federal laws and authorities play with relation to the sanctuary's purpose, including those listed in Appendix F of the EIS. NOAA is guided by the NMSA, which in Section 301(b)(2) states that one purpose of national marine sanctuaries is ''to provide authority for comprehensive and coordinated conservation and management of these marine areas, and activities affecting them, in a manner which complements existing regulatory authorities.'' 16 U.S.C. 1431(b)(2). Through successful coordinated management of CINMS, MBNMS, and Greater Farallones National Marine Sanctuary (GFNMS), NOAA has decades of experience implementing and refining sanctuary regulations that harmonize with and augment California State laws and jurisdictions, as well as Federal laws and authorities. Further, the proposed regulations are largely modeled off of and consistent with regulations for other California national marine sanctuaries.

NOAA looks forward to continued partnership with State and Federal agencies to leverage resources and achieve greater resource management effectiveness and efficiencies. NOAA does not consider sanctuary regulations to be overly burdensome, and has provided several logical exceptions and permitting options to allow the continuation of activities that are compatible with the sanctuary's goals. Non-regulatory programs at CHNMS will be a central focus of how NOAA manages the new sanctuary, for instance various education and outreach initiatives to help the public understand and support the protections put in place for the new sanctuary (see the Education and Outreach Action Plan in the final management plan). Also, see responses to comments GN–2 (opposition to sanctuary), GN–11, and WQ–9 (duplicative regulations), and final EIS Section 2.2.1. Final EIS Section 2.2.1 provides a detailed discussion of why a comprehensive management approach offered by national marine sanctuary designation is needed to protect the resources of this area, including specific examples of the sanctuary regulatory and non-regulatory programs that could help fill existing gaps in protection and management.

20. *Comment RP–6:* Shipwrecks do not need additional protections.

Response: NOAA believes that providing supplemental, coordinated management (consistent with the NMSA) of historical resources, including shipwrecks, will provide more comprehensive protection for these nationally-significant maritime heritage resources. Protection of shipwrecks under complementary statutes (*e.g.,* NMSA and Sunken Military Craft Act) and programs are not mutually exclusive. Also, the State of California's protection of shipwrecks only extends to 3 nautical miles (nmi) from shore, while the Federal protection provided by sanctuary regulations (see 15 CFR 922.232(a)(4) extends much further offshore, up to 59 miles (depending on the boundary alternative). See also Section 4.5.3 of the final EIS, which provides a detailed discussion of the beneficial impacts that sanctuary designation would provide for maritime heritage resources, stemming from additional regulatory protection to prevent harm to these resources, as well as improved coordination, research and monitoring, and enhancing community collaboration.

21. *Comment RP–7:* The proposed prohibition on drilling into or altering submerged lands should be removed.

Response: The seabed protection regulation (15 CFR 922.232(a)(3)) will provide core protection to the sanctuary's submerged lands. It is central to addressing known and future threats to sanctuary resources and thus to meeting the resource protection and management needs of the sanctuary. NOAA provides important exceptions to this prohibition, such as for conducting lawful fishing activities or kelp harvesting, anchoring a vessel, dredging entrance channels for existing harbors, and maintaining an existing dock, pier, breakwater or jetty. For other activities, with some exceptions, that might disturb the seabed, NOAA may issue a permit to allow the activity to occur. For more information about sanctuary permits, see Section 3.2.2 of the final EIS and regulations at 15 CFR 922 Subpart D. See also responses to Comments OG–13 and OG–14.

22. *Comment OG–1:* The final regulations and management plan must permanently prohibit any and all oil and gas development or mining, current or in the future. The sanctuary should require cancellation of existing leases, and hasten decommissioning of existing platforms, pipelines, and other infrastructure. Continued oil and gas activities risk harmful oil spills and harm endangered species. No permits or authorizations for any oil and gas or mining should ever be allowed in the new sanctuary.

Response: NOAA lacks authority to terminate valid leases, permits, licenses, or rights of subsistence use or access that exist at the time of sanctuary designation, although NOAA may regulate the exercise of those leases, permits, licenses, and rights consistent with the purposes for which the sanctuary is designated. See 16 U.S.C. 1434(c). Final sanctuary regulations do not prohibit oil and gas development pursuant to leases in effect at the time of sanctuary designation. Oil and gas operators have rights to that development, as set forth in lease agreements pursuant to OCSLA.

Sanctuary regulations will, however, otherwise prohibit new oil and gas exploration, production, or development after sanctuary designation. Likewise, the regulations will prohibit exploring for, producing, or developing minerals in the sanctuary, and thus no mining in the sanctuary would be allowed. Furthermore, the regulations will provide that NOAA cannot issue permits or authorizations that would allow for any further exceptions to the prohibition on exploring for, producing, or developing oil, gas, or minerals in the sanctuary (see 15 CFR 922.232(f)).

23. *Comment OG–2:* Any platforms that are no longer producing at the time the sanctuary is designated, regardless of the reason, should be decommissioned, not restarted. For instance, Exxon is working to restart offshore oil platforms that are outside all alternative boundaries, but the infrastructure (*i.e.,* pipelines) is located within the boundaries of Sub-Alternative–5b (Gaviota Coast Extension). The sanctuary should evaluate the safety of restarting this shut down pipeline within its boundaries, in particular because operators of those platforms have had spills in the past and there is risk of spills in the future.

Response: NOAA will coordinate with operators and BSEE and any State agencies as appropriate to ensure development from an existing oil and gas platform that may recommence after sanctuary designation does so in a manner that minimizes the risk of oil spills or any other potential impact on sanctuary resources. See also response to Comment OG–1.

24. *Comment OG–3:* NOAA's final rule needs to make clear that exploration for oil and gas reserves includes any high energy seismic testing and is thus prohibited.

Response: NOAA has always considered exploration for oil and gas reserves to include high energy seismic survey testing from equipment towed behind a vessel or operated autonomously from a vessel or from shore for the purpose of locating oil and gas reserves in the submerged lands. That activity would be prohibited in the sanctuary. However, other seismic survey work would not be prohibited if its purpose was for identifying other geological features such as a fault. Thus, the purpose for the survey work matters. Note however that any high energy survey work for purposes other than exploration for oil and gas reserves might be a violation of the sanctuary's regulations if that activity might take, harm or otherwise disturb a marine mammal, sea turtle or bird (see 15 CFR 922.232(a)(5)).

25. *Comment OG–4:* The final sanctuary regulations should ban any and all oil-related pipelines that could be proposed to cross the sanctuary borders.

Response: Any new oil or gas pipeline, except within the limited exception described in the response to Comment OG–1, would be prohibited within sanctuary boundaries and could not be permitted. The prohibition on oil and gas development (15 CFR 922.232(a)(1)) extends to ancillary facilities related to exploration or development of hydrocarbons within the sanctuary. NOAA does not consider this prohibition to apply per se to

abandonment, decommissioning or removal of existing pipelines, which can be permitted. Nor does this prohibition extend to disturbance of the seabed due to repair and maintenance of existing pipelines, for which the proposed sanctuary regulations would allow NOAA to issue a permit.

26. *Comment OG–8:* NOAA's proposed regulations impermissibly terminate the development potential of the Santa Ynez Unit leases by limiting existing oil and gas development to reservoirs under development at the time of designation. The leaseholder has a right to develop any reservoir within that lease area and the regulations need to be changed to reflect this. If NOAA is concerned about seafloor penetrations, it could limit development to only those seafloor penetrations at the time of designation.

Response: Leases (and lease units) issued to Exxon to develop the Santa Ynez Unit (and Freeport-McMoRan to operate the Point Pedernales project) allow development of any reservoir or geological formation within the boundary of the lease (or lease unit). Therefore, NOAA has amended the proposed language for the exception to the general prohibition on oil and gas development to remove the term ''existing reservoirs under production prior to the effective date of Sanctuary designation'' and replaced it with ''existing leases or lease units in effect on the effective date of Sanctuary designation'' (see 15 CFR 922.232(a)(1)). Accordingly, production can continue pursuant to any lease or lease unit in effect at the time of designation through this exception to the prohibition on oil and gas development.

27. *Comment OG–14:* The regulatory exceptions for certain oil and gas activities should be expanded to include platform abandonment and decommissioning. Discharges during decommissioning and removal would be analogous to those that occur during regular oil and gas operations, which have an exception. No rationale is provided why this should require permits when other activities are excepted. Both BSEE and California State Lands Commission leases assert a lessee has a right to abandonment and decommissioning.

Response: As stated in responses to other comments, NOAA is granting an exception to allow existing oil and gas activities including discharges or drilling into reservoirs far below the seabed. Discharges or drilling within or into such reservoirs are not expected to cause any direct impact on living marine resources. Conversely, discharges within or into the sanctuary waters, or disturbance directly onto or in the upper layers of the submerged lands could harm such sanctuary resources, and thus are activities that NOAA believes are important to regulate in order to further the purposes of the sanctuary. Therefore, NOAA is not providing an exception for those discharges or disturbances to the submerged lands. Abandonment, decommissioning, and removal activities for oil and gas platforms and pipelines could have discharges within or into sanctuary waters and disturbance directly onto or in the upper layers of the submerged lands, activities for which NOAA is consistently exercising regulatory control and not allowing via regulatory exception. New discharges that have not been permitted at the time of sanctuary designation, including those which may be necessary during abandonment, decommissioning, and removal activities or from routine oil and gas production activities, would require a sanctuary general permit or ONMS authorization. Like other Federal and State agencies, NOAA is interested in seeing these facilities ultimately removed and their past development sites restored. It is important that NOAA has the ability to review those activities within the sanctuary to ensure potential impacts on sanctuary resources are avoided or feasibly mitigated. See also response to Comment OG–12.

28. *Comment OG–20:* NOAA should require full removal of all oil and gas development platforms, other infrastructure such as pipelines and cables, and any remaining residue, like shell mounds and debris, as required by lease agreements and Federal law.

Response: As stated in revised Section 4.7.1 of the final EIS, NOAA understands that the baseline position of Federal and State agencies responsible for decommissioning and removal of facilities for oil and gas development is to require full removal. NOAA has no objections to this as the baseline assumption. NOAA also anticipates that alternatives to full removal for all facilities will be analyzed once specific plans for facilities are completed. See also response to OG–21.

29. *Comment OW–1:* All aspects of offshore wind development are incompatible with a national marine sanctuary and the regulations and management plan need to clearly explain that such development is inherently incompatible with a national marine sanctuary. These are industrial facilities, like oil and gas platforms and pipelines, that can harm myriad sanctuary resources in diverse ways during construction, operation, and removal. There has been no research on adverse impacts and no proof of safe installation and operation methods.

Response: NOAA's final designation materials (response to comments, final EIS, final management plan) for the sanctuary do not make any policy statements that offshore wind development is inherently incompatible with the sanctuary. Any decision about whether a particular offshore wind development project is compatible with the sanctuary will be made on a case-by-case basis, as needed, for a particular proposed project or permit reviews. For instance, in anticipation of sanctuary designation, NOAA is participating in the review with other State and Federal agencies of the CADEMO offshore floating wind project, in State waters off Vandenberg Space Force Base. Based on that review and consultation with agency partners, if the sanctuary is designated, NOAA will make a final decision on the compatibility of that project's offshore wind platforms and subsea electrical transmission cables to shore. Depending on the final boundary for the sanctuary and the design of cable routes to shore, NOAA may also request to serve as a cooperating agency with BOEM when it initiates environmental review of the construction and operation plan(s) for the wind farm leases off Morro Bay. Participating and coordinating in these review processes will allow NOAA to ensure that any potential impacts on sanctuary resources are well understood and effectively mitigated.

There is precedent for NOAA approval of submarine cables (mostly fiber optic cables) that are within a national marine sanctuary or that pass through a sanctuary. The final designation materials make clear that NOAA believes subsea electrical transmission cables, like submarine fiber optic cables in this and other sanctuaries, can be compatible with a sanctuary and can be approved subject to sufficient environmental review, mitigation, and consultation with partner agencies and provided an applicant satisfies permit review criteria.

30. *Comment OW–3:* Offshore floating wind platforms within the sanctuary are incompatible with a sanctuary and can not be permitted. However, the subsea electrical transmission cables that bring power to shore from wind farms beyond the sanctuary boundary are possibly compatible and could be approved provided NOAA exercises control over the siting, environmental review, and permitting of those cables for portions within the sanctuary.

Response: The final EIS indicates that future development of a large wind farm within Federal waters of the area proposed for sanctuary designation is not reasonably foreseeable, and is in fact highly unlikely. Upon sanctuary designation, such development in Federal waters would likely be excluded. The Outer Continental Shelf Lands Act (OCSLA) prohibits BOEM from leasing areas within sanctuary waters (see EIS Section 4.7.3). NOAA does not have authority under the NMSA to provide a leasing mechanism to allow offshore wind platforms within a national marine sanctuary.

The State of California retains authority to issue leases for wind platforms in State waters of the sanctuary. As noted in responses to comments OW–1 and OW–33, NOAA is participating in the environmental review for the CADEMO project in State waters where four offshore floating wind platforms are proposed. That review process will provide NOAA appropriate, project-specific information and the opportunity to coordinate with State agency partners on the appropriate action for that proposal.

NOAA concurs with the comment that subsea electrical transmission cables transporting power to shore from wind farms beyond the sanctuary, where such cables pass through the sanctuary, can be permitted and can be considered compatible with the sanctuary subject to proper siting, environmental review, and collaboration with partner agencies and provided an applicant satisfies permit review criteria.

31. *Comment OW–14:* The Agency-Preferred Alternative does not provide an adequate space to allow for subsea electrical transmission cable construction that avoids the need for a sanctuary permit. Moreover, the industry standard for the distance between cables is three times (3x) water depth. So with the new industry projection of up to 24 subsea electrical transmission cables, the exclusion area must be vastly larger than allowed in the Agency-Preferred Alternative.

Response: NOAA understands that the offshore wind industry has a goal to plan and route cables from the three Morro Bay wind leases to shore and not pass through a national marine sanctuary, to avoid seeking a permit from NOAA. NOAA concurs that the draft Agency-Preferred Alternative would not exclude enough space to achieve industry's objective to avoid passing any cables through the sanctuary, given clarifying comments received in this rulemaking about the number of cables, distance needed between cables, need to plan for broad curves in subsea cables rather than sharp turns, space to plan crossing other cables at right angles, and shoreside landing sites. Other comments suggest that the boundary alternative proposed by American Clean Power would exclude enough space to achieve the objective of avoiding sanctuary waters. The three leaseholders have since acknowledged that the American Clean Power alternative would not exclude enough space, and they instead believe NOAA should adopt Alternative 4 to achieve the goal of maximizing flexibility in cable routing to avoid this or other national marine sanctuaries.

NOAA has identified the Final Preferred Alternative for reasons explained in more detail in Section 5.4.9 of the final EIS, in part to allow the offshore wind industry to achieve its goals with respect to the Morro Bay leases. If in the future, offshore wind developers propose subsea electrical transmission cables to pass through this or another sanctuary, NOAA is confident that it has an adequate permit process to review, consider, and ultimately approve, as appropriate, subsea electrical transmission cables. See also the response to Comments OW–1, BO–1, and BO–11.

32. *Comment OW–16:* The regulatory approach for offshore wind-related cable installation, repair, maintenance, operations and removal articulated in the draft EIS is not clear, well-defined, or timely. The lack of clarity in the permitting option(s) presents complications for subsea electrical transmission cables, and would add an additional layer of uncertainty for offshore wind projects. Since submarine cables can be built and operated consistent with the protection of sanctuary resources, it is important to maintain regulatory flexibility and ensure a reasonable regulatory pathway exists for studying, installing, and operating submarine cables within the sanctuary. NOAA needs to better explain the permitting process and requirements for offshore energy transmission cables in the sanctuary, including the terms and conditions, standards for evaluating permits, and mitigation measures. Reliance on the special use permit, which can only be issued for five years, creates uncertainty for offshore wind development.

Response: Responses to numerous comments in this rulemaking provide additional detail that indicate NOAA's willingness to permit submarine cables—both subsea electrical transmission cables and submarine fiber optic cables—upon satisfaction of permit review criteria and environmental review, and that it has a fair and robust process for considering and approving such permits. In 2011, NOAA published a document providing policy and permitting guidance for submarine cables within national marine sanctuaries (hereafter ''cable permitting guidelines''; NOAA 2011). That document provides considerable detail about how a developer can apply for a permit, what permit is required for different types of cables based on their purpose, and what can be expected regarding potential standard conditions, monitoring expectations, and other requirements. While the original impetus for that document centered around submarine fiber optic cables, the cable permitting guidelines are written to generally apply to any submarine cable project proposed within a national marine sanctuary. As described in sections 4.7.1 and 4.7.3 of the final EIS, at this time NOAA's cable permitting guidelines indicate that an ONMS authorization of a USACE permit to install a subsea electrical transmission cable would be the most likely and appropriate permitting approach. NOAA's current cable permitting guidelines contemplate that NOAA has the discretion to issue a special use permit to authorize the continued presence of the cable on or in the seabed within the sanctuary, however, NOAA has modified the special use permit category for such cables so that it does not apply to sanctuaries designated after August 16, 2024, as described below.

In 2024, NOAA plans to update the cable permitting guidelines in an action, subject to public review and comment, separate from this sanctuary designation. NOAA announced this commitment in a **Federal Register** Notice on August 16, 2024 (89 FR 66689). With this notice, NOAA also announced that the special use permit category for the continued presence of commercial subsea cables is modified such that, for a two-year period, it does not apply to sanctuaries designated after August 16, 2024, including CHNMS. During this timeframe, the continued presence of subsea cables in CHNMS will not be subject to special use permit requirements. The temporary suspension affords NOAA time to re-evaluate the need for updating the special use permit category, publish any proposed updates to the category and/or implement guidance for the category, consider and respond to public comment, and finalize any updates to the category. NOAA will publish **Federal Register** Notices for any subsequent updates (see final EIS Chapter 3, Section 3.2.2). During this

temporary suspension, NOAA will not have discretion to require or issue special use permits for submarine cables in newly designated sanctuaries.

The CHNMS regulations on disturbance of the submerged lands are modeled off, and largely consistent with, the comparable regulations for other sanctuaries offshore California. NOAA considers it preferable to provide consistent, system-wide cable permitting clarifications and guidance through the separate action described above, rather than alter the CHNMS regulations through this CHNMS-specific designation.

As addressed in responses to Comments BO–1, OW–8, OW–10, OW–14 and others, NOAA is nonetheless identifying a Final Preferred Alternative that would adjust the CHNMS boundary to largely eliminate the need for any of the developers of wind leases offshore Morro Bay to route a cable through and seek a permit from NOAA.

33. *Comment OW–21:* The regulatory prohibition on developing oil, gas or minerals needs to be clear that it would not restrict development of ''green hydrogen.'' Specifically, the regulations should exempt development of green hydrogen and its transport to shore via pipelines through the sanctuary.

Response: The final CHNMS regulations prohibit the exploration and development of oil and gas specifically, as well as ''minerals.'' NOAA does not consider ''green hydrogen'' to be oil, gas, or minerals. The sanctuary regulations are not intended to create an absolute prohibition on offshore development of hydrogen. At present, NOAA is not aware of any proposal to produce hydrogen offshore and transport it through the sanctuary, and thus any potential impact from the sanctuary designation on this activity would be purely speculative. If, in the future, a specific hydrogen project were proposed, NOAA would need to study the potential impacts on sanctuary resources from development and transport of hydrogen within the sanctuary. To the extent that construction and placement of structures used in hydrogen development would involve disturbance to or placing a structure on the submerged lands of the sanctuary, the sanctuary regulations would prohibit such activities except in accordance with valid permits. If the production of hydrogen occurs beyond the boundary of the sanctuary, NOAA may need to conduct a separate consultation with the Federal approving agency under Section 304(d) of the NMSA.

34. *Comment OW–26:* The exceptions for disturbance to the submerged lands should have specific, additional exceptions for anchoring an offshore wind platform, as is granted for anchoring a vessel.

Response: The exception for anchoring a vessel included in the prohibition on disturbing the submerged lands applies to a vessel, as defined by the national program regulations to include watercraft capable of being used as a means of transportation, which would not include an offshore wind platform (see 15 CFR 922.11). The basic intent behind this exception recognizes most boat anchors are not large enough to cause damage to the submerged lands (except in sensitive habitats), are deployed temporarily and retrieved regularly, and are so frequently used in a sanctuary as to make the requirement to obtain a permit unmanageable. However, NOAA's understanding is that the size of anchors necessary to stabilize a large offshore floating wind platform is massive, many thousands of times larger than an anchor for a standard vessel. Anchors for offshore floating wind platforms are expected to be deployed permanently and removed only at the end of the life of the platform. Agency approval of installation of anchors for wind platforms would require environmental review as part of a larger project. If platforms outside of the sanctuary require anchors placed within the sanctuary, NOAA could consider location, placement and impact of anchors through the overall project's environmental review and agency consultation, and as appropriate, could approve placement of anchors on the submerged lands via an ONMS authorization of an underlying permit, likely a USACE permit.

35. *Comment OW–34:* NOAA should treat all offshore wind projects the same, whether they be in State waters or Federal waters. Since the Agency-Preferred Alternative cuts out a large area to allow cables to be built outside of the sanctuary, and the original boundary at the time of the Notice of Intent was adjusted to avoid overlap with the Morro Bay Wind Energy Area, NOAA needs to carve out the CADEMO project or exempt it from regulatory oversight to ensure it is treating all projects consistently.

Response: The Notice of Intent removed a portion of the marine waters included in the CHNMS nomination because BOEM had already initiated the leasing process to develop the Morro Bay Wind Energy Area prior to NOAA's initiation of the designation process for CHNMS. BOEM lacks authority to issue offshore wind development leases within a sanctuary and the Federal government determined it would offer greater certainty for potential lease bidders if the overlapping area was excluded from the proposed sanctuary boundary. NOAA is not aware of any analogous restriction on the California State Lands Commission's authority to grant a lease within a National Marine Sanctuary. Thus, a similar exclusion for CADEMO is unnecessary.

An additional consideration is that the offshore wind development projects in Federal waters off Morro Bay are far ahead of CADEMO, which still is in the conceptual phase, lacking leases from the State for development. Also, in Section 4.7.3 of the final EIS, NOAA explained four potential development scenarios for CADEMO involving State leasing and permitting, three of which lead to no adverse impact from the sanctuary designation on development of this project in State waters. Given these facts and given the State itself has not requested that NOAA provide any special boundary or regulatory exception for this singular development project, NOAA is not adopting the particular requests made by CADEMO that it be given special regulatory exceptions or boundary exclusions for developing its project. NOAA will participate in the environmental review for the CADEMO project. That review process will provide NOAA appropriate, project-specific information and the opportunity to coordinate with State agency partners on the appropriate action for that proposal. See responses to Comments OW–33 and OW–35 for more information about NOAA's decision making process related to the CADEMO project.

36. *Comment FC–1:* Both the EIS and the management plan fail to properly recognize and describe the importance of submarine fiber optic cables in the sanctuary, including the vital role this industry plays in the telecommunications system, wider economy, and security. These telecommunication systems represent essential, critical infrastructure that are the backbone of the global digital ecosystem and global economy.

Response: NOAA considered submarine fiber optic cables in the draft EIS, but to aid review and understanding of these cables, NOAA has added a new subsection on submarine fiber optic cables to the EIS Land Use discussion in Section 4.6.1 (Socioeconomics, Human Uses and Environmental Justice). Some of the descriptive information noted in the comment is included in that new subsection, as well as details about the number of fiber optic cables, their landing sites in the sanctuary, and

points of origin. Future planned fiber optic cables are also described.

No specific stand-alone section regarding submarine fiber optic cables has been added to the final management plan. However, a new strategy has been added to the Offshore Energy Action Plan regarding improving information about various permitting processes, and the telecommunications industry and reference to submarine fiber optic cables are included there (see Strategy OE–3). The final management plan also includes a new activity to improve coordination among agencies and users of the seabed. NOAA acknowledges that the telecommunications industry needs to be a part of that process (see Activity OE–4.4). The telecommunications industry is also noted as a critical participant in a new Blue Economy activity, Activity BE–3.4.

37. *Comment FC–3:* The draft documents do not adequately satisfy NEPA, NMSA, or E.O. 12866 requirements in their assessment of fiber optic cables because they do not clearly explain how the sanctuary may impact cables. The proposed regulations would have significant adverse impacts on multiple existing and proposed commercial submarine fiber optic cables. For example, there are submarine fiber optic cables planned for development at Grover Beach, which is inside the Agency-Preferred Alternative and should be acknowledged. The Agency-Preferred Alternative and proposed regulations do not adequately consider the impacts on fiber optic cable installation, permitting, operation, and maintenance. NOAA did not consider a reasonable range of alternatives in the draft EIS and should have considered other boundary or regulatory alternatives, including more fully considering the alternative of excluding or exempting fiber optic cables. The final EIS must assess direct, indirect, and cumulative impacts on fiber optic cables.

Response: Per response to Comment FC–1, while NOAA considered submarine fiber optic cables throughout its analysis, it has added a new discussion in EIS Section 4.6.1 to consolidate information about fiber optic cables in the study area. The potential impacts on fiber optic cables are more clearly described in final EIS sections 4.6.3 through 4.6.9. In summary, NOAA has clarified that neither the Initial Boundary Alternative nor any other alternative would have a significant adverse impact on fiber optic cables within the sanctuary because there are permit mechanisms that can allow submarine fiber optic cable installation, maintenance, and operation. The sanctuary regulations prohibit disturbance of the submerged lands; however, new fiber optic cable construction could be allowed if permitted through the ONMS authorization process. This process ensures seafloor disturbances and other impacts on sanctuary resources are minimized. ONMS has experience successfully permitting fiber optic cables via these approval mechanisms through several national marine sanctuaries. For example, ONMS has approved construction of fiber optic cables within other national marine sanctuaries by authorizing a USACE permit.

The EIS meets or exceeds NEPA requirements to consider a reasonable range of alternatives. During scoping of the EIS, NOAA considered the telecommunication industry's request that cables either be excluded via boundaries or via exceptions in regulations, but did not accept the requests. That consideration was outlined in the draft EIS (Section 3.9.4), and NOAA has added additional clarifications to that analysis in the final EIS. Some of the alternative boundary configurations would achieve some of the exclusion sought by the telecommunications companies (see Alternative 3 and 4 in particular) but NOAA did not include in its alternative analysis a boundary option that would exclude all fiber optic cables, as any such boundary would have been too small to meet the purpose and need for the sanctuary. NEPA does not require NOAA to consider an infinite range of all possible alternatives, but rather, only those alternatives that are feasible and meet the purpose and need of the proposed action. In final EIS section 3.9.4, NOAA also explained that it rejected the alternative of providing a regulatory exception for fiber optic cables to ensure NOAA could review proposed seabed disturbance and provide appropriate mitigation measures to minimize impact on sanctuary resources. While NOAA has identified several regulatory exceptions to the prohibition on disturbance of the submerged lands, most of these regulatory exceptions are directly related to maritime safety and have an anticipated low or de minimis level of disturbance to the submerged lands.

38. *Comment FC–6:* The likely wind energy development in the corridor created at Morro Bay by the Agency-Preferred Alternative would ''foreclose'' that area for future fiber optic cables.

Response: NOAA acknowledges the seafloor across the area offshore Morro Bay and including the entire Santa Lucia Bank is a complicated space with diverse uses competing for space, including commercial fishing, Department of Defense activities, existing and potentially new submarine fiber optic cables, and new subsea electrical transmission cables to bring electricity from offshore leases to shore. Different users see competition for space differently. The Final Preferred Alternative, if designated, allows for a large area ''outside'' of CHNMS where offshore wind developers and telecommunications companies can coordinate their development plans with each other and with other Federal agencies (such as BOEM) and State agencies (such as the CEC and CCC).

39. *Comment FC–9:* NOAA has not justified in the EIS why certain activities, which have a significantly higher impact than submarine fiber optic cables, appear to receive less scrutiny than fiber optic cables. NOAA proposes to impose an additional level of subjective and discretionary Federal review for existing and future submarine fiber optic cables within the sanctuary when it has not done so for other types of activities such as: (1) continued oil and gas production at existing reservoirs from Platform Irene and Platform Heritage; (2) dredge material disposal sites authorized by the USEPA in consultation with USACE; (3) ongoing maintenance and repair of oil and gas pipelines to shore from Platform Irene or Platform Heritage; (4) construction, maintenance and repair of navigational aids, docks, piers, and jetties; (5) maintenance dredging for harbors; and (6) drilling and maintenance of well related to oil and gas production within existing reservoirs under production.

Response: The sanctuary regulations largely provide for equal treatment of existing activities that may violate sanctuary regulations, pursuant to NMSA section 304(c). First, they ''grandfather in'' all existing activities that would otherwise be prohibited by allowing operators with leases, licenses, permits, or other approvals issued by a State or Federal agency to seek a certification after sanctuary designation. This would apply to telecommunication companies with structures—submarine fiber optic cables—on the submerged lands of the sanctuary, or oil and gas companies with platforms or pipelines on the submerged lands. It would also apply to existing discharges from oil and gas facilities, or coastal nuclear power plants. Second, the sanctuary regulations do not prohibit continued operation of fiber optic cables nor continued production of oil and gas from a federally-issued lease. NOAA does include an exception from its

regulation of prohibited activities to allow oil and gas production under leases in effect on the date of sanctuary designation, and certain discharges into subsea formations and seabed disturbances necessary and incidental to such continued oil and gas production. These activities are already extensively regulated by partner Federal agencies—in particular, BSEE and BOEM—who have, and apply, technical expertise highly specialized to those activities. Also, excepted activities necessary and incidental to existing oil and gas production, such as discharges or injections into a reservoir necessary for existing oil and gas production, while technically within the sanctuary, generally happen far below the biologically active portions of the submerged lands. Thus, with respect to both fiber optic cables and existing oil and gas production, the sanctuary regulations do not prohibit ongoing operations but do ensure that there will be regulations appropriate to address potential impacts of specific activities, with regulations tailored to the activity based in part on the need for sanctuary regulations to complement and supplement existing regulatory oversight to protect sanctuary resources. Third, repair of existing submarine cables is treated the same as repair of existing oil and gas pipelines—both require approval by NOAA to the extent that they would disturb submerged lands, and/or cause a discharge of material. Fourth, final sanctuary regulations allow developers for most types of activities to seek permits for new development that would otherwise be prohibited. This would apply, for instance, to a telecommunication company proposing a new submarine fiber optic cable or a local utility proposing a new desalination plant. However, the regulations do not allow NOAA to approve any permit or otherwise authorize certain incompatible activities, such as new oil, gas or mineral development, or new discharges of untreated or primary-treated sewage within the sanctuary.

NOAA does provide exceptions to the prohibition on disturbing the submerged lands for maintenance dredging of harbor mouths or for repair of a harbor jetty or breakwater, because these are typically public facilities or activities necessary to promote or allow public navigation or public access to the ocean.

40. *Comment FC–11:* NOAA proposes a certification process for pre-existing rights in 15 CFR 922.234 that goes above and beyond the scope of NOAA's general certification review process set out in Part 922, subpart A (15 CFR 922.10) without justifying the need for the increased level of scrutiny and discretion. As drafted, NOAA has considerable discretionary authority and could condition an existing cable so that it effectively prohibits ongoing operations. Furthermore, there is no basis for NOAA to require public comment and a hearing for certification of a use that has already gone through public review and comment.

Response: NOAA believes that the proposed sanctuary certification process does not reflect an increased level of scrutiny and discretion relative to the general certification regulations (15 CFR 922.10), but merely provides more details. The certification process outlined for CHNMS (15 CFR 922.234) necessarily provides process details because the regulations for certifications applicable to all national marine sanctuaries (15 CFR 922.10) are general in nature and contain virtually no detail about how the process will be conducted. Conversely, the sanctuary regulations provide relatively fewer details about the sanctuary general permit process or the ONMS authorization process because the national program regulations contain considerable details about how those review processes will be conducted (see 15 CFR part 922 subpart D).

NOAA has amended the timeline for certifications to clarify confusion in different parts of the proposed regulations and draft management plan. Section 15 CFR 922.234(a)(1) has been revised to allow a party to seek a certification within 120 days (rather than 90 days) of the effective date of sanctuary designation. The final sanctuary regulations also include other modifications to the certification process to provide some of the adjustments sought by industry. For example, Section 922.234(e) has been modified to remove the authority to hold a hearing; Section 922.234(g) has been revised to narrow the conditions for amending or revoking a certification after issuance; and, Section 922.234(h) has been removed because it was open-ended and unnecessary given the revisions to (g). These amendments are consistent with the issues, policies, and purposes discussed in the proposed rule, and constitute procedural updates and technical corrections and clarifications. The purpose of the amendments is to respond to concerns received in public comment and ensure the CHNMS certification process is consistent with NMSA § 304(c). The NMSA does allow NOAA to impose reasonable conditions on the exercise of a preexisting lease, permit, license, or right consistent with the purpose of the sanctuary. See final EIS Section 3.2.2 for revised regulations.

NOAA further clarifies that denial, revocation, amendment, or suspension of a certification does not mean that NOAA is terminating the underlying permit or right. Rather, it means that a person exercising a pre-existing permit or right within the sanctuary in a manner that does not comply with the certification regulations or the terms and conditions of an issued certification, where the activity is otherwise prohibited by the sanctuary regulations, could be subject to an enforcement action pursuant to Section 307 of the National Marine Sanctuaries Act.

41. *Comment FC–18:* Some fiber optic cable operators are opposed to NOAA's use of the ONMS authorization process and permitting regime for fiber optic cables, citing concerns about uncertainty, delay, and disproportionate financial cost. Several alternative models—''innovative management approaches''—were suggested, including choosing very small, discrete boundaries for the sanctuary or only requiring sanctuary permit review in highly sensitive, special areas.

Response: One of the suggested ''innovative management approaches''—shrinking the sanctuary to have small, discrete boundaries surrounding only the most highly special areas—was considered during the NOI phase and not accepted, as outlined in EIS Section 3.9.4 and addressed in response to Comment FC–5. The second suggestion, to only require a sanctuary permit when a cable is proposed to pass through certain highly sensitive areas, would require detailed study to identify the precise location of those areas at the time of designation. NOAA lacks certainty it could identify all of those areas at this time. Nonetheless, it has created a special management zone around Rodriguez Seamount with special regulations that would offer additional limitations on any development activity, including laying a submarine fiber optic cable in that area. Having a formal role for the sanctuary, along with partners, when new cable permits are being considered ensures any other special areas containing important living, historical, or cultural sanctuary resources are identified and impacts on them are mitigated. See also response to comment FC–15 regarding NOAA's consistent treatment of submarine cables with respect to the regulatory prohibition on seabed disturbance.

42. *Comment FC–19:* NOAA should rely on its authorization process for new submarine fiber optic cables, rather than

issuance of a special use permit. NOAA should use the CHNMS rulemaking to clarify it has the flexibility to rely solely on the ONMS authorization process rather than the special use permit process. It is appropriate to consider the treatment of submarine fiber optic cables on a sanctuary-specific basis, relying on the record and the evidence before it, instead of simply relying on outdated, past programmatic precedent.

Response: NOAA's current process, as outlined in its 2011 policy and permitting guidelines for submarine cables, relies on ONMS authorizations for construction of new cables and special use permits to allow the continued presence of a new structure (a cable) on or in the submerged lands of the sanctuary. The response to Comment FC–10 and the policy and permitting guidelines explain the purpose for the special use permit. NOAA will be revising this document and the fair market value assessment for cables in a sanctuary in 2024 and changes could be made at that time as suggested by the comment.

43. *Comment FC–20:* The sanctuary should model its regulatory regimes after other national marine sanctuaries; for example, Hawaiian Islands Humpback Whale National Marine Sanctuary does not prohibit cable installation or repair. Also, sanctuaries such as Monterey Bay (15 CFR 922.132) and Florida Keys (15 CFR 922.163 exceptions) have issue-specific exceptions for a broad range of commercial activities.

Response: The regulations at a national marine sanctuary are designed and implemented to address the specific threats a sanctuary faces, and are only those regulations that are necessary to achieve the purpose and need for the sanctuary. Hawaiian Islands Humpback Whale National Marine Sanctuary does not prohibit cable installation or repair because it does not have a regulation prohibiting disturbance of or placing a structure on the submerged lands. Conserving the humpback whales around the Hawaiian Islands has not required that sanctuary to include a prohibition on disturbance of the submerged lands. By contrast, protecting the submerged lands of CHNMS is necessary to achieve the purpose and need for the sanctuary, which include protection and management of both benthic and pelagic sanctuary resources. Further, the subsections cited in the comment for MBNMS and FKNMS are consistent with how NOAA has developed the regulations and exceptions for CHNMS—customized regulations and exceptions to address the threats facing a sanctuary and necessary to achieve the purpose and need for the sanctuary. While NOAA has identified several regulatory exceptions to the prohibition on disturbance of the submerged lands, most of these regulatory exceptions are directly related to maritime safety and have an anticipated low or de minimis level of disturbance to the submerged lands. Thus, NOAA is modeling the regulatory regime for CHNMS consistent with the prior designations of other national marine sanctuaries.

44. *Comment DE–1:* NOAA should address effects of the proposed sanctuary on coastal development such as desalination projects, including possible offshore subsea freshwater production systems. Such an assessment is particularly relevant for Alternative 5b–Gaviota Coast extension, and should address infrastructure needed, cables, and water pipelines.

Response: NOAA recognizes that the County of San Luis Obispo is in the early stages of planning for desalination to address water supply issues and that there are concepts for floating desalination facilities offshore of Vandenberg Space Force Base, both (potentially) located within the sanctuary boundary. The timeline for a county desalination plant is far into the future, and it could be as much as another decade before developers are ready to seek permits. As such, potential impacts on a possible desalination project are not reasonably foreseeable for the purposes of NEPA review; NOAA could not reasonably assess impacts of sanctuary designation on desalination projects that do not exist or do not have set design plans. However, ONMS recognizes the interest and likelihood of developing desalination facilities in the future, and understands there is some interest in the Gaviota Coast area with regard to possible offshore subsurface technologies. In response, Activity WQ–2.7 was added to the Water Quality Action Plan to address future desalination projects. See response to Comment MP–73.

45. *Comment AC–5:* Establishing the biggest possible boundary will bolster climate resilience. The habitat diversity, including kelp forests, seagrass beds, and wetlands in and adjacent to the proposed area is a powerful contributor to climate resilience and helps to buffer vulnerable coastal communities from coastal erosion and harmful climate impacts. A disturbed ocean and near shore environment will leave a non-natural barren ecosystem causing local heating and die-off of ocean species. Leaving the California coast and near shore environment in a natural State will decrease the effect of climate change by allowing the ocean to absorb much of the excess heat and some of the CO_2 emissions caused by climate change.

Response: NOAA analyzes the beneficial impacts of the sanctuary on biological resources (see sections 4.3.3–4.3.8) and climate change (see sections 4.2.3–4.2.8) in the final EIS, including positive direct and indirect impacts. Section 4.2.3 specifically notes that beneficial impacts on climate change would result from any increase in the uptake of atmospheric contaminants such as carbon dioxide due to increased biological productivity resulting from protections under the sanctuary. Text has been added to Section 4.2.3 of the final EIS to note potential climate benefits related to protection of habitat and marine sediments in the sanctuary. For more discussion on NOAA's Final Preferred Alternative boundary, see response to Comment BO–1.

46. *Comment BR–5:* The final EIS should better explain the ecological significance of the deep offshore area west of the Santa Lucia Bank that would be excluded under the Agency-Preferred Alternative. This area contains significant populations of marine mammals and seabirds. Further, NOAA should acknowledge this area needs further exploration and likely contains important geological and biological deep-sea features. If this area is left unprotected, harmful extractive practices and operations may occur, leading to negative impacts on marine life.

Response: NOAA considered this ecological significance and has provided additional information on biological resources for the area west of Santa Lucia Bank in Section 4.3 of the final EIS. Seabird data provided by Tammy Russell shows high biodiversity west of Santa Lucia Bank, and there are two ESA-listed seabirds (Hawaiian Petrel and Short Tailed Albatross) known to use the area. Numerous offshore foraging marine mammals also frequent this area. However, because benthic subsurface research and exploration has primarily focused on the Santa Lucia Bank itself, with limited data existing for the deeper waters west of it, further exploration is needed to ultimately support some of the characterizations made in the comment. Consistent with the applicable NEPA regulations, the EIS applied ''reliable existing data and resources''; NOAA was not required to, and did not, undertake new scientific or technical research to further inform resource and threat evaluations. 40 CFR 1502.23. The draft (and final) EIS recognized significant beneficial conservation impacts expected from the

Initial Boundary Alternative, with Alternative 4 providing less benefits due to its smaller spatial domain. NOAA's decision to exclude waters west of Santa Lucia Bank in the Final Preferred Alternative is based in part on considerations of manageability (large size, far distance from shore), the absence of any planned extractive activities in this area, uncertainties about resource threat levels (for seabirds, marine mammals, and benthic habitats), and questions about the need for protective regulations at this time. Given these uncertainties, NOAA has added a new Boundary Adjustment Action Plan in the final management plan that calls for further evaluation of these waters for possible future inclusion within the sanctuary. These provisions call for a biogeographic study of living, cultural, and maritime heritage resources in this area to inform future decision-making regarding possible inclusion of additional areas into the sanctuary. See also response to Comment BO–9.

47. *Comment BR–8:* Under the Agency-Preferred Alternative, a 10–15 mile wide unprotected gap would create a huge barrier to the migration of many species up and down the coast. The population impact of this corridor must be assessed for all these species in order for this to be fully evaluated. The gap may become an area of concentrated offshore development, as a result of development activities desiring to avoid sanctuary permitting and mitigation. Offshore wind platforms and transmission cables pose a threat to the migration of multiple species of whales and other marine mammals along the central coast.

Response: NOAA acknowledges that numerous species will use this area to move along the coast, and between coastal and offshore waters; however, many of these species already use this area as a migration corridor without sanctuary protection. The full extent of how future offshore wind development might affect animals that move through this area will need further study (see response to Comment BR–9). While the Final Preferred Alternative does not ''close the gap'' at this time, Strategy BA–1 in the Boundary Adjustment Action Plan would evaluate and consider the need for a future boundary expansion to include waters north of the sanctuary. Activity BA–1.2 in particular would track ongoing research and new studies that advance understanding of offshore wind energy development impacts, including effects on migrating species such as whales and other marine mammals. Also see response to Comment BO–1.

48. *Comment BR–11:* There is a desire to see fish populations healthy and protected from seafloor disturbance, mineral mining, discharges, and oil. Look at global data as proof that protected areas help fish populations. Discuss evidence on the success of California's Marine Protected Area (MPA) network for fish stocks [8]—particularly CINMS and MBNMS fish stock increases as well as commercial and recreational fished species. Research shows that these protected areas have a positive influence on biodiversity far beyond their boundaries.

Response: Seafloor disturbance, mineral mining, discharges, and oil impacts are all strongly addressed through the sanctuary's regulatory prohibitions provided by NOAA's Final Preferred Alternative. The EIS finds that many ecosystem benefits to fish populations are expected from designation of the sanctuary (see EIS sections 4.3.3–4.3.8 and 4.4.3–4.4.8), but it is beyond the scope of this EIS to analyze the performance of California's MPA network (see response to Comment PN–1). Regarding special MPAs that limit or prohibit fishing, NOAA concurs that ecological benefits have been shown to result, both within and beyond their boundaries. However, as explained in the responses to comments FA–8 and FA–9, NOAA is not implementing fishing regulations under the NMSA within the sanctuary. The terms of designation and the regulations for the sanctuary do not allow NOAA to directly regulate lawful fishing activities under the NMSA in the sanctuary (note that some CHNMS regulations would apply to a vessel operator during the conduct of a fishing activity, for example discharges from a vessel). As explained in the response to Comment FA–20, NOAA has selected a final sanctuary boundary that overlaps with four State MPAs, thus providing additional sanctuary protections (*e.g.,* seafloor, water quality) and programmatic support to those existing protected areas.

49. *Comment BR–20:* NOAA should establish the special management zone for the Rodriguez Seamount in the final regulations and include strong and permanent regulations to protect the Rodriguez Seamount because it provides a critical habitat for an extremely diverse and abundant array of marine life. The Rodriguez Seamount is an important underwater feature with diverse, nationally significant biological communities, yet it also requires a more thorough characterization and exploration. NOAA should adopt the proposed regulations for Rodriguez Seamount, as they will protect this area from the threat of deep-sea mining due to the recently discovered manganese oxide ores.

Response: NOAA agrees with this comment and is including Rodriguez Seamount in the boundary for the Final Preferred Alternative, including the special management zone around the seamount and the special regulations within it. Specific, further characterization and monitoring are also included in the Research and Monitoring Action Plan (see Activity RM–3.5).

50. *Comment BR–23:* NOAA should keep the proposed prohibition on introducing or otherwise releasing an introduced species into the sanctuary, and there should be no exception for striped bass. With the exception, striped sea bass will be released into the environment. This will most likely damage the habitat and the wildlife. Fishers and fish markets will be affected by this and prices will rise.

Response: NOAA is keeping the prohibition related to introduced species, including the exception for striped bass released during catch and release fishing activity. Striped bass exceptions for catch and release fishing exist in other California national marine sanctuaries with limited ecological impact on local communities because striped bass are already an established introduced species. This exception refers to fishing for the striped bass that are already established in the area; not releasing new striped bass. It is protected as a lawful fishing activity in California; however, catch and release of striped bass in the sanctuary is assumed to be low.

51. *Comment BR–26:* The proposed sanctuary regulations prohibit the attraction of white sharks via chumming. Without the ability to chum for white sharks, research becomes too difficult to continue. Regulators may want to prohibit the development of a cage diving industry, but that should not hinder research. In fact, the few studies that have been published regarding provisioning (chumming) and its impact on white sharks have shown that it does not have a negative impact on the sharks.

Response: Discharge and white shark attraction regulations are meant to protect sanctuary resources from activities of the general public; both for the safety of the resource and for people. A proposed research activity that would violate these regulations would need to receive a sanctuary permit in order to

[8] *https://montereybayfisheriestrust.org/stories/2019/9/19/cowcod-declared-rebuilt.*

proceed. White shark researchers have been able to conduct their work safely in other west coast sanctuaries for years, and ONMS staff have been collaborating with shark researchers to support and permit work within reasonable limits. NOAA respectfully disagrees with the comment that these regulations would inhibit research, as white shark research has been permitted and is currently active in three of the five west coast sanctuaries.

52. *Comment FA–1:* The coastal communities of Morro Bay and Port San Luis/Avila derive significant economic and societal benefits from the fishing industry that has operated in the study area for many years. Ex-vessel revenues do not reflect the true economic impact of our fishermen's actions. Some economists conservatively estimate a multiplier of at least 4x measures the true economic impact on the local economy.

Response: NOAA understands and appreciates the important economic and societal benefits derived from the fishing industry, beyond ex-vessel revenues, and the industry's dependence upon a healthy marine ecosystem and productive fishing grounds. NOAA has determined that the sanctuary designation will not cause significant adverse impacts on the fishing industry, as assessed in the final EIS (see sections 4.4 and 4.6) and the Regulatory Flexibility Act certification in the final rule preamble, and NOAA has not included any direct sanctuary regulation of lawful fishing activities through this action.

53. *Comment FA–5:* The proposed sanctuary poses a significant threat to the future of fishermen culture and it will disrupt the current delicate balance between man and the ocean in the area identified for sanctuary designation. Despite claims, existing marine protected sanctuaries show no scientifically proven benefits to the ocean.

Response: NOAA respects and values the rich fishing community culture and productive commercial fishing grounds found along the sanctuary's coast, and intends to support community-based resource protection and conservation actions to help support productive fisheries. Regarding the expectation that the sanctuary will not benefit the ocean, the final EIS for this designation reaches different findings, identifying significant beneficial impacts on the sanctuary ecosystem and marine habitats, upon which commercial fishing depends. This includes prohibitions on oil/gas exploration and harmful discharges resulting in better water quality with fewer toxins, and a prohibition against introduced species limiting the potential for adverse competition between introduced and native species. Furthermore, condition reports from existing west coast national marine sanctuaries regularly identify healthy marine resources managed within a sanctuary due to actions (regulatory and non-regulatory) by sanctuary staff and partners.

54. *Comment FA–9:* NOAA should clarify that it will not create fishing regulations, including closures, for this sanctuary. This applies to commercial and recreational fishing. Federal and State professional fisheries management agencies, not sanctuary managers, have both the expertise as well as legal mandates to make such fisheries management and regulation decisions. The continued coordination with, and deference to, the PFMC and California Fish and Game Commission regarding the management of fisheries within the sanctuary is important. NOAA should not exclude, restrict, or preempt local fishermen. The public has the right to fish in California waters under the navigable easement and section 25 article I of the California Constitution.

Response: As stated in response to comments FA–7 and F–8, NOAA is not implementing any fishing regulations as part of the CHNMS designation. In general, NOAA considers both the NMSA and Magnuson-Stevens Fishery Conservation and Management Act as authority for regulating fishing activities in national marine sanctuaries. NOAA examines the need for fishing regulations in each sanctuary on a case-by-case basis, and relies on either or both of those Acts to determine the most appropriate regulatory approach to meet the stated goals and objectives of a sanctuary. The process for developing fishing regulations in national marine sanctuaries is codified in the NMSA at Section 304(a)(5) (16 U.S.C. 1434(a)(5)). The terms of designation and the regulations for CHNMS do not allow NOAA to directly regulate lawful fishing activities under the NMSA in the sanctuary (note that some CHNMS regulations would apply to a vessel operator during the conduct of a fishing activity, for example discharges from a vessel). If an issue involving fishing arises in the future in CHNMS, NOAA will work with the affected stakeholders and the appropriate State or Federal fishery management entity to find solutions. If an issue still persists after those consultations and considerations, and NOAA believes a sanctuary regulation is needed that could directly regulate fishing activity, it would need to amend the terms of designation through a rulemaking process, including an analysis of potential impacts via an environmental impact statement and otherwise comply with Section 304 of the NMSA. Also, see response to Comment FA–10.

55. *Comment FA–22:* ONMS must clarify it will not support the authority for a Tribe to create new marine protected areas that would exclude fishing, and to do so would be contrary to other sections of the designation proposal that State ''no fishing regulations are proposed.''

Response: NOAA is not delegating its authority within the sanctuary in a way that would allow creation of fishing regulations or other regulatory actions under the NMSA by other groups, organizations, or agencies.

56. *Comment MT–5:* NOAA should alter the Proposed Terms of Designation, Scope of Regulations Article IV, Section 1 (f), to exempt from regulation various vessel transits within designated shipping lanes and future lawful transits. This language is based on that of the 2023 Terms of Designation for CINMS contained in its management plan regarding vessel transits. For CHNMS, the recommended change would be: ''f. Operating a vessel (*i.e.,* water craft of any description) within the Sanctuary; except vessels traveling within Port Access Routes designated by the Coast Guard, and other lawful transits;''

Response: NOAA is not adopting this suggested altered language for the final Terms of Designation for the sanctuary because it believes that it is important to have authority in the future to regulate vessel operation within the sanctuary, whether inside or outside of Port Access Routes.

57. *Comment MT–6:* From the discussion in the draft EIS, normal operation of heavy lift vessels is not precluded from the discharge prohibition; without the use of heavy lift vessels that can intake and discharge local sea water as ballast, oil and gas platform removal and decommissioning will not be possible. NOAA should add an exception for discharges incidental and necessary to decommissioning operations, analogous to the exception for discharges incidental and necessary to ongoing oil and gas production.

Response: Discharges of ballast water, as part of future decommissioning activities, would require a sanctuary general permit or ONMS authorization. NOAA is not adding an exception for discharges incidental and necessary to decommissioning operations, because it is important that NOAA has the ability to ensure potential impacts on sanctuary resources are avoided or feasibly mitigated. For more discussion on oil

and gas facility decommissioning discharges, see response to Comment OG–14.

58. *Comment MU–1:* Will there be any limitations on military or aerospace activities in the sanctuary framework, or is there greater freedom or outright exemptions for military and aerospace?

Response: The sanctuary regulations exempt from most of the regulatory prohibitions certain existing activities carried out or approved by DoD that were conducted prior to the effective date of designation (see final EIS Section 4.9 and Appendix I), consistent with practices in other national marine sanctuaries and as described in CHNMS regulations at 15 CFR 922.232(c)(1). NOAA is also retaining the authority for the ONMS Director to review future new or modified DoD activities to determine if they warrant an exemption. In 15 CFR 922.232(c)(2), the regulations explain how DoD will respond to, mitigate, and if practicable, restore damage to sanctuary resources from DoD activities.

59. *Comment SS–1:* NOAA should ensure the authority to regulate vessel speed is written into the terms of designation. NOAA should impose vessel speed restrictions including implementing time and area closures, speed reduction zones, and a 10-knot speed limit to reduce injuries to whales, sea turtles, and other marine species, to minimize ship air and noise pollution, and to reduce the risk of vessel collision. Voluntary incentives in the Blue Whales and Blue Skies program would be insufficient. Implementing a mandatory vessel speed restriction in CHNMS would also set an important precedent along the west coast, leading the way for other sanctuaries and State-managed reserves to implement similar restrictions in the future.

Response: The terms of designation gives NOAA authority to manage vessel speed, if warranted in the future. At this time, NOAA is not adopting any of the regulatory suggestions in this comment. The four sanctuaries in California have been attempting to minimize or eliminate whale ship strikes via voluntary speed limits, avoidance areas, and other conservation measures. NOAA will expand those measures to CHNMS. ONMS has worked with USCG, NOAA Fisheries, and the shipping industry to identify and implement actions to date. If in the future NOAA determines that it is necessary to pursue a mandatory, regulatory solution (such as through the process outlined in Activity RP–6.3 in the Resource Protection Action Plan), NOAA will conduct a separate regulatory process and give consideration to a regional, multi-sanctuary approach.

60. *Comment SS–3:* NOAA should expand its voluntary vessel speed reduction zones from other sanctuaries to CHNMS. This would allow it to implement strategies on a coastwide, system basis, from Point Arena through the Channel Islands. An additional strategy NOAA could take is to establish a California-wide national marine sanctuary advisory group to collaborate on vessel-focused efforts and recommendations, including protection of marine mammals and navigation. Research on ship strikes shows that this new sanctuary would provide opportunities to decrease mortality of migrating blue, humpback, and fin whales due to ship strikes.

Response: Activity WD–3.2 in the sanctuary management plan's Wildlife Disturbance Action Plan aims to take similar action through the Sanctuary Advisory Council. The idea of a California-wide national marine sanctuary advisory group could be addressed by the Sanctuary Advisory Councils of all California national marine sanctuaries, including CHNMS. In addition, Activity RP–6.3 in the Resource Protection Action Plan has been edited in the final management plan to guide coordination at a regional level on reducing ship strikes in national marine sanctuaries in California, as outlined in Activity WD–3.2. If voluntary vessel speed reduction efforts are determined to be insufficient, Activity RP–6.3 directs evaluation of potential mandatory measures to reduce ship strikes. Also see response to Comment SS–1.

61. *Comment WQ–1:* NOAA should develop a Water Quality Needs Assessment to understand the water quality issues, sources, and impacts.

Response: NOAA agrees. The first strategy in the Water Quality Action Plan (Strategy WQ–1.1) addresses this very request—developing a water quality needs assessment.

62. *Comment WQ–2:* The enter and injure discharge prohibitions are too strict. All existing legal uses should be allowed to continue. The existing regulatory process is sufficient; another layer of permitting is unnecessary.

Response: The CHNMS discharge regulation (15 CFR 922.232(a)(2)), which includes a sub-element prohibition on any discharge from beyond the sanctuary boundary that subsequently enters and injures sanctuary resources [9] or qualities [10] (15 CFR 922.232(a)(2)(iii)), is consistent with discharge prohibitions at many national marine sanctuaries, including others along the California coast. For a discharge to violate this sub-element of the regulation, a discharge that has already occurred must be found to have injured a sanctuary resource or quality. For example, this prohibition could be applied to an oil or hazardous substance spill that originates from outside the sanctuary boundary and then subsequently enters the sanctuary and injures a sanctuary resource or quality. NOAA has a long history of implementing the discharge regulation, including the enter-and-injure element, finding it to provide appropriately high standards of sanctuary resource protection balanced with reasonable exceptions and permit options that allow for the continued responsible use and enjoyment of sanctuary waters. NOAA also finds that the sanctuary discharge regulation augments protections provided by other jurisdictions and laws; see also response to Comment RP–5.

63. *Comment WQ–3:* NOAA should provide additional discharge exceptions for large ocean-going vessels, *e.g.,* anti-fouling hull coating leachate, bilgewater, cathodic protection, controllable pitch propeller and thruster hydraulic fluid and other oil to sea interfaces including lubrication discharges, etc; or NOAA should reference the USEPA Vessel General Permit and allow (as an exception to the general prohibition provisions of this proposed rule) any discharges where compliant with the provisions of the Vessel General Permit, which cannot otherwise be minimized or eliminated during transit through the sanctuary.

Response: Based on experience at several national marine sanctuaries, NOAA considers the discharge regulation requirements and exceptions (15 CFR 922.232(a)(2)(i) and (ii)) to be reasonable for large ocean-going vessels transiting through the area. The proposed CHNMS requirements match those in place at adjacent national marine sanctuaries (MBNMS and CINMS), frequently transited by ocean-going vessels. Additionally, ocean-going vessels are expected to spend less time within the Final Preferred Alternative's boundary, which is closer to the shore than the Initial Boundary Alternative (See response to Comment BO–1 for details on NOAA's identification of the boundary for the Final Preferred

[9] See 15 CFR 922.11 for ''Sanctuary resource'' definition: *https://www.ecfr.gov/current/title-15/part-922#p-922.11(Sanctuary%20resource).*

[10] See 15 CFR 922.11 for ''Sanctuary quality'' definition: *https://www.ecfr.gov/current/title-15/part-922#p-922.11(Sanctuary%20quality).*

Alternative). NOAA also expects that ocean-going vessels are likely to remain largely outside the Final Preferred Alternative in anticipation of the USCG implementing recommendations from its final Pacific Coast Port Access Route Study, which proposes a shift of coastal vessel traffic lanes and corridors further offshore to become fairways, mostly beyond sanctuary boundaries. Future vessel traffic patterns will be evaluated and considered as part of implementing the final management plan's Boundary Adjustment Action Plan.

64. *Comment WQ–9:* There is concern that sanctuary regulations might result in duplicative regulation inconsistent with the Clean Water Act. NOAA should align language in the regulations with the non-regulatory, collaborative policy approach expressed in the proposed management plan. NOAA should amend § 922.232(a)(2)(iii) of the proposed rule to clarify that this prohibition does not extend to discharges upstream or outside of the sanctuary that are done pursuant to a Federal or State permit, including, but not limited to, a permit issued under NPDES. Without such clarity, this language creates a potential ''double jeopardy'' situation. NOAA should clarify language in § 922.234 of the proposed rule such that the certification process directly applies to permits for discharges that occur outside the sanctuary.

Response: The ''enter-and-injure'' clause of the sanctuary's discharge regulation (15 CFR 922.232(a)(2)(iii)) is intended to address abnormal conditions such as the failure of a specific system or facility, hazardous material spills, or other emergency situations where a known material from a known source is discharged ''upstream of'' or beyond sanctuary boundaries and subsequently enters the sanctuary and injures a sanctuary resource or quality. The injury and the source of the discharge would need to be documented for it to violate the sanctuary regulation. Such a discharge, for instance, that violates State law or regulation could at the same time also violate Federal law or regulation. If NOAA were to become aware, in the future, of a proposed or existing discharge beyond the boundary of the sanctuary that is permitted or otherwise approved and that could enter and injure a sanctuary resource or quality, it will work with the agency responsible for the underlying permit and the permit applicant/holder to find ways to mitigate that impact. In the event a discharge permitted by another entity enters and injures a sanctuary resource or quality, NOAA would also retain the ability to respond to this as a violation of the enter-and-injure prohibition.

NOAA acknowledges that § 922.232(a)(2)(iii) introduces an additional source of potential liability for dischargers, but this is not inconsistent with the Clean Water Act. The Clean Water Act is intended to broadly protect ''the Nation's waters,'' 33 U.S.C. 1251(a), whereas the NMSA protects areas of ''special national significance'' where existing Federal and State authorities are inadequate or should be supplemented to accomplish coordinated and comprehensive coordination and management, 16 U.S.C. 1433(a)(2)–(3). The commenter points to the Clean Water Act's ''permit shield'' provision at 33 U.S.C. 1342(k). But that provision, by its own plain terms, provides only that compliance with a NPDES permit is deemed compliance with certain specific provisions of the Clean Water Act; it is not a blanket insulation from all forms of potential liability.

Thus, NOAA is not amending the proposed regulatory language for 15 CFR 922.232(a)(2)(iii). See also response to Comment WQ–2.

65. *Comment WQ–11:* The proposed discharge prohibition exempts USCG vessels, but not vessels engaged in lawful fishing activities. The same discharge exception that is provided to USCG vessels should be provided for lawful fishing activities. The proposed discharge regulations that apply to even the smallest of craft and minimal negative impacts will constructively limit the public's use of sanctuary waters. Enforcement of these regulations are commonly so impractical the expectation is that they will not be enforced. Establishing rules putting people on the wrong side of the law, that are not expected to be enforced, is simply bad public policy. It puts people at risk of being cited on the basis of their appearance or any other subjective quality.

Response: NOAA has sought to implement regulations and various non-regulatory programs for CHNMS that strive to protect water quality by limiting sewage and other waste and pollutants discharged into the ocean, potentially harming sanctuary resources. It has further sought to implement regulations that are consistent across other sanctuaries on the west coast, especially adjacent to CHNMS. NOAA seeks to collaborate with local and State agencies, harbor masters, and most importantly boaters who use the sanctuary to find the best ways to operate on the ocean without harming resources. Activity WQ–2.6 in the management plan calls for NOAA to work with local harbors to ensure adequate sewage pumpout facilities exist and are operable within harbors for boaters to use. Current Federal law prohibits discharge of untreated sewage from a vessel within three miles of shore, thereby placing a requirement on boaters to comply with these discharge prohibitions. The sanctuary regulations extend that existing requirement throughout the sanctuary, and establish an exception from the discharge prohibitions for clean effluent generated incidental to vessel use by a Type I or II Marine Sanitation Device (for vessels less than 300 gross registered tons (GRT) and for vessels 300 GRT or greater without sufficient holding tank capacity to hold sewage while within the sanctuary). Alternatively, vessels with holding tanks can store waste for discharge at onshore pumpout facilities or when beyond the sanctuary boundary. NOAA hopes that compliance will be widespread, but disagrees with the comment that non-enforcement is to be expected in cases of noncompliance.

The exception for USCG vessels operating beyond 3 nautical miles from shore is consistent with a similar exception requested by USCG and granted by NOAA for GFNMS and Cordell Bank National Marine Sanctuary (CBNMS). NOAA has developed plans with USCG District 11 leadership through informal discussions to limit discharges into other west coast national marine sanctuaries and anticipates similar approaches could be explored for USCG operations in the proposed sanctuary. If a USCG vessel has a Type I or Type II MSD, it must use that within the sanctuary prior to discharging sewage. NOAA included the exception for USCG vessels without adequate treatment or storage because of the importance of having USCG vessels able to patrol and carry out critical safety and national security operations in the sanctuary. USCG patrol vessels provide a tremendous benefit to NOAA by assisting with enforcement of national marine sanctuary regulations. See EIS sections 4.4 and 4.6 for additional details related to expected impacts on vessels engaged in lawful activities (commercial and recreational, respectively).

66. *Comment WQ–17:* NOAA should impose regulations to control harmful discharges from cruise ships and require clean water release.

Response: NOAA included a prohibition on discharges from cruise ships in the sanctuary regulations (see 15 CFR 922.232(a)(2)(ii)). Across most national marine sanctuaries, NOAA has applied consistent regulations that

allow for fewer exceptions for cruise ship discharges than for other vessel discharges within or into sanctuaries because cruise ships can generate very large volumes of waste or other discharges and because it is feasible for cruise ships to pass through the proposed sanctuary without discharging. The only exceptions for cruise ships discharging within the proposed sanctuary would be for clean vessel engine cooling water, clean vessel generator cooling water, vessel engine or generator exhaust, clean bilge water, or anchor wash; in essence, these discharges are directly linked to propelling and operating the vessel itself.

67. *Comment SN–1:* The new sanctuary should have a name that is more inclusive of all Tribes and Indigenous communities in the region. Suggestions included: an English or Indigenous name based on local geographical features (such as ''Estero-Gaviota'', or ''Lisamu-Lesamo''); Indigenous word or phrase of general support (such as ''Kiyis'skamin'', a Chumash phrase for ''our ocean''); use both Chumash and Salinan in the sanctuary's name (such as ''Chumash and Salinan Heritage''); or use a broadly descriptive name reflecting Tribal involvement (such as ''Central Coast Indigenous Heritage'', ''Pacific Coast Tribal Heritage'', ''Indigenous Peoples Heritage'' and ''California First Peoples'').

Response: For the reasons outlined in response to Comment BO–1, with NOAA's Final Preferred Alternative covering the shoreline that has largely been considered an ancestral area to Chumash bands, NOAA is selecting the name ''Chumash Heritage National Marine Sanctuary.'' As explained in responses to Comments BO–1 through BO–4, NOAA will be initiating a process to consider expanding the sanctuary in the future to include the coast between the current boundary and Cambria, and thus potentially including an area of significance ancestrally to both the Salinan and Chumash. That potential future action could trigger a need to re-evaluate the name for the sanctuary. Other potential future actions that would require separate processes under the NMSA and NEPA could include extending Monterey Bay National Marine Sanctuary south to avoid changing the CHNMS name, or designating an independent sanctuary with its own new name.

68. *Comment TI–1:* NOAA has proposed an Indigenously focused project in a region characterized by rampant neo-Indianism, a movement resting on inaccurate claims of Indigenous ancestry and affiliation. As such, NOAA should ensure the Indigenous people they work with for the sanctuary possess and can provide documented lineal descendancy as certified evidence of legitimate ancestral precontact ties to the California central coast. NOAA should also trust evidence provided of fraudulent representation of some Tribal groups. NOAA should work with Tribes, and/or the California Native Heritage Commission, to co-develop vetting criteria and a Tribal review process. If NOAA does not get involved they will perpetuate the erasure of true Native voices that has gone on since colonization and missionization, and contribute to ongoing colonial settler violence. The role of protecting Chumash land and water should be given to those who are authentically Chumash.

Response: Under the NMSA, national marine sanctuaries are designated and managed to protect nationally significant ''conservation, recreational, ecological, historical, scientific, educational, cultural, archeological, or esthetic qualities,'' 16 U.S.C. 1431(a)(2), and NOAA has demonstrated the nationally significant cultural qualities of the CHNMS area throughout the rule, management plan, and EIS. As is customary for national marine sanctuaries, NOAA intends to use an inclusive approach to consult with the federally recognized Santa Ynez Band of Chumash Indians and engage with other local Indigenous groups, and has clarified this approach in the Introduction section of the management plan. NOAA's inclusive approach is guided by Section 301(b)(7) of the NMSA, which states that one of the intended purposes of national marine sanctuaries is ''to develop and implement coordinated plans for the protection and management of these areas with appropriate Federal agencies, State and local governments, Native American Tribes and organizations, international organizations, and other public and private interests concerned with the continuing health and resilience of these marine areas.'' 16 U.S.C. 1431(b)(7).

NOAA has sought to meaningfully consult and engage with local Tribes and Indigenous communities of the central coast of California throughout the sanctuary designation process, informing the partnership approach described in the management plan's Indigenous Collaborative Co-Stewardship structure and future cultural programs. At the same time, NOAA understands there are continued disagreements concerning Tribal affiliation, legitimacy, and Indigenous identity, and about who should and should not speak for Chumash people, interests, or groups. Comments received on the proposed rule objected to Tribal ''authenticity,'' and alternatively objected to anyone questioning Tribal authenticity (see Comment TI–5). NOAA has not made, and does not intend to make, determinations regarding the ''authenticity'' of any individual or group's asserted affiliation with the Chumash people; rather, NOAA recognizes the unique government-to-government relationship between the United States and the SYBCI, the only federally recognized Tribe in the region, and in addition broadly invites non-federally recognized local Tribes and Indigenous groups to participate in sanctuary stewardship and programs in a way that can appropriately elevate Indigenous voices. In this manner, NOAA seeks to provide opportunities for the Indigenous peoples of the central coast to share their culture and wisdom publicly as they would like it to be shared.

NOAA expects that many groups throughout the diverse communities of the California central coast will continue to be interested in seeing and helping the sanctuary succeed. NOAA understands this diversity of local groups to include those involved with Chumash history, heritage, education, cultural practices, and more. NOAA has revised the Introduction section of the final management plan to State it does not have the authority to adjudicate claims of authenticity or disputes between groups with claims of Tribal ancestry, and NOAA declines to do so. NOAA has focused on developing a management plan that takes into account the deep connection and history of Indigenous Peoples to the sanctuary's coastal areas.

NOAA also intends to conduct required Tribal consultations, work with interested local Tribes and Indigenous groups through coordination and engagement processes as appropriate, and, as a starting point, through formation of an Indigenous Cultures Advisory Panel and the various other means reflected in the proposed Indigenous Collaborative Co-Stewardship framework presented in the management plan.

69. *Comment TI–8:* NOAA's proposed collaborative management framework is not inclusive enough of a broad range of Tribal perspectives, and it should be amended. All Tribes, both federally recognized and non-federally recognized, should have equal representation in advisory and consultation roles, to be empowered and given the same advisory capacity and

input opportunities as proposed for federally recognized Tribes. Responsible representatives of local Tribes should be invited to participate in all facets of the proposed sanctuary. Additionally, because the proposed sanctuary will include State waters, and because California's Native American Heritage Council lists many non-federally recognized Chumash and Salinan Tribes that are also recognized by the State, those Tribes should be consulted and included as part of collaborative sanctuary management. It is unacceptable for sanctuary designation to cause any California Tribes to lose consultation and policy input rights currently recognized by the State of California.

Response: NOAA recognizes the unique government-to-government relationship between the United States and federally recognized Tribes, including the SYBCI. There are several types of advisory roles offered by NOAA in the proposed Indigenous Collaborative Co-Stewardship Framework presented in the management plan. While one element, the Intergovernmental Policy Council, is limited to federally recognized governmental entities (federally recognized Tribes from the area and the State of California), all of the other management advisory opportunities, as well as joint project partnerships with non-profit foundations, can be pursued by non-federally recognized Tribes and Indigenous community groups and representatives. NOAA does not determine for the State of California with whom it will consult, and will not impede or eliminate any consultation or policy input rights currently offered to non-federally recognized Tribes by the State of California, a key sanctuary management partner. Additionally, NOAA envisions the creation of an Indigenous Cultures Advisory Panel to bring together individuals possessing knowledge or understanding of the local Indigenous culture, history, and environment to develop and provide essential advice supporting sanctuary management (see also response to Comment TI–12). NOAA invites and encourages interested individuals to pursue these opportunities and join in evaluating it over the early years of the sanctuary's implementation, with the understanding that modifications can be considered and adjustments made as those involved experience the process and provide feedback on the approach being used. See the final management plan for more information about formation of the ICAP.

70. *Comment TI–12:* NOAA should establish a separate Tribal Advisory Council to enhance collaborative management with the Indigenous community. Other Federal agencies have adopted similar Tribal advisory councils and NOAA could look to them for guidance. NOAA can use specific laws and precedence to justify its establishment.

Response: NOAA agrees about the importance of finding effective ways to collaborate in co-stewardship of the sanctuary. However, rather than forming a Tribal advisory council, NOAA believes that the Indigenous Cultures Advisory Panel (ICAP) proposed in the draft management plan would most effectively guide the sanctuary's handling of the various ways co-stewardship will be needed for CHNMS—such as uplifting Indigenous voices, integrating traditional ecological knowledge into sanctuary management, and drawing upon a wide range of Indigenous cultural perspectives. NOAA encourages interested individuals to inquire about ICAP participation following a future announcement of the group's formation through the SAC, and will seek input from participating ICAP members to help evaluate it over the early years of the sanctuary's implementation. As participants provide feedback, modifications can be considered and adjustments made.

71. *Comment TI–28:* NOAA should not grant, give, cede or return area (or ocean) to Chumash or other Indigenous Tribes by giving them primary management authority for making regulations and equal decision-making authority over the sanctuary area and its resources. Reasons cited included: Chumash involvement is not vital; Chumash should not have greater management influence or authority than other community members or groups; Chumash are not qualified to make management decisions; lack of a fair basis for giving a very small hereditarily-defined group preferential influence in decision making over a public land and waters.

Response: NOAA's Office of National Marine Sanctuaries has no jurisdiction over lands, and no legal ability to give away, delegate, or cede its Congressionally granted authority to manage marine and ocean resources inside national marine sanctuaries to any other entity. As described in the Indigenous Collaborative Co-Stewardship Framework section of the management plan's Introduction, NOAA will retain and use its regulatory and management authority pursuant to the NMSA for protection of resources within the sanctuary, while conducting required Tribal consultations and collaborating closely with Tribes and Indigenous communities as well as other local interests through the Sanctuary Advisory Council and Indigenous Cultures Advisory Panel. NOAA provides these engagement opportunities for all parties within the purposes and policies of NMSA. Under its trust responsibilities to federally recognized Tribes, NOAA will also consult with, and work collaboratively and in co-stewardship with, the Santa Ynez Band of Chumash Indians. NOAA disagrees that Tribal and Indigenous community involvement is not vital for helping the sanctuary to succeed, or that the different types of experience that Tribes and Indigenous groups bring is not relevant to inform and guide NOAA's management decisions. To the contrary, NOAA firmly believes that the unique Indigenous Knowledge Tribes and Indigenous community members have of this coastal area is essential for the long term stewardship of the sanctuary.[11]

72. *Comment TI–31:* NOAA should have meaningful consultation with Indigenous people. Indigenous people should be involved in: sanctuary planning, decision-making processes regarding sacred site protection, developing and implementing educational programs, environmental restoration, habitat protection, and NOAA regulatory actions (*e.g.,* possible permitting related to offshore wind energy).

Response: NOAA agrees that Indigenous Peoples with relevant knowledge of the sanctuary area should be respectfully and appropriately invited to meaningfully contribute to the types of activities commenters mentioned, and has done so throughout the sanctuary designation process. NOAA's proposed Indigenous Collaborative Co-Stewardship Framework, as described in the management plan's Introduction section, provides several types of opportunities to support this engagement, including legally required consultation and a variety of collaborative forums to foster working in partnership.

73. *Comment SA–1:* A variety of specific seats on the Sanctuary Advisory Council were suggested in different comments. One or more seats were requested for: Indigenous communities; offshore wind industry; oil and gas industry; harbors and marinas; Port San Luis Harbor District; recreational boaters and fishermen; conservation; science

[11] See 2021 Executive Office of the President memorandum on Indigenous Ecological Knowledge and Federal Decision Making: *https://www.whitehouse.gov/wp-content/uploads/2021/11/111521-OSTP-CEQ-ITEK-Memo.pdf.*

(including ocean and marine biology); education (including colleges and universities); marine transportation; agriculture; commercial and recreational interests; youth community members; Department of Defense; BOEM; USGS; and multiple NOAA offices.

Response: NOAA will consider these suggestions upon development of the Charter for the Sanctuary Advisory Council. Under section 315(c) of the NMSA, 16 U.S.C. 1445a(c), and ONMS policy, there is a limit of 15 voting seats on advisory councils for sanctuaries designated after November 4, 1992. Additionally, NOAA also intends to establish non-voting seats on the advisory council to allow additional government agencies to participate. Sanctuary Advisory Councils, with the concurrence of the sanctuary superintendent, may also establish Working Groups that can bring additional constituents and stakeholders into the process of developing sanctuary management recommendations. Development, establishment, and start-up of the new advisory council is expected to take place shortly after sanctuary designation. See also response to Comment TI–12 regarding NOAA's plan to also establish an Indigenous Cultures Advisory Panel.

74. *Comment SA–4:* Tribes need a deciding vote and voice to be true collaborators, or else sanctuary advisory council seats will be superficial only with no deep substance.

Response: NOAA disagrees that a ''deciding vote'' is necessary for meaningful engagement in collaborative co-stewardship of the sanctuary. NOAA expects that representatives from local Tribes and Indigenous communities can play a very meaningful and impactful role in supporting collaborative co-stewardship of the sanctuary through government-to-government consultation, participation on the Indigenous Cultures Advisory Panel, or seats on the Sanctuary Advisory Council. The same is true for collaborative opportunities through the Intergovernmental Policy Council and joint project partnerships with participating non-profit foundations.

75. *Comment SA–11:* NOAA should provide for an adaptive, flexible approach to sanctuary management (including review and processing of permit, certification, and authorization requests) that includes opportunities for management plan reviews and timely processing of permitting and other requests pertaining to sanctuary access.

Response: NOAA agrees. As required by the NMSA, national marine sanctuaries conduct periodic management plan reviews, informed by condition reports, monitoring data, community and advisory council input, and many other sources of information. Management plan review processes will invite public, advisory council, and Tribal community input and participation. NOAA also intends to handle sanctuary permitting responsibilities in a thoughtful and timely manner. Responses to comments in the Permitting section provide additional information about NOAA's management flexibility.

VI. Classification

A. National Marine Sanctuaries Act

NOAA has determined that the designation of Chumash Heritage National Marine Sanctuary (CHNMS) will not have a negative impact on the National Marine Sanctuary System and that sufficient resources exist to effectively implement sanctuary management plans and to update site characterizations. The NMSA section 304(f) finding is available on the CHNMS website at: *https://sanctuaries.noaa.gov/chumash-heritage/*. In addition, NOAA consulted with the Pacific Fishery Management Council (PFMC) as required in accordance with NMSA section 304(a)(5). Through this consultation, NOAA provided the PFMC with the opportunity to recommend any fishing regulations it deemed necessary to implement the proposed sanctuary designation, and participated in two public meetings with the PFMC in September 2022 and November 2022 as the Council deliberated on this issue. At its hearing on November 6, 2022, the PFMC decided not to recommend any fishing regulations to implement the proposed designation but expressed a willingness to reconsider in the future should new information about the need for fishing regulations arise. The PFMC documented this decision in a letter to NOAA dated December 1, 2022. NOAA accepted the PFMC's response relative to the proposed designation of CHNMS and the final regulations reflect concurrence with the PFMC's determination.

B. National Environmental Policy Act

As described in section I above, NOAA prepared a final EIS to evaluate the impacts of designating a national marine sanctuary, which considered alternatives for national marine sanctuary designation along and offshore of the coast of central California. Copies of the final EIS, final management plan, and Record of Decision (ROD) for this action are available at the address and website listed in the **ADDRESSES** section of this final rule.

C. Executive Order 12866: Regulatory Impact

The Office of Management and Budget (OMB) has determined this final rule is significant action under Executive Order 12866, ''Regulatory Planning and Review,'' 58 FR 190 (Oct 4, 1993), as supplemented and reaffirmed E.O. 14094, ''Modernizing Regulatory Review,'' 88 FR 21879 (April 11, 2023). Based upon the information provided in NOAA's accompanying Cost-Benefit Analysis (final EIS appendix D), this final rule would not meet the criteria for a significant regulatory action as defined in section 3(f)(1) of E.O. 12866, as supplemented and reaffirmed by E.O. 14094. This means the estimated annual effect is less than $200 million, and the action would not adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or Tribal governments or communities. Therefore, NOAA did not prepare the full regulatory impact analysis under E.O. 12866.

D. Executive Order 13132: Federalism Assessment

NOAA has concluded that this regulatory action does not have federalism implications sufficient to warrant preparation of a federalism assessment under Executive Order 13132 because NOAA supplements and complements Federal, State, and local laws under the NMSA rather than supersedes or conflicts with them. NOAA has coordinated with State partners in the development of this final rule. NOAA has aimed for consistent regulations throughout sanctuary waters including those within State and Federal jurisdiction.

E. Executive Order 13175 Consultation and Coordination With Indian Tribal Governments

Under Executive Order 13175 of November 6, 2000, Federal departments and agencies are charged with engaging in regular and meaningful consultation and collaboration with officials of federally recognized Tribal Nations on the development of Federal policies that have Tribal implications. The Executive Order identifies fundamental principles guiding agencies in formulating or implementing policies that have Tribal implications, including working with federally recognized Tribal Nations on a government-to-government basis to address issues concerning Indian Tribal self-government, Tribal trust resources,

and Indian Tribal treaty and other rights, recognizing the right of Indian Tribes to self-government, and supporting Tribal sovereignty and self-determination. NOAA implements Executive Order 13175 through the NOAA Administrative Order (NAO) 218–8 (Policy on Government-to-Government Consultation with federally recognized Indian Tribes and Alaska Native Corporations), and the NOAA Tribal Consultation Handbook. Under these policies and procedures, NOAA offers affected federally recognized Tribal Nations government-to-government consultation at the earliest practicable time it can reasonably anticipate that a proposed policy or initiative may have Tribal implications.

NOAA identified the SYBCI as the only federally recognized Tribe in the area of CHNMS. To date, six formal consultation meetings have been conducted, on January 27, 2022, April 14, 2022, August 12, 2022, September 1, 2022, December 19, 2022, and May 30, 2024, as well as one informational meeting with NOAA leadership on April 28, 2022. Outside of consultation meetings, staff-level communications and coordination between NOAA and SYBCI has been frequent. In the course of this consultation, NOAA shared relevant portions of the draft EIS, draft management plan, and final EIS with the SYBCI, and has incorporated comments received and information exchanged to revise and update designation materials. NOAA's government-to-government consultation with the SYBCI for the purpose of designating the new national marine sanctuary will conclude upon sanctuary designation. In concluding consultation, NOAA will follow its policies under NAO 218–8 and the NOAA Tribal Consultation Handbook.

F. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA; 5 U.S.C. 601 *et seq.*) requires Federal agencies to prepare an analysis of a rule's impact on small entities whenever the agency is required to publish a rulemaking, unless the agency certifies, pursuant to 5 U.S.C. 605, that the action will not have significant economic impact on a substantial number of small entities. The RFA requires agencies to consider, but not necessarily minimize, the effects of rules on small entities. The goal of the RFA is to inform the agency and public of expected economic effects of the action and to ensure the agency considers alternatives that minimize the expected economic effects on small entities while meeting applicable goals and objectives.

Pursuant to section 605(b) of the RFA, the Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration (SBA) at the proposed rule phase (88 FR 58123) that this action, would not have a significant economic impact on a substantial number of small entities. The purpose, context, and statutory basis for this action is described above and not repeated here. The analysis below discusses the potential effects of the Chumash Heritage National Marine Sanctuary designation and serves as the factual basis for the certification. The analysis below has been updated to explain why the selection of the Final Preferred Alternative, which is smaller than the area NOAA analyzed in the proposed rule, leads NOAA to expect that fewer vessels will operate in CHNMS than reported in the proposed rule. Although NOAA has made minor changes to the regulations from the proposed rule to the final rule, none of the changes alter the initial determination that this rule will not have a significant impact on a substantial number of small entities. NOAA also did not receive any comments on the certification or conclusions. Therefore, the determination that this rule will not have a significant economic impact on a substantial number of small entities remains unchanged. In summary, with this rulemaking, small businesses (commercial fishing, for-hire charter operations) are not expected to experience significant impacts. The extent of costs imposed on businesses would be $172 for those seeking a general sanctuary permit.

I. Description of Small Entities to Which the Initial Boundary Alternative Would Apply

NOAA has identified commercial and for-hire fishing vessels and the non-consumptive recreational industry, which includes for-hire operations such as wildlife viewing, as small entities impacted by the Initial Boundary Alternative. Each relevant small business category is based on the most recent size standards published by the U.S. Small Business Administration (SBA) (2022). Size standards are based upon the average annual receipts (all revenue) or the average employment of a firm. The commercial size standard is $25.0 million for finfish fishing (North American Industry Classification System [NAICS] code—114111), $14.0 million for shellfish fishing (NAICS code—114112), and $11.5 million for other marine fishing (NAICS code—114119). Water-based scenic and sightseeing transportation operations (NAICS code—487210), such as for-hire recreational fishing operations and dive/snorkeling for-hire operations, have size standards of $14.0 million. All businesses within the industries analyzed here are small businesses, which include commercial and recreational fishing and non-consumptive recreational businesses. There are other businesses that operate within the study area; however, they are not considered small businesses (*e.g.,* cruise ships). These large entities are discussed in the Cost-Benefit Analysis (final EIS appendix D).

All commercial fishing and for-hire fishing vessel count data presented in this section are derived from California Department of Fish and Wildlife (CDFW) data. NOAA calculated the potential number of vessels that may be impacted by the rule—as implemented in the draft EIS Agency-Preferred Alternative (Alternative 2 and Gaviota Coast Extension (Sub-Alternative 5b))—based on the number of vessels reporting activity, from 2016–2020, within the CDFW statistical areas that best align with the draft EIS Agency-Preferred Alternative boundary. The area affected by the Final Preferred Alternative boundary is smaller than the area NOAA analyzed in the 2023 proposed rule. As such, NOAA expects fewer vessels will operate in CHNMS than reported in the proposed rule. Statistical areas were included in the analysis if their center is located within the draft EIS Agency-Preferred Alternative boundary. In total, 53 statistical areas were included in the area analyzed—meaning if a fishing vessel landed at least one pound of commercial fish species within one of the 53 statistical areas within the study period, that vessel was considered in this analysis. Further information, including maps of the statistical areas included may be found in Eynon, 2023. Estimates of the number of vessels that operate within the draft EIS Agency-Preferred Alternative boundaries are provided below. Data for non-consumptive industries are not publicly available, so information was collected from personal communication with NOAA staff.

i. Commercial Fishing

All commercial fishing vessels were determined to be small businesses based on the SBA size standards. On average (2016–2020), 250.6 vessels landed at least one pound of marine life within the area analyzed each year and 3,057.6 commercial fishing vessels operated within the State (CDFW, 2020a, 2021, 2020b, 2019, 2018, 2017).

ii. For-Hire Recreational Fishing

For-hire recreational fishing includes both charter boats and headboats. Charter boats are fishing vessels that are typically hired to take up to six anglers on a fishing trip. In general, charter boats charge on a per-trip basis. Headboats usually operate on a schedule and may provide several trips in a single day, taking multiple fishing parties per trip and charging on a per-person basis. Headboats are usually larger and able to accommodate more anglers than a charter boat. All recreational fishing operations were determined to be small businesses. From 2016 through 2020, there was an annual average of 18.8 for-hire recreational fishing vessels operating within the draft EIS Agency-Preferred Alternative boundaries annually and 532 vessels on average each year operating within the State (CDFW, 2020c, 2021, 2020b, 2019, 2018, 2017).

iii. Non-Consumptive Recreation Industry

Businesses considered to operate in the non-consumptive recreation industry include dive and snorkel operations, rental equipment operations, wildlife viewing operations, and other businesses that either utilize or whose customers utilize, but do not take, sanctuary resources.

There are several harbors within the study area that support non-consumptive recreation businesses. Santa Barbara, Morro Bay, and Avila Beach all have been identified to have operations that use the harbors. Across these three harbors, NOAA identified nine operations that are likely to use the sanctuary's waters to support their operations for whale watching and other wildlife viewing (NOAA personal communication). All of these businesses were determined to be small businesses. No operations visiting the sanctuary for white shark tours were identified.

II. Analysis of Small Entities

This regulatory action would establish new reporting and recordkeeping requirements for small entities that apply for sanctuary general permits, certifications, or authorizations (see 15 CFR part 922 and the description in part III, section H above). As a result of this action, only a minimal increase in the number of permits (approximately 5–15 permits per year) is expected, and these requirements would have a minimal impact on small entities because few operators in the area would need to apply for a permit in order to continue their activities. Minimal reporting and recordkeeping requirements are expected because lawful commercial and recreational fishing and recreational activities would be allowed to continue in the sanctuary without a permit (with certain exceptions discussed below). An operator would be required to obtain a permit only if they wish to conduct activities that would be prohibited in the sanctuary; for example, if a research operation or commercial activity was likely to result in damage to the seabed, a permit would be required unless an exception or exemption applies.

As discussed below, in section G., the public reporting burden for ONMS general permits is estimated to average three responses with an average of 1.5 hours per response, to include application submission, a cruise or flight log (or some other form of activity report), and a final summary report after the activity is complete. The only expected costs are related to permitting. The total cost estimate for reporting a permit is $171.68 based on an hourly rate of $38.15 (see Paperwork Reduction Act OMB control number (0648–0141 [12])). This rule does not propose to directly regulate commercial fishing or recreational fishing. The rule is not likely to impact commercial fishermen's operations or profits within the statistical areas corresponding to the sanctuary designation because lawful fishing will continue to be allowed in the sanctuary, and NOAA has not included any direct sanctuary regulation of lawful fishing activities through this action. Although vessels would not be permitted to discharge (with an exception for discharges associated with lawful fishing activities) within the sanctuary boundary, they are still permitted to discharge outside of sanctuary boundaries. As discussed in the supporting final EIS (sections 4.4.3 and 4.6), this regulation will not have a significant adverse impact on vessels. Vessels may plan to discharge sewage outside of the sanctuary or use appropriate facilities near shore. Additionally, vessels are unlikely to be impacted by the seabed disturbance prohibition given the exceptions for anchoring and lawful fishing activities. If in the uncommon event a vessel could not avoid a prohibited seabed disturbance or avoid a prohibited discharge within the sanctuary, the small business could seek a permit from NOAA.

It is also likely that increased name recognition, marketing, and outreach of the sanctuary would result in increased demand for the services offered by small businesses that utilize sanctuary resources. This is described in more detail in the economic review of the potential impacts; see Appendix D of the final EIS.

As described above, NOAA does not expect a significant reduction in profits, as the only expected costs are for permitting ($172 per permit). No duplicative, overlapping, or conflicting Federal rules have been identified for this rule. Therefore, NOAA has concluded that the rule would not have a significant impact on a substantial number of small entities operating in the area of the sanctuary due to the minimal permitting costs. Therefore, a Final Regulatory Flexibility Analysis is not required and none was prepared.

G. Paperwork Reduction Act

Notwithstanding any other provisions of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.,* unless that collection of information displays a currently valid Office of Management and Budget (OMB) control number.

NOAA has an OMB control number (0648–0141) for the collection of public information related to the processing of ONMS permits across the National Marine Sanctuary System. NOAA's proposal to create a national marine sanctuary along the coast of central California would likely result in a minimal increase in the number of requests for ONMS general permits, special use permits, certifications, and authorizations because this action proposes to add those approval types for this sanctuary. A large increase in the number of permit requests would require a change to the reporting burden certified for OMB control number 0648–0141. While not expected, if such permit requests do increase, a revision to this control number for the processing of permits would be requested.

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

[12] Many of the permit applicants are from academic institutions; thus, ONMS' information collection renewal uses the Bureau of Labor Statistics (BLS) Occupational Employment and Wages (May 2020) for ''Life, Physical, and Social Science Occupations.'' For this group, BLS estimated a mean hourly wage of $38.15 (*https://www.bls.gov/oes/current/oes190000.htm*).

amendments, and the conduct of administrative appeals. Of this amount, CHNMS is expected to add 5 to 15 permit requests per year. The public reporting burden for national marine sanctuaries general permits is estimated to average three responses with an average of 1.5 hours per response, to include application submission, a cruise or flight log (or some other form of activity report), and a final summary report after the activity is complete. Therefore, the total annual burden hours would be expected to increase by approximately 22.5 to 67.5 hours.

NOAA determined that these regulations do not necessitate a modification to its information collection approval by the Office of Management and Budget under the Paperwork Reduction Act. NOAA solicited comments on this determination in the proposed rule, and no public comments were received. NOAA is also requesting a revision and extension of its approved information collection request, outside of this rulemaking, for national marine sanctuary permits to include the additional estimated permit numbers, which will apply to CHNMS.

H. National Historic Preservation Act

Section 106 of the National Historic Preservation Act (NHPA, 54 U.S.C. 306108) requires Federal agencies to take into account the effects of their undertakings on historic properties and afford the Advisory Council on Historic Preservation (ACHP) a reasonable opportunity to comment with regard to the undertaking. ''Historic property'' means any prehistoric or historic district, site, building, structure, or object included in or eligible for inclusion in the National Register of Historic Places maintained by the Secretary of the Interior. This term includes artifacts, records, and material remains that are related to and located within such properties, including properties of traditional religious and cultural importance to an Indigenous nation or Tribe or Native Hawaiian organization. 36 CFR 800.16(l).

The regulations implementing section 106 of the NHPA (36 CFR part 800) establish a process requiring Federal agencies to: (i) determine whether the undertaking is a type of activity that could affect historic properties, (ii) identify historic properties in the area of potential effects, (iii) assess potential adverse effects, and (iv) resolve adverse effects. The regulations require that Federal agencies consult with States, Tribes, and other interested parties when making their effect determinations.

NOAA has determined that the designation of a national marine sanctuary and related rulemaking for sanctuary-specific regulations meet the definition of an undertaking as defined at § 800.16(y).

In fulfilling its responsibilities under section 106 of the NHPA, NOAA sought to identify potential consulting parties and sought public input on the identification of historic properties within the proposed area of potential effect through its 2023 notice of proposed rulemaking. NOAA identified consulting parties, in addition to the State Historic Preservation Officer (SHPO), and assessed the effects of the undertaking on historic properties in consultations with those parties.

In August 2023, NOAA initiated NHPA Section 106 consultation with the federally recognized Santa Ynez Band of Chumash Indians. In addition, NOAA also sent letters inviting eleven non-federally recognized Tribes, Indigenous groups, and culture-serving organizations to engage in consultation under NHPA Section 106. Six interested parties accepted NOAA's invitation to discuss the consultation, and to address other questions related to the designation, and meetings were conducted in October and November of 2023. In August 2024, NOAA shared draft findings with all consulting parties to invite their views on NOAA's identification of historic properties and finding of no historic properties affected. Subsequently, pursuant to 36 CFR 800.4(d)(l), NOAA issued a Finding of No Historic Properties Affected for this undertaking, which is available in Appendix E of the final EIS, for a 30-day public inspection and consulting party review period. NOAA received no objections to the Finding and consultation was accordingly concluded.

I. Sunken Military Craft Act

The Sunken Military Craft Act of 2004 (SMCA; Pub. L. 108–375, Title XIV, sections 1401 to 1408; 10 U.S.C. 113 note) preserves and protects from unauthorized disturbance all sunken military craft that are owned by the United States Government, as well as foreign sunken military craft that lie within United States waters, as defined in the SMCA. Thousands of U.S. sunken military craft lie in waters around the world, many accessible to looters, treasure hunters, and others who may cause damage to them. These craft, and their associated contents, represent a collection of non-renewable and significant historical resources that often serve as maritime graves, carry unexploded ordnance, and contain oil and other hazardous materials. By protecting sunken military craft, the SMCA helps reduce the potential for irreversible harm to these nationally important historical and cultural resources.

There are seven known U.S. Navy destroyers that ran aground and sunk near Point Honda in 1923 within CHNMS. CHNMS may also include sunken military craft that have yet to be discovered. Sunken military craft fall under the jurisdiction of a number of Federal agencies such as the U.S. Navy and the U.S. Coast Guard. The USCGC *McCulloch* is an example of a known sunken military craft in CHNMS that is under the jurisdiction of the U.S. Coast Guard, per the SMCA.

The Secretaries of the various military branches, including the Department of the Navy and the U.S. Coast Guard, in the case of a Coast Guard vessel, the Secretary of the Department in which the Coast Guard is operating, administer the SMCA. The Secretary concerned is solely responsible for authorizing disturbance of sunken military craft under the SMCA, specifically for archaeological, historical, or educational purposes, and will consult with NOAA when considering permitting such activities. The Secretary concerned is also responsible for determinations of sunken military craft status and ownership, publicly disclosing the location of sunken military craft, and for determining eligibility and nominating sunken military craft as historic properties to the National Register of Historic Places. Any agreements with foreign sovereigns regarding sunken military craft in U.S waters under the SMCA are negotiated by the Secretary of Defense, the Secretary of State, and the Secretary of the Navy, according to authorities vested in each by the SMCA. The Secretary concerned, or his or her designee, and NOAA will ensure coordination and foster collaboration on any research, monitoring, and educational activities pertaining to sunken military craft located within the sanctuary system. The Director will request approval from the Secretary concerned for any terms and conditions of CHNMS authorizations that may involve sunken military craft.

J. Coastal Zone Management Act (CZMA)

Section 307 of the Coastal Zone Management Act (CZMA; 16 U.S.C. 1456) requires Federal agencies to consult with a State's coastal program on potential Federal agency activities that affect any land or water use or natural resource of the coastal zone. Because the sanctuary lies partially

within State waters, NOAA provided copies of the draft EIS to the California Coastal Commission and requested that the State identify any enforceable policies of its coastal management program applicable to the proposed action. In compliance with the CZMA, NOAA prepared a consistency determination, and on June 14, 2024 submitted it to the State of California. NOAA subsequently participated in a public California Coastal Commission hearing on the Consistency Determination on August 8, 2024. On August 9, 2024 the State of California issued a letter of concurrence to NOAA.

K. Executive Orders 12898 and 14096: Environmental Justice

Executive Order 12898 and Executive Order 14096 direct Federal agencies to identify and address disproportionately high and adverse effects of their actions on human health and the environment of communities with environmental justice concerns. Additionally, Federal agencies are directed to to better protect overburdened communities from pollution and environmental harms; strengthen engagement with communities and mobilize Federal agencies to confront existing and legacy barriers and injustices; promote the latest science, data, and research, including on cumulative impacts; increase accountability and transparency in Federal environmental justice policy; and honor and build on the foundation of ongoing environmental justice work. The designation of national marine sanctuaries by NOAA helps to ensure the enhancement of environmental quality for all populations in the United States. The sanctuary designation would not result in disproportionate negative impacts on any communities with environmental justice concerns. In addition, many of the potential impacts from designating the sanctuary would result in long-term or permanent beneficial impacts by protecting sanctuary resources, which may have a positive impact on communities by providing employment and educational opportunities, and potentially result in improved ecosystem services.

List of Subjects in 15 CFR Part 922

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

Nicole R. LeBoeuf,

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

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

PART 922—NATIONAL MARINE SANCTUARY PROGRAM REGULATIONS

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

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

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

§ 922.1 Purposes and applicability of the regulations.

(a) * * *

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

* * * * *

■ 3. Revise § 922.4 to read as follows:

§ 922.4 Boundaries.

Subpart F and subsequent subparts of this part set forth the boundaries for all national marine sanctuaries.

■ 4. Revise § 922.6 to read as follows:

§ 922.6 Prohibited or otherwise regulated activities.

Subpart F and subsequent subparts of this part set forth site-specific regulations applicable to the activities specified therein.

■ 5. Amend § 922.30 by:
■ a. Revising paragraph (a)(2);
■ b. Removing the word ''and'' at the end of paragraph (b)(5);
■ c. Removing the period at the end of paragraph (b)(6) and adding ''; and'' in its place; and
■ d. Adding paragraph (b)(7).
The addition reads as follows:

§ 922.30 National Marine Sanctuary general permits.

(a) * * *

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

(b) * * *

(7) Native American cultural or ceremonial activities—activities within Chumash Heritage National Marine Sanctuary that will promote or enhance local Native American cultural or ceremonial activities; or will promote or enhance education and training related to local Native American cultural or ceremonial activities.

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

§ 922.36 National Marine Sanctuary authorizations.

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

(b) * * *

(1) * * *

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

* * * * *

■ 7. Amend § 922.37 by revising paragraph (a)(2) to read as follows:

§ 922.37 Appeals of permitting decisions.

(a) * * *

(2) An applicant or a holder of a National Marine Sanctuary permit issued pursuant to § 922.30 or pursuant to site-specific regulations appearing in subparts F through V of this part;

* * * * *

■ 8. Add subpart V to read as follows:

Subpart V—Chumash Heritage National Marine Sanctuary

Sec.

922.230 Boundary.
922.231 Definitions.
922.232 Prohibited or otherwise regulated activities.
922.233 Permit procedures.

922.234 Certification of preexisting leases, licenses, permits, approvals, other authorizations, or other rights to conduct a prohibited activity.
922.235 Memoranda of Agreement with partner agencies.
Appendix A to Subpart V of Part 922—Chumash Heritage National Marine Sanctuary Boundary Description and Coordinates
Appendix B to Subpart V of Part 922—Coordinates for Rodriguez Seamount Management Zone

§ 922.230 Boundary.

Chumash Heritage National Marine Sanctuary covers 4,543 mi^2 (3,431 nmi^2) of coastal and ocean waters and the submerged lands thereunder, spanning 116 miles along the central California coast off the counties of San Luis Obispo and Santa Barbara. The sanctuary spans a maximum distance of 60 miles from shore, and reaches a maximum depth of 11,580 feet below sea level. Describing the boundary in a clockwise fashion, the Final Preferred Alternative starts along the coast approximately two miles southeast of the breakwater for the Diablo Canyon Power Plant marina, then runs south along the mean high water line through San Luis Obispo County and northern and western Santa Barbara County to the eastern end of the Naples Marine Conservation Area on the Gaviota Coast. Along this stretch, the harbor areas at Port San Luis and Vandenberg Space Force Base near Point Arguello are excluded from the sanctuary. Offshore, the boundary extends from the western edge of Channel Islands National Marine Sanctuary, around important features like Rodriguez Seamount, most of Arguello Canyon, and about half of the Santa Lucia Bank and part of its escarpment. At a point approximately 55 miles offshore of the Santa Maria River mouth, the boundary extends east 43 miles, then due north for 12 miles to the point of origin south of the Diablo Canyon Power Plant marina. This narrative boundary description is provided to facilitate public understanding, but please refer to the formal boundary description and the precise boundary coordinates in Appendix A to this subpart.

§ 922.231 Definitions.

In addition to the definitions found in § 922.11, the following terms are defined for purposes of this subpart:

Beneficial use of dredged material means the use of dredged material removed from the public harbor adjacent to the Sanctuary (Port San Luis) that is determined by the Director to be suitable as a resource for habitat protection or restoration purposes. Beneficial use of dredged material is not disposal of dredged material.

Rodriguez Seamount Management Zone means the area bounded by geodetic lines connecting a heptagon generally centered on the top of the Rodriguez Seamount, and consists of approximately 570 mi^2 (430 nmi^2) of ocean waters and the submerged lands thereunder. The northeast corner of this zone is located approximately 27 miles southwest of Point Conception off the coast of Santa Barbara County. Exact coordinates for the Rodriguez Seamount Management Zone boundary are provided in appendix B to this subpart.

§ 922.232 Prohibited or otherwise regulated activities.

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

(1) Exploring for, developing, or producing oil, gas, or minerals within the Sanctuary, except for oil and gas production, which includes well abandonment, pursuant to existing leases or lease units in effect on the effective date of Sanctuary designation ([EFFECTIVE DATE OF FINAL RULE]).

(2)(i) Discharging or depositing from within or into the Sanctuary, other than from a cruise ship, any material or other matter, except:

(A) Fish, fish parts, chumming materials, or bait used in or resulting from lawful fishing activities within the Sanctuary, provided that such discharge or deposit is during the conduct of lawful fishing activities within the Sanctuary;

(B) For a vessel less than 300 gross registered tons (GRT), or a vessel 300 GRT or greater without sufficient holding tank capacity to hold sewage while within the Sanctuary, clean effluent generated incidental to vessel use by an operable Type I or II marine sanitation device (U.S. Coast Guard classification) approved in accordance with section 312 of the Federal Water Pollution Control Act, as amended (FWPCA), 33 U.S.C. 1322. Vessel operators must lock all marine sanitation devices in a manner that prevents discharge or deposit of untreated sewage;

(C) Clean vessel deck wash down, clean vessel engine cooling water, clean vessel generator cooling water, clean bilge water, or anchor wash;

(D) For a vessel less than 300 GRT, or a vessel 300 GRT or greater without sufficient holding capacity to hold graywater while within the Sanctuary, clean graywater as defined by section 312 of the FWPCA;

(E) Vessel engine or generator exhaust;

(F) Beyond 3 nautical miles from shore, sewage and non-clean graywater as defined by section 312 of the FWPCA generated incidental to vessel use by a U.S. Coast Guard vessel without sufficient holding tank capacity and without a Type I or II marine sanitation device; and beyond 12 nautical miles from shore, ammunition, pyrotechnics, or other materials directly related to training for search and rescue and live ammunition activities conducted by U.S. Coast Guard vessels and aircraft;

(G) Dredged material deposited at disposal sites within the Sanctuary authorized by the U.S. Environmental Protection Agency (EPA), in consultation with the U.S. Army Corps of Engineers, prior to the effective date of Sanctuary designation ([EFFECTIVE DATE OF FINAL RULE]); or

(H) Discharges incidental and necessary to oil and gas production within or into reservoirs contained within existing leases or lease units in effect on the effective date of Sanctuary designation ([EFFECTIVE DATE OF FINAL RULE]) from Platform Irene or Platform Heritage, including well abandonment.

(ii) Discharging or depositing from within or into the Sanctuary any material or other matter from a cruise ship except clean vessel engine cooling water, clean vessel generator cooling water, vessel engine or generator exhaust, clean bilge water, or anchor wash.

(iii) Discharging or depositing from beyond the boundary of the Sanctuary any material or other matter that subsequently enters the Sanctuary and injures a Sanctuary resource or quality, except material or other matter listed as exceptions in paragraphs (a)(2)(i)(A) through (F) and (a)(2)(ii) of this section.

(3) Drilling into, dredging, or otherwise altering the submerged lands of the Sanctuary; or constructing, placing, or abandoning any structure, material, or other matter on or in the submerged lands of the Sanctuary, except as incidental and necessary to:

(i) Conduct lawful fishing activities or lawful kelp harvesting;

(ii) Anchor a vessel;

(iii) Install or maintain an authorized navigational aid;

(iv) Repair, replace, or rehabilitate an existing dock, pier, breakwater, or jetty;

(v) Conduct maintenance dredging of entrance channels for harbors in existence prior to the effective date of Sanctuary designation ([EFFECTIVE DATE OF FINAL RULE]); or,

(vi) Drill, maintain, or abandon a well necessary for purposes related to oil and gas production pursuant to existing leases or lease units in effect on the effective date of Sanctuary designation ([EFFECTIVE DATE OF FINAL RULE]) from Platform Irene or Platform Heritage.

(vii) The exceptions listed in paragraphs (a)(3)(ii) through (vi) of this section do not apply in the Rodriguez Seamount Management Zone, the boundary of which is defined in appendix B to this subpart.

(4) Moving, removing, or injuring, or attempting to move, remove, or injure, a Sanctuary historical resource; or possessing or attempting to possess a Sanctuary historical resource, except as necessary for valid law enforcement purposes. This prohibition does not apply to, moving, removing, or injury resulting incidentally from lawful kelp harvesting or lawful fishing activities.

(5) Taking any marine mammal, sea turtle, or bird within or above the Sanctuary, except as authorized by the Marine Mammal Protection Act, as amended (MMPA), 16 U.S.C. 1361 *et seq.,* Endangered Species Act, as amended (ESA), 16 U.S.C. 1531 *et seq.,* Migratory Bird Treaty Act, as amended (MBTA), 16 U.S.C. 703 *et seq.,* or any regulation promulgated under the MMPA, ESA, or MBTA.

(6) Possessing within the Sanctuary (regardless of where taken, moved, or removed from), any marine mammal, sea turtle, or bird, except as authorized by the MMPA, ESA, MBTA, by any regulation promulgated under the MMPA, ESA, or MBTA, or as necessary for valid law enforcement purposes.

(7) Deserting a vessel aground, at anchor, or adrift in the Sanctuary or leaving harmful matter aboard a grounded or deserted vessel in the Sanctuary.

(8) Attracting any white shark within the Sanctuary.

(9)(i) Moving, removing, taking, collecting, catching, harvesting, disturbing, breaking, cutting, or otherwise injuring, or attempting to move, remove, take, collect, catch, harvest, disturb, break, cut, or otherwise injure, any Sanctuary resource located more than 1,500 ft. below the sea surface within the Rodriguez Seamount Management Zone, as defined in appendix B to this subpart. This prohibition does not apply to lawful fishing, which is regulated pursuant to 50 CFR part 660.

(ii) Possessing any Sanctuary resource, the source of which is more than 1,500 ft. below the sea surface within the Rodriguez Seamount Management Zone, except as necessary for valid law enforcement purposes. This prohibition does not apply to possession of fish resulting from lawful fishing, which is regulated pursuant to 50 CFR part 660.

(10) Introducing or otherwise releasing from within or into the Sanctuary an introduced species, except striped bass (*Morone saxatilis*) released during catch and release fishing activity.

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

(b) The prohibitions in paragraphs (a)(2) through (7) and (9) of this section do not apply to an activity necessary to respond to an emergency threatening life, property, or the environment.

(c)(1) The prohibitions in paragraphs (a)(2) through (7) and (9) and (10) of this section do not apply to existing activities carried out or approved by the Department of Defense that were conducted prior to the effective date of this designation ([EFFECTIVE DATE OF FINAL RULE]), as specifically identified in section 4.9 or appendix I to the final environmental impact statement for Chumash Heritage National Marine Sanctuary (for availability, see *https://sanctuaries.noaa.gov/chumash-heritage/*). New activities may be exempted from the prohibitions in paragraphs (a)(2) through (7) and (9) and (10) of this section by the Director after consultation between the Director and the Department of Defense. All Department of Defense activities must be carried out in a manner that avoids to the maximum extent practicable any adverse impacts on Sanctuary resources and qualities.

(2) In the event of threatened or actual destruction of, loss of, or injury to a Sanctuary resource or quality resulting from an untoward incident, including but not limited to spills and groundings caused by the Department of Defense, the Department of Defense shall promptly coordinate with the Director for the purpose of taking appropriate actions to respond to and mitigate the harm and, if practicable, restore or replace the Sanctuary resource or quality.

(d) The prohibitions in paragraphs (a)(2) through (9) of this section do not apply to any activity conducted under and in accordance with the scope, purpose, terms, and conditions of a National Marine Sanctuary general permit issued pursuant to subpart D of this part and § 922.233, or a special use permit issued pursuant to subpart D of this part.

(e) The prohibitions in paragraphs (a)(2) through (9) of this section, and paragraph (a)(10) of this section regarding any introduced species of shellfish that NOAA and the State of California have determined is non-invasive and will not cause significant adverse effects to Sanctuary resources or qualities, and that is cultivated in State waters as part of commercial shellfish aquaculture activities, do not apply to any activity authorized by any lease, permit, license, approval, or other authorization issued after the effective date of Sanctuary designation ([EFFECTIVE DATE OF FINAL RULE]) and issued by any Federal, State, or local authority of competent jurisdiction, provided that the applicant complies with § 922.36, the Director notifies the applicant and authorizing agency that the Director does not object to issuance of the authorization, and the applicant complies with any terms and conditions the Director deems necessary to protect Sanctuary resources and qualities. Amendments, renewals, and extensions of authorizations in existence on the effective date of designation constitute authorizations issued after the effective date of Sanctuary designation.

(f)(1) Notwithstanding paragraphs (d) and (e) of this section, in no event may the Director issue a National Marine Sanctuary general permit under subpart D of this part and § 922.233, or an ONMS authorization or special use permit under subpart D of this part authorizing, or otherwise approve:

(i) The exploration for, development, or production of oil, gas, or minerals within the Sanctuary;

(ii) The discharge of untreated or primary-treated sewage within the Sanctuary (except by certification, pursuant to §§ 922.10 and 922.234, of valid authorizations in existence prior to the effective date of designation ([EFFECTIVE DATE OF FINAL RULE]) and issued by other authorities of competent jurisdiction); or

(iii) The disposal of dredged material within the Sanctuary other than at sites authorized by the U.S. Environmental Protection Agency prior to the effective date of designation ([EFFECTIVE DATE OF FINAL RULE]). For the purposes of this subpart, the disposal of dredged material does not include the beneficial use of dredged material, as defined at § 922.231, related to dredging activity at Port San Luis.

(2) Any purported authorizations issued by other authorities within the Sanctuary shall be invalid.

(g) A person may conduct an activity prohibited by paragraphs (a)(2) through (10) of this section within the Sanctuary

if such activity is specifically authorized by a valid Federal, State, or local lease, permit, license, or right of subsistence use or of access that is in existence on the effective date of Sanctuary designation ([EFFECTIVE DATE OF FINAL RULE]) and within the sanctuary designated area and complies with § 922.10, provided that the holder of the lease, permit, license, or right of subsistence use or of access complies with the certification procedures for CHNMS as outlined in § 922.234.

§ 922.233 Permit procedures.

(a) A person may conduct an activity prohibited by § 922.232(a)(2) through (9), if such activity is specifically authorized by, and conducted in accordance with the scope, purpose, terms, and conditions of, a sanctuary general permit issued under this section and subpart D of this part.

(b) Applications for permits should be addressed to the West Coast Regional Office, Office of National Marine Sanctuaries; ATTN: Superintendent, Chumash Heritage National Marine Sanctuary, 99 Pacific Street, Suite 100F, Monterey, CA 93940.

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

(a) To obtain a certification of an activity that is specifically authorized by a valid Federal, State, or local lease, permit, license, approval, other authorization or right of subsistence use or access (hereafter in this subsection ''permit or right'') in existence on the effective date of Sanctuary designation ([EFFECTIVE DATE OF FINAL RULE]) and within the sanctuary designated area, pursuant to §§ 922.10 and 922.232(g), the holder of such permit or right shall:

(1) Notify the Director, in writing, within 120 days of the effective date of Sanctuary designation ([EFFECTIVE DATE OF FINAL RULE]) of the existence and location of such permit or right and requests certification of such permit or right; and

(2) Comply with any terms and conditions on the exercise of such permit or right imposed as a condition of certification, by the Director, to achieve the purposes for which the Sanctuary was designated.

(3) Address any requests for certifications to: West Coast Regional Office, Office of National Marine Sanctuaries; ATTN: Superintendent, Chumash Heritage National Marine Sanctuary, 99 Pacific Street, Suite 100F, Monterey, CA 93940, or send by electronic means as defined in the instructions for the ONMS permit application. A copy of the permit or right must accompany the request.

(b) A holder requesting certification of a permit or right described in § 922.232(g) may continue to conduct the activity without being in violation of Sanctuary prohibitions pending the Director's review of and decision regarding the holder's certification request, provided the holder is otherwise in compliance with this section.

(c) The Director may request additional information from the holder requesting certification as the Director deems reasonably necessary to condition appropriately the exercise of the certified permit or right to achieve the purposes for which the Sanctuary was designated. The Director must receive the information requested within 45 days of the date of the Director's request for information. Failure to provide the requested information within this time frame may be grounds for denial by the Director of the certification request.

(d) In considering whether to impose appropriate conditions when issuing a certification, the Director may seek and consider the views of any other person or entity.

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

(f) The Director may amend, suspend, or revoke any certification issued under this section whenever continued operation would otherwise be inconsistent with any terms or conditions of the certification, or whenever the underlying permit or right on which the certification was issued has been amended, suspended or revoked. Any such action shall be forwarded in writing to both the certification holder and the agency that issued the underlying permit or right, and shall set forth reason(s) for the action taken.

(g) The holder may appeal any action conditioning a certification, or after issuance of a certification, amending, suspending, or revoking any certification in accordance with the procedures set forth in § 922.37.

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

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

§ 922.235 Memoranda of Agreement with partner agencies.

(a) *Introduced species aquaculture projects.* (1) NOAA would describe in a Memorandum of Agreement (MOA) with the State of California how NOAA will coordinate review of any proposed introduction of non-invasive introduced species from a proposed commercial shellfish aquaculture activity in State waters when considering an authorization under § 922.232(e).

(2) The MOA would specify how the process of § 922.36 in subpart D will be administered within State waters within the sanctuary in coordination with State permit and lease programs as administered by the California Fish and Game Commission, the Department of Fish and Wildlife and the California Coastal Commission.

(b) *Sunken military craft.* Sunken military craft are administered by the respective Secretary concerned pursuant to the Sunken Military Craft Act. The Director will enter into a MOA regarding collaboration with other Federal agencies charged with implementing the Sunken Military Craft Act that may address aspects of managing and protecting sunken military craft. The Director will request approval from the Secretary concerned for any terms and conditions of ONMS authorizations that may involve sunken military craft.

Appendix A to Subpart V of Part 922—Chumash Heritage National Marine Sanctuary Formal Boundary Description and Coordinates

The northern boundary of the sanctuary begins at Point 1 approximately 36 nautical miles (41 statute miles) WSW of Point Buchon. From Point 1 the sanctuary boundary continues east to Point 2 and then north towards Point 3 until it intersects the shoreline as defined by the mean high water (MHW) tidal datum approximately 2 nautical miles (2.3 statute miles) southeast of the entrance to the harbor at the Diablo Canyon Power Plant. From this intersection the sanctuary boundary follows the shoreline southeast past Point San Luis until it intersects the line segment formed between Point 4 and Point 5 on the southern end of the southwest breakwater of Port San Luis in San Luis Obispo Bay. From this intersection the sanctuary boundary continues northeast towards Point 5 until it intersects the shoreline at Fossil Point on the northeast side of Port San Luis. From this intersection the sanctuary boundary follows the shoreline southeast past Pismo Beach and then south past Point Sal and around Point Arguello until it intersects the line segment formed between Point 6 and Point 7 on the eastern end of the breakwater just southeast of the

Point Arguello Coast Guard Rescue Station. From this intersection the sanctuary boundary continues east to Point 7 and then north towards Point 8 until it intersects the shoreline. From this intersection the sanctuary boundary continues to follow the shoreline southeast past Point Conception and then east along the Gaviota Coast until it intersects the line segment formed between Point 9 and Point 10 approximately 1.7 nautical miles (2.0 statute miles) east of Dos Pueblos Canyon near the township of Naples in Santa Barbara County. From this intersection the sanctuary boundary continues offshore south to Point 10 and turns west and continues, approximating the 3 nautical mile State Seaward Boundary, passing through each successive point in numerical order to Point 119. From Point 119 the sanctuary boundary continues southwest passing through each successive point in numerical order to Point 129. From Point 129 the sanctuary boundary continues west along its southern extent to Point 130 and then Point 131 passing to the south of Arguello Canyon and Rodriguez Seamount. From Point 131 the sanctuary boundary continues roughly north for approximately 76 nautical miles (87.5 statute miles) along its western extent passing through each successive point in numerical order while passing Santa Lucia Bank to the west until it ends at Point 154.

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

Point ID	Latitude	Longitude
1	35.01394	−121.58238
2	35.01394	−120.82173
3*	35.19306	−120.82173
4*	35.15602	−120.74984
5*	35.17425	−120.72509
6*	34.55436	−120.60823
7	34.55436	−120.60643
8*	34.55696	−120.60643
9*	34.43590	−119.93333
10	34.37859	−119.93333
11	34.38126	−119.93822
12	34.38391	−119.94270
13	34.38362	−119.94657
14	34.38354	−119.95046
15	34.38358	−119.95292
16	34.38367	−119.95496
17	34.38381	−119.95698
18	34.38401	−119.95900
19	34.38451	−119.96257
20	34.38575	−119.96946
21	34.38677	−119.97406
22	34.38730	−119.97601
23	34.38794	−119.97815
24	34.38872	−119.98047
25	34.38958	−119.98274
26	34.39053	−119.98497
27	34.39154	−119.98716
28	34.39263	−119.98928
29	34.39379	−119.99136
30	34.39491	−119.99319
31	34.39621	−119.99514
32	34.39713	−119.99731
33	34.39823	−119.99962
34	34.39930	−120.00168
35	34.40055	−120.00386
36	34.40107	−120.00625
37	34.40173	−120.00882
38	34.40261	−120.01178
39	34.40339	−120.01409
40	34.40425	−120.01636
41	34.40527	−120.01878
42	34.40628	−120.02094
43	34.40744	−120.02320
44	34.40752	−120.02641
45	34.40774	−120.02956
46	34.40806	−120.03246
47	34.40855	−120.03569
48	34.40907	−120.03855
49	34.40971	−120.04137
50	34.41040	−120.04394
51	34.41126	−120.04667
52	34.41100	−120.04870
53	34.41077	−120.05096
54	34.41062	−120.05323
55	34.41054	−120.05528
56	34.41052	−120.05733
57	34.41056	−120.05961
58	34.41068	−120.06188
59	34.41084	−120.06392
60	34.41046	−120.06679
61	34.41021	−120.06927

Point ID	Latitude	Longitude
62	34.41004	−120.07175
63	34.40997	−120.07424
64	34.40990	−120.07984
65	34.41002	−120.08369
66	34.40991	−120.08666
67	34.40991	−120.08964
68	34.41011	−120.09353
69	34.41051	−120.09739
70	34.41088	−120.09987
71	34.41138	−120.10255
72	34.41203	−120.10677
73	34.41251	−120.10941
74	34.41331	−120.11288
75	34.41452	−120.11729
76	34.41509	−120.11919
77	34.41571	−120.12107
78	34.41639	−120.12292
79	34.41711	−120.12474
80	34.41802	−120.12733
81	34.41937	−120.13068
82	34.42030	−120.13314
83	34.42183	−120.13678
84	34.42266	−120.14015
85	34.42285	−120.14124
86	34.42227	−120.14365
87	34.42173	−120.14631
88	34.42126	−120.14922
89	34.42091	−120.15216
90	34.42039	−120.15458
91	34.41992	−120.15725
92	34.41942	−120.16108
93	34.41913	−120.16493
94	34.41904	−120.16857
95	34.41913	−120.17221
96	34.41941	−120.17583
97	34.41986	−120.17943
98	34.41968	−120.18174
99	34.41957	−120.18378
100	34.41952	−120.18583
101	34.41952	−120.18788
102	34.41961	−120.19038
103	34.41978	−120.19288
104	34.42001	−120.19513
105	34.42034	−120.19763
106	34.42014	−120.20103
107	34.42010	−120.20468
108	34.42062	−120.21923
109	34.41994	−120.22203
110	34.41933	−120.22509
111	34.41885	−120.22818
112	34.41849	−120.23141
113	34.41819	−120.23501
114	34.41806	−120.23821
115	34.41788	−120.24012
116	34.41768	−120.24279
117	34.41758	−120.24551
118	34.41758	−120.24801
119	34.41735	−120.25140
120	34.38689	−120.26775
121	34.33744	−120.32691
122	34.30480	−120.37560
123	34.27979	−120.41671
124	34.20486	−120.53987
125	34.18182	−120.60041
126	34.10208	−120.64208
127	34.07464	−120.73023
128	33.87643	−120.85081
129	33.82377	−1720.90550
130	33.83184	−121.21320
131	33.85137	−121.34958
132	33.91005	−121.40902
133	34.08467	−121.40925
134	34.16932	−121.49111
135	34.21050	−121.49220

Point ID	Latitude	Longitude
136	34.26897	−121.49681
137	34.32128	−121.50604
138	34.37975	−121.51066
139	34.41821	−121.51681
140	34.45284	−121.52704
141	34.54049	−121.56178
142	34.57950	−121.57941
143	34.59446	−121.59010
144	34.64285	−121.62378
145	34.65978	−121.63763
146	34.67836	−121.65637
147	34.69012	−121.66652
148	34.70722	−121.68042
149	34.72486	−121.69538
150	34.74143	−121.70340
151	34.76227	−121.70500
152	34.78952	−121.69966
153	34.89914	−121.64260
154	35.01394	−121.58238

Note 1 to appendix A: The coordinates in the table marked with an asterisk (*) are not a part of the sanctuary boundary. These coordinates are landward reference points used to draw a line segment that intersects with the shoreline.

Appendix B to Subpart V of Part 922—Coordinates for Rodriguez Seamount Management Zone Within the Sanctuary

Coordinates listed in this table are unprojected (Geographic) and based on the North American Datum of 1983.

Point ID	Longitude	Latitude
1	−120.75816	34.02873
2	−120.85081	33.87643
3	−120.90550	33.82377
4	−121.21320	33.83184
5	−121.25782	33.83812
6	−121.25937	34.13926
7	−120.75892	34.14264
8	−120.75816	34.02873

[FR Doc. 2024–23607 Filed 10–11–24; 8:45 am]

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Vol. 89, No. 200

Wednesday, October 16, 2024

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FEDERAL REGISTER PAGES AND DATE, OCTOBER

79731–80054 1
80055–80360 2
80361–80714 3
80715–80992 4
80993–81286 7
81287–81814 8
81815–82158 9
82159–82452 10
82453–82930 11
82931–83420 15
83421–83600 16

CFR PARTS AFFECTED DURING OCTOBER

At the end of each month the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

2 CFR

170 79731
184 79731
200 79731
300 80055

3 CFR

Proclamations:
10773 (amended by Proc. 10817) 80351
10817 80351
10818 80355
10819 80357
10820 80359
10821 80361
10822 80363
10823 80365
10824 80367
10825 80369
10826 80371
10827 80375
10828 80377
10829 81287
10830 81815
10831 81817
10832 81821
10833 81823
10834 82925
10835 83411
10836 83413

Executive Orders:
14127 80345

Administrative Orders:
Notices:
Notice of October 10, 2024 82929
Notice of October 11, 2024 83417
Notice of October 11, 2024 83419
Presidential Permits:
Presidential Permit of October 3, 2024 81289

5 CFR

1321 82453

Proposed Rules:
532 82874

7 CFR

2 80073
305 79733
319 79733
1775 82482
3434 81293
3550 82484
3555 82484

Proposed Rules:
800 ..... 81396, 83437
982 82190

8 CFR

208 81156
235 81156
1208 81156

9 CFR

Proposed Rules:
201 82519

10 CFR

2 80715
429 81994
430 81295
431 81994

Proposed Rules:
51 80797

12 CFR

34 82931
201 80075
213 82934
226 ..... 82931, 82938
Ch. X 80075
1006 80715
1013 82934
1026 ..... 82931, 82938

Proposed Rules:
303 82537
337 82537
375 80135
1227 79785
1277 80422

13 CFR

120 79734

14 CFR

1 80310
3 81305
11 ..... 80020, 80310
25 81313
39 ..... 80077, 80379, 80724, 80729, 80734, 80993, 80995, 81314, 81320, 81324, 81326, 81329, 81333, 81336, 82486, 82488, 82491, 82493, 82496
61 ..... 80020, 80310
63 80020
65 80020
71 ..... 80382, 80383, 80739, 81338, 81339, 82159, 82944
91 ..... 80310, 80384, 81313, 83421
95 80997
97 ..... 79741, 79742
121 81313
125 81313
141 80020

Proposed Rules:
39 ..... 79789, 80155, 80427, 80827, 81403, 82190, 83437
71 ..... 79792, 80157, 80430, 80432, 80433, 81406, 81408, 82538

259.....80435
261.....80435

15 CFR

740.....83427
744.....83428
748.....80080
922.....83554

16 CFR

1215.....81825

Proposed Rules:

1.....81871
1240.....80159
1421.....80831

17 CFR

38.....83378
242.....81620

18 CFR

Proposed Rules:

40.....79794

21 CFR

820.....82945

26 CFR

1.....81341, 82160

Proposed Rules:

1.....81871
301.....81871

27 CFR

9.....83431

Proposed Rules:

24.....80160

29 CFR

1910.....81829

Proposed Rules:

1602.....82540

31 CFR

501.....81358
587 .....80740, 80741, 80742
1010.....82499

32 CFR

49.....80390
170.....83092

Proposed Rules:

220.....79804

33 CFR

100 .....80396, 81004, 81006, 81361, 82506
117.....82945, 83435
165 .....80093, 80396, 80398, 80400, 80742, 80743, 81008, 82170

Proposed Rules:

117.....80436

37 CFR

42.....79744, 82172
201.....80743
229.....80743

Proposed Rules:

380.....82543

38 CFR

38.....82179
39.....82179

Proposed Rules:

3.....79815
14.....82546
81.....80172

39 CFR

Proposed Rules:

111.....82948

40 CFR

52 .....79752, 80402, 80745, 80749, 81008, 81361, 82508, 82510
60.....83296
62.....82513
84.....82682
82.....82414
139.....82074
170.....80767
180.....81010
261.....82515, 82682
262.....82682
266.....82682
270.....82682
271.....82682
281.....79756
282.....79756, 80788

Proposed Rules:

51.....80833
52 .....79828, 80439, 80445, 81036, 81409, 82550, 82553, 82560, 82948, 82953, 83338
62.....82564
81.....81409
180.....80446
281.....79850
282.....79850, 80853
372.....81776

42 CFR

38.....80055
50.....80055
51.....80055
51a.....80055
51b.....80055
51c.....80055
51d.....80055
52.....80055
52a.....80055
52b.....80055
52c.....80055
52d.....80055
52e.....80055
55a.....80055
56.....80055
57.....80055
59.....80055
59a.....80055
62.....80055
63a.....80055
64.....80055
65.....80055
65a.....80055
66.....80055
67.....80055
124.....80055
136.....80055
405.....80098, 83240
412 .....80095, 80098, 80131, 80405
413.....80098, 80132
417.....80055
418.....79764
430.....80055
431.....80098
433.....80055
434.....80055
436.....80055
438.....80055
440.....80055
441.....80055
456.....80055
457.....80055
476.....83240
482.....80098
485.....80098
488.....80132
489.....83240
495.....80098
512.....80098
1001.....80055
1007.....80055

Proposed Rules:

600.....82308

44 CFR

9.....82182

45 CFR

16.....80055
63.....80055
75.....80055
87.....80055
95.....80055
98.....80055
261.....80055
262.....80055
263.....80055
265.....80055
286.....80055
287.....80055
301.....80055
302.....80055
303.....80055
304.....80055
309.....80055
400.....80055
1000.....80055
1303.....80055
1321.....80055
1328.....80055
1336.....80055
1355.....80055
1357.....80055

Proposed Rules:

153.....82308
155.....82308
156.....82308
158.....82308

47 CFR

9.....81013
64.....82518

Proposed Rules:

64.....80449

48 CFR

205.....82182
206.....82183
212.....82182, 82183
214.....82182
215.....82182
237.....82182
252.....82183, 82188
270.....82183
Ch. 4.....81014

Proposed Rules:

234.....82193
242.....82193
252.....82193, 82196
301.....80634
302.....80634
303.....80634
304.....80634
305.....80634
306.....80634
308.....80634
309.....80634
311.....80634
312.....80634
313.....80634
314.....80634
315.....80634
316.....80634
318.....80634
319.....80634
322.....80634
323.....80634
324.....80634
325.....80634
326.....80634
327.....80634
330.....80634
331.....80634
332.....80634
333.....80634
334.....80634
335.....80634
336.....80634
337.....80634
341.....80634
342.....80634
343.....80634
344.....80634
345.....80634
347.....80634
352.....80634
370.....80634
3025.....79851
3052.....79851

49 CFR

225.....79767
571.....81836

Proposed Rules:

40.....82957
199.....82957

50 CFR

17.....81388
217.....79777, 81848
223.....81867
622.....81031
635.....81032
648 .....79778, 80795, 81869
679 .....79783, 81034, 81394

Proposed Rules:

17.....79857, 79880
648.....83440
660.....81878

LIST OF PUBLIC LAWS

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws**.

Last List October 8, 2024

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