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Title 3—

Memorandum of September 25, 2024

The President

Delegation of Authority Under Section 506(a)(1) and Section 614(a)(1) of the Foreign Assistance Act of 1961

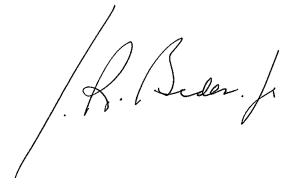
Memorandum for the Secretary of State

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 621 of the Foreign Assistance Act of 1961 (FAA), I hereby delegate to the Secretary of State:

(1) the authority under section 506(a)(1) of the FAA to direct the drawdown of up to \$375 million in defense articles and services of the Department of Defense, and military education and training, to provide assistance to Ukraine and to make the determinations required under such section to direct such a drawdown; and

(2) the authority under section 614(a)(1) of the FAA to determine whether it is important to the security interests of the United States to furnish up to \$103 million in assistance to Ukraine without regard to any provision of law within the purview of section 614(a)(1) of the FAA.

You are authorized and directed to publish this memorandum in the *Federal Register*.



THE WHITE HOUSE,
Washington, September 25, 2024

Presidential Documents

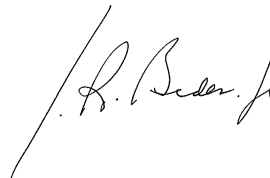
Memorandum of September 26, 2024

Delegation of Authority Under Section 506(a)(1) of the Foreign Assistance Act of 1961

Memorandum for the Secretary of State

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 621 of the Foreign Assistance Act of 1961 (FAA), I hereby delegate to the Secretary of State the authority under section 506(a)(1) of the FAA to direct the drawdown of up to \$5.55 billion in defense articles and services of the Department of Defense, and military education and training, to provide assistance to Ukraine and to make the determinations required under such section to direct such a drawdown.

You are authorized and directed to publish this memorandum in the *Federal Register*.



THE WHITE HOUSE,
Washington, September 26, 2024

Presidential Documents

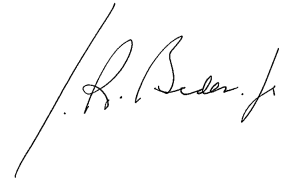
Memorandum of September 29, 2024

Delegation of Authority Under Section 506(a)(3) of the Foreign Assistance Act of 1961

Memorandum for the Secretary of State

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 621 of the Foreign Assistance Act of 1961 (FAA), I hereby delegate to the Secretary of State the authority under section 506(a)(3) of the FAA to direct the drawdown of up to \$567 million in defense articles and services of the Department of Defense, and military education and training, to provide assistance to Taiwan.

You are authorized and directed to publish this memorandum in the *Federal Register*.



THE WHITE HOUSE,
Washington, September 29, 2024

Presidential Documents

Presidential Determination No. 2024–13 of September 30, 2024

Presidential Determination on Refugee Admissions for Fiscal Year 2025

Memorandum for the Secretary of State

By the authority vested in me as President by the Constitution and the laws of the United States, in accordance with section 207 of the Immigration and Nationality Act (the “Act”) (8 U.S.C. 1157), and after appropriate consultations with the Congress, I hereby make the following determinations and authorize the following actions:

The admission of up to 125,000 refugees to the United States during Fiscal Year (FY) 2025 is justified by humanitarian concerns or is otherwise in the national interest.

The admissions numbers shall be allocated among refugees of special humanitarian concern to the United States in accordance with the following regional allocations:

Africa	30,000–50,000
East Asia	10,000–20,000
Europe and Central Asia	2,000–3,000
Latin America/Caribbean	35,000–50,000
Near East/South Asia	30,000–45,000

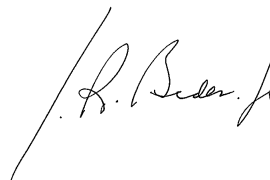
The above allocation ranges are intended to provide flexibility as needs arise, but the total admissions among all of the regions may not exceed 125,000. Upon providing notification to the Judiciary Committees of the Congress, you are hereby authorized to transfer unused admissions allocated to a particular region to one or more other regions, if there is a need for greater admissions for the region or regions to which the admissions are being transferred.

Consistent with section 2(b)(2) of the Migration and Refugee Assistance Act of 1962 (22 U.S.C. 2601(b)(2)), I hereby determine that assistance to or on behalf of persons applying for admission to the United States as part of the overseas refugee admissions program will contribute to the foreign policy interests of the United States and designate such persons for this purpose.

Consistent with section 101(a)(42) of the Act (8 U.S.C. 1101(a)(42)), and after appropriate consultation with the Congress, I also specify that, for FY 2025, the following persons may, if otherwise qualified, be considered refugees for the purpose of admission to the United States within their countries of nationality or habitual residence:

- a. Persons in Cuba;
- b. Persons in Eurasia and the Baltics;
- c. Persons in Iraq;
- d. Persons in El Salvador, Guatemala, and Honduras; and
- e. In certain circumstances, persons identified by a United States Embassy or by an authorized State Department referral partner in any location.

You are authorized and directed to publish this determination in the *Federal Register*.

A handwritten signature in black ink, appearing to read "R. B. Biden", is written over a diagonal line that extends from the top right towards the center of the page.

THE WHITE HOUSE,
Washington, September 30, 2024

Presidential Documents

Presidential Determination No. 2024–14 of September 30, 2024

Presidential Determination With Respect to the Efforts of Foreign Governments Regarding Trafficking in Persons

Memorandum for the Secretary of State

Consistent with section 110 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7107) (the “Act”), as amended, I hereby determine as follows:

As provided for in section 110(d)(1)(A)(i) of the Act, that the United States will not provide nonhumanitarian, nontrade-related assistance to the Governments of Burma and Iran for Fiscal Year (FY) 2025 until such governments comply with the Act’s minimum standards or make significant efforts to bring themselves into compliance with the minimum standards;

As provided for in section 110(d)(1)(A)(ii) of the Act, that the United States will not provide nonhumanitarian, nontrade-related assistance to, or allow funding for participation in educational and cultural exchange programs by officials or employees of, the Governments of Belarus, Cuba, the Democratic People’s Republic of Korea (DPRK), Eritrea, Macau (Special Administrative Region of the People’s Republic of China (PRC)), Nicaragua, the PRC, Russia, and Syria for FY 2025 until such governments comply with the Act’s minimum standards or make significant efforts to bring themselves into compliance with the minimum standards;

As provided for in section 110(d)(1)(B) of the Act, I hereby instruct the United States Executive Director of each multilateral development bank, as defined in the Act, and of the International Monetary Fund to vote against and use best efforts to deny any loan or other utilization of the funds of the respective institution (other than for humanitarian assistance; for trade-related assistance; or for development assistance that directly addresses basic human needs, is not administered by the government of such country, and confers no benefit to that government) for the Governments of Belarus, Burma, Cuba, the DPRK, Eritrea, Iran, Macau (Special Administrative Region of the PRC), Nicaragua, the PRC, Russia, South Sudan, and Syria for FY 2025 until such governments comply with the Act’s minimum standards or make significant efforts to bring themselves into compliance with the minimum standards;

Consistent with section 110(d)(4) of the Act, I determine that the provision of all nonhumanitarian, nontrade-related foreign assistance programs, projects, activities, and funding for educational and cultural exchange programs described in sections 110(d)(1)(A) and 110(d)(1)(B) of the Act to Brunei, Djibouti, Papua New Guinea, Turkmenistan, and Venezuela would promote the purposes of the Act or is otherwise in the national interest of the United States;

Consistent with section 110(d)(4) of the Act, I determine that providing the assistance described in section 110(d)(1)(B) of the Act to Afghanistan, Cambodia, and Sudan would promote the purposes of the Act or is otherwise in the national interest of the United States;

Consistent with section 110(d)(4) of the Act, I determine that a partial waiver with respect to Belarus, Eritrea, Macau (Special Administrative Region of the PRC), the PRC, and Russia to allow funding for educational and cultural exchange programs described in section 110(d)(1)(A)(ii) of the Act

would promote the purposes of the Act or is otherwise in the national interest of the United States;

Consistent with section 110(d)(4) of the Act, with respect to Afghanistan, I determine that a partial waiver of the restriction described in section 110(d)(1)(A)(i) of the Act to allow for Economic Support Fund and Global Health Programs (GHP) assistance would promote the purposes of the Act or is otherwise in the national interest of the United States;

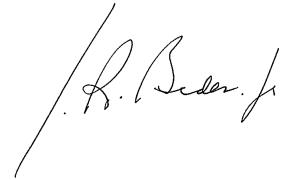
Consistent with section 110(d)(4) of the Act, with respect to Cambodia, I determine that a partial waiver of the restriction described in section 110(d)(1)(A)(i) of the Act to allow for all assistance and programs other than education programs funded from Development Assistance (DA) would promote the purposes of the Act or is otherwise in the national interest of the United States;

Consistent with section 110(d)(4) of the Act, with respect to South Sudan, I determine that a partial waiver of the restriction described in section 110(d)(1)(A)(i) of the Act to allow for GHP assistance would promote the purposes of the Act or is otherwise in the national interest of the United States; and

Consistent with section 110(d)(4) of the Act, with respect to Sudan, I determine that a partial waiver of the restriction described in section 110(d)(1)(A)(i) of the Act to allow for DA and GHP assistance would promote the purposes of the Act or is otherwise in the national interest of the United States.

In addition, with respect to the Government of Sint Maarten, consistent with the United States Government's firm stand against human trafficking, and until such government takes steps consistent with compliance with the minimum standards of the Act or makes significant efforts to do so, I hereby: (i) direct that executive departments and agencies shall not provide nonhumanitarian, nontrade-related foreign assistance, as described in section 110(d)(1)(A) of the Act, to the Government of Sint Maarten; (ii) instruct the United States Executive Director of each multilateral development bank, as defined in the Act, and of the International Monetary Fund to vote against and use best efforts to deny any loan or other utilization of the funds of the respective institution (other than for humanitarian assistance, for trade-related assistance, or for development assistance that directly addresses basic human needs, is not administered by such government, and confers no benefit to that government) to Sint Maarten, as described in section 110(d)(1)(B) of the Act; and (iii) direct that funding for participation by officials or employees of the Government of Sint Maarten in educational and cultural exchange programs shall continue to be permitted in FY 2025, consistent with the foreign policy and all applicable laws of the United States.

You are authorized and directed to submit this determination, the certification required by section 110(e) of the Act, and the Memorandum of Justification, on which I have relied, to the Congress, and to publish this determination in the *Federal Register*.

A handwritten signature in black ink, appearing to read "J. R. Biden Jr.", is positioned in the upper right quadrant of the page.

THE WHITE HOUSE,
Washington, September 30, 2024

Presidential Documents

Presidential Determination No. 2024–15 of September 30, 2024

Presidential Determination and Certification With Respect to the Child Soldiers Prevention Act of 2008

Memorandum for the Secretary of State

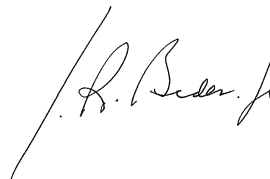
Pursuant to section 404 of the Child Soldiers Prevention Act of 2008 (22 U.S.C. 2370c–1) (CSPA), I hereby:

Determine that it is in the national interest of the United States to waive in part the application of the prohibition in section 404(a) of the CSPA with respect to Cameroon to allow for the provision of International Military Education and Training (IMET) and Peacekeeping Operations (PKO) assistance, the issuance of direct commercial sales (DCS) licenses, and support provided pursuant to 10 U.S.C. 331 and 10 U.S.C. 333, to the extent that the CSPA would restrict such assistance or support; to waive in part the application of the prohibition in section 404(a) of the CSPA with respect to Libya to allow for the provision of IMET and PKO assistance, the issuance of DCS licenses in connection with the export or reexport of transport aircraft and related parts, components, and technical data, and support provided pursuant to 10 U.S.C. 331 and 10 U.S.C. 333, to the extent that the CSPA would restrict such assistance or support; to waive in part the application of the prohibition in section 404(a) of the CSPA with respect to Somalia to allow for the provision of IMET and PKO assistance and support provided pursuant to 10 U.S.C. 331 and 10 U.S.C. 333, to the extent that the CSPA would restrict such assistance or support; to waive in part the application of the prohibition in section 404(a) of the CSPA with respect to the Democratic Republic of the Congo and Yemen to allow for the provision of IMET and PKO assistance, to the extent that the CSPA would restrict such assistance; to waive in part the application of the prohibition in section 404(a) of the CSPA with respect to the Central African Republic to allow for the provision of IMET assistance, to the extent that the CSPA would restrict such assistance; and to waive the application of the prohibition in section 404(a) of the CSPA to allow for the issuance of DCS licenses related to other United States Government assistance for the above countries and, with respect to the Russian Federation, solely for the issuance of DCS licenses in connection with the International Space Station; and

Certify that the governments of the above countries are taking effective and continuing steps to address the problem of child soldiers.

Accordingly, I hereby waive such applications of section 404(a) of the CSPA.

You are authorized and directed to submit this determination and certification to the Congress, along with the Memorandum of Justification, and to publish this determination in the *Federal Register*.



THE WHITE HOUSE,
Washington, September 30, 2024

[FR Doc. 2024-24323

Filed 10-17-24; 8:45 am]

Billing code 4710-10-P

Rules and Regulations

Federal Register

Vol. 89, No. 202

Friday, October 18, 2024

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

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

NUCLEAR REGULATORY COMMISSION

10 CFR Part 72

[NRC–2024–0105]

RIN 3150–AL18

List of Approved Spent Fuel Storage Casks: Holtec International HI–STORM 100 Cask System, Certificate of Compliance No. 1014, Renewed Amendment No. 18

AGENCY: Nuclear Regulatory Commission.

ACTION: Direct final rule; confirmation of effective date.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is confirming the effective date of November 19, 2024, for the direct final rule that was published in the **Federal Register** on September 5, 2024. The direct final rule amended its spent fuel storage regulations by revising the Holtec International HI–STORM 100 Cask System listing within the “List of approved spent fuel storage casks,” to include Renewed Amendment No. 18 to Certificate of Compliance No. 1014.

DATES: *Effective date:* The effective date of November 19, 2024, for the direct final rule published September 5, 2024 (89 FR 72304), is confirmed.

ADDRESSES: Please refer to Docket ID NRC–2024–0105 when contacting the NRC about the availability of information for this action. You may obtain publicly available information related to this action by any of the following methods:

- *Federal Rulemaking website:* Go to <https://www.regulations.gov> and search for Docket ID NRC–2024–0105. Address questions about NRC dockets to Helen Chang, telephone: 301–415–3228, email: Helen.Chang@nrc.gov. For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

- *NRC’s Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Document Collection at <https://www.nrc.gov/reading-rm/adams.html>. To begin the search, select “Begin Web-Based ADAMS Search.” For problems with ADAMS, please contact the NRC’s Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to PDR.Resource@nrc.gov. The Renewed Amendment No. 18 to the Certificate of Compliance No. 1014, the associated changes to the technical specifications, and the final safety evaluation report are available in ADAMS under Accession No. ML24240A117.

- *NRC’s PDR:* The PDR, where you may examine and order copies of publicly available documents, is open by appointment. To make an appointment to visit the PDR, please send an email to PDR.Resource@nrc.gov or call 1–800–397–4209 or 301–415–4737, between 8 a.m. and 4 p.m. eastern time, Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Christian Jacobs, Office of Nuclear Material Safety and Safeguards; telephone: 301–415–6825; email: Christian.Jacobs@nrc.gov or Sarah Lopas, Office of Nuclear Material Safety and Safeguards; telephone: 301–415–6360; email: Sarah.Lopas@nrc.gov. Both are staff of the U.S. Nuclear Regulatory Commission, Washington DC 20555–0001.

SUPPLEMENTARY INFORMATION: On September 5, 2024 (89 FR 72304), the NRC published a direct final rule amending its regulations in part 72 of title 10 of the *Code of Federal Regulations* to the Holtec International HI–STORM 100 Cask System listing within the “List of approved spent fuel storage casks” to include Renewed Amendment No. 18 to Certificate of Compliance No. 1014. Renewed Amendment No. 18 amends the certificate of compliance to incorporate the Holtec Report No. HI–2200343–A entitled, “Topical Report for Allowance of Heat Load Patterns in HI–STORM 100 and HI–STORM FW Systems” (ML24018A198).

In the direct final rule, the NRC stated that if no significant adverse comments were received, the direct final rule would become effective on November

19, 2024. The NRC did not receive any comments on the direct final rule. Therefore, this direct final rule will become effective as scheduled.

Dated: October 10, 2024.

For the Nuclear Regulatory Commission.

Aaron Sanders,

Acting Chief, Regulatory Analysis and Rulemaking Support Branch, Division of Rulemaking, Environmental, and Financial Support, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 2024–23834 Filed 10–17–24; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

10 CFR Part 72

[NRC–2024–0120]

RIN 3150–AL19

List of Approved Spent Fuel Storage Casks: NAC International, Inc. MAGNASTOR® Storage System, Certificate of Compliance No. 1031, Amendment No. 13

AGENCY: Nuclear Regulatory Commission.

ACTION: Direct final rule; confirmation of effective date.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is confirming the effective date of November 19, 2024, for the direct final rule that was published in the **Federal Register** on September 5, 2024. This direct final rule amended the NAC International, Inc. MAGNASTOR® Storage System listing within the “List of approved spent fuel storage casks” to include Amendment No. 13 to Certificate of Compliance No. 1031.

DATES: The effective date of November 19, 2024, for the direct final rule published September 5, 2024 (89 FR 72299), is confirmed.

ADDRESSES: Please refer to Docket ID NRC–2024–0120 when contacting the NRC about the availability of information for this action. You may obtain publicly available information related to this action by any of the following methods:

- *Federal Rulemaking Website:* Go to <https://www.regulations.gov> and search for Docket ID NRC–2024–0120. Address questions about NRC dockets to Helen Chang; telephone: 301–415–3228; email: Helen.Chang@nrc.gov. For technical

questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

- *NRC's Agencywide Documents Access and Management System (ADAMS)*: You may obtain publicly available documents online in the ADAMS Public Documents collection at <https://www.nrc.gov/reading-rm/adams.html>. To begin the search, select "Begin Web-based ADAMS Search." For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1-800-397-4209, 301-415-4737, or by email to PDR.Resource@nrc.gov. The Amendment No. 13 of certificate of compliance No. 1031 and associated changes to the technical specifications, and safety evaluation report can also be viewed in ADAMS under Package Accession No. ML24075A113.

- *NRC's PDR*: The PDR, where you may examine and order copies of public documents, is open by appointment. To make an appointment to visit the PDR, please send an email to PDR.Resource@nrc.gov or call 1-800-397-4209 or 301-415-4737, between 8 a.m. and 4 p.m. eastern time, Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: George Tartal, Office of Nuclear Material Safety and Safeguards; telephone: 301-415-0016, email: george.tartal@nrc.gov and Nishka Devaser, telephone: 301-415-5196, email: nishka.devaser@nrc.gov. Both are staff of the U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

SUPPLEMENTARY INFORMATION: On September 5, 2024 (89 FR 72299), the NRC published a direct final rule amending its regulations in part 72 of title 10 of the *Code of Federal Regulations* by revising the NAC International Inc. MAGNASTOR® Storage System listing within the "List of approved spent fuel storage casks" to include Amendment No. 13 to Certificate of Compliance No. 1031. Amendment No. 13 amends the certificate of compliance to add a new type of radioactive contents to be stored inside the canister, use an alternative concrete compressive strength, and add a new design configuration to accommodate the new contents.

In the direct final rule, the NRC stated that if no significant adverse comments were received, the direct final rule would become effective on November 19, 2024. The NRC did not receive any comments on the direct final rule. Therefore, this direct final rule will become effective as scheduled.

Dated: October 11, 2024.

For the Nuclear Regulatory Commission.

Aaron Sanders,

Acting Chief, Regulatory Analysis and Rulemaking Support Branch, Division of Rulemaking, Environmental, and Financial Support, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 2024-24059 Filed 10-17-24; 8:45 am]

BILLING CODE 7590-01-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA-2023-2212; Airspace Docket No. 23-ASO-50]

RIN 2120-AA66

Amendment of Class E Airspace; Highlands, NC

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends Class E airspace extending upward from 700 feet above the surface for Highlands-Cashiers Hospital, Highlands, NC, as new instrument approach procedures have been designed for Highlands-Cashiers Hospital. This action also updates the coordinates for Highland-Cashiers Hospital. Controlled airspace is necessary for the safety and management of instrument flight rules (IFR) operations at this airport.

DATES: Effective 0901 UTC, December 26, 2024. The Director of the Federal Register approves this incorporation by reference action under 1 CFR part 51, subject to the annual revision of FAA Order JO 7400.11 and publication of conforming amendments.

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

FAA Order JO 7400.11J, Airspace Designations, and Reporting Points, as well as subsequent amendments, can be viewed online at www.faa.gov/air-traffic/publications/. For further information, you can contact the Airspace Policy Group, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267-8783.

FOR FURTHER INFORMATION CONTACT: Robert Scott Stuart, Operations Support Group, Eastern Service Center, Federal

Aviation Administration, 1701 Columbia Avenue, College Park, GA 30337; telephone: (404) 305-5926.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority, as it amends Class E airspace extending upward from 700 feet above the surface for Highlands-Cashiers Hospital, Highlands, NC.

History

The FAA published a notice of proposed rulemaking for Docket No. FAA 2023-2212 in the **Federal Register** (89 FR 63116; August 2, 2024), proposing to amend Class E airspace extending upward from 700 feet above the surface for Highlands-Cashiers Hospital, Highlands, NC. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

Incorporation by Reference

Class E airspace is published in paragraph 6005 of FAA Order JO 7400.11, Airspace Designations and Reporting Points, which is incorporated by reference in 14 CFR 71.1 on an annual basis. This document amends the current version of that order, FAA Order JO 7400.11J, dated July 31, 2024, and effective September 15, 2024. FAA Order JO 7400.11J is publicly available as listed in the **ADDRESSES** section of this document. These amendments will be published in the next update to FAA Order JO 7400.11. FAA Order JO 7400.11J lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

The Rule

This amendment to 14 CFR part 71 amends Class E airspace extending upward from 700 feet above the surface for Highlands-Cashiers Hospital, Highlands, NC, by relocating the center point of the Class E airspace extending upward from 700 feet above the surface

within a 6-mile radius of Highlands-Cashiers Hospital. Additionally, this action deletes the Point In Space Coordinates for Highlands-Cashiers Hospital and uses Highlands-Cashiers Hospital as a reference to accommodate Class E airspace requirements. Controlled airspace is necessary for the safety and management of instrument flight rules (IFR) operations in the area.

Regulatory Notices and Analyses

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

Environmental Review

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

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Amendment

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

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

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

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

§ 71.1 [Amended]

- 2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order JO 7400.11J, Airspace Designations and Reporting Points, dated July 31, 2024, and effective September 15, 2024, is amended as follows:

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

* * * * *

ASO NC E5 Highlands, NC [Amended]

Highlands-Cashiers Hospital
(lat. 35°05′10″ N, long. 83°11′13″ W)

That airspace extending upward from 700 feet or more above the surface within a 6-mile radius of Highlands-Cashiers Hospital.

* * * * *

Issued in College Park, Georgia, on October 11, 2024.

Andree C. Davis,

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

[FR Doc. 2024–23962 Filed 10–17–24; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2023–2171; Airspace Docket No. 23–ASO–46]

RIN 2120–AA66

Amendment of Class E Airspace; Tallahassee, FL

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends Class E airspace extending upward from 700 feet above the surface for Tallahassee, FL, as new instrument approach procedures have been designed for Tallahassee Memorial Hospital Heliport, Tallahassee, FL. Additionally, this action corrects the Tallahassee International Airport name along with correcting coordinates for Tallahassee International Airport and Quincy Municipal Airport. Controlled airspace is necessary for the safety and management of instrument flight rules (IFR) operations at this airport.

DATES: Effective 0901 UTC, December 26, 2024. The Director of the Federal Register approves this incorporation by reference action under 1 CFR part 51, subject to the annual revision of FAA Order JO 7400.11 and publication of conforming amendments.

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

FAA Order JO 7400.11J, Airspace Designations, and Reporting Points, as well as subsequent amendments, can be viewed online at www.faa.gov/air-traffic/publications/. For further information, you can contact the Airspace Policy Group, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267–8783.

FOR FURTHER INFORMATION CONTACT:

Robert Scott Stuart, Operations Support Group, Eastern Service Center, Federal Aviation Administration, 1701 Columbia Avenue, College Park, GA 30337; telephone: (404) 305–5926.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA’s authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency’s authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority, as it amends Class E airspace extending upward from 700 feet above the surface for Tallahassee Memorial Hospital Heliport, Tallahassee, FL.

History

The FAA published a notice of proposed rulemaking for Docket No. FAA 2023–2171 in the **Federal Register** (89 FR 54741; July 2, 2024), proposing to amend Class E airspace extending upward from 700 feet above the surface for Tallahassee Memorial Hospital Heliport, Tallahassee, FL. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

Incorporation by Reference

Class E airspace is published in paragraph 6005 of FAA Order JO 7400.11, Airspace Designations and Reporting Points, which is incorporated

by reference in 14 CFR 71.1 on an annual basis. This document amends the current version of that order, FAA Order JO 7400.11J, dated July 31, 2024, and effective September 15, 2024. FAA Order JO 7400.11J is publicly available as listed in the **ADDRESSES** section of this document. These amendments will be published in the next update to FAA Order JO 7400.11. FAA Order JO 7400.11J lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

The Rule

This amendment to 14 CFR part 71 amends Class E airspace by adding airspace extending upward from 700 feet above the surface within a 6-mile radius of the point in space (Lat. 30°27'26" N, long. 84°15'40" W) for Tallahassee Memorial Hospital Heliport, Tallahassee, FL. Additionally, it corrects the Tallahassee International Airport name and coordinates for Tallahassee International Airport (formerly Tallahassee Regional Airport) and Quincy Municipal Airport. Controlled airspace is necessary for the safety and management of instrument flight rules (IFR) operations in the area.

Regulatory Notices and Analyses

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

Environmental Review

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

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Amendment

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

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

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

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

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order JO 7400.11J, Airspace Designations and Reporting Points, dated July 31, 2024, and effective September 15, 2024, is amended as follows:

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

* * * * *

ASO FL E5 Tallahassee, FL [Amended]

Tallahassee International Airport

(Lat. 30°23'48" N, long. 84°21'03" W)

Quincy Municipal Airport

(Lat. 30°35'52" N, long. 84°33'27" W)

Tallahassee Memorial Hospital Heliport

(Lat. 30°27'26" N, long. 84°15'40" W)

That airspace extending upward from 700 feet above the surface within a 10-mile radius of the Tallahassee International Airport, a 6.3-mile radius of Quincy Municipal Airport, and within a 6-mile radius of the Tallahassee Memorial Hospital Heliport.

* * * * *

Issued in College Park, Georgia, on October 11, 2024.

Andree C. Davis,

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

[FR Doc. 2024–23957 Filed 10–17–24; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 31569; Amdt. No. 4134]

Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule amends, suspends, or removes Standard Instrument Approach Procedures (SIAPs) and associated Takeoff Minimums and Obstacle Departure Procedures for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, adding new obstacles, or changing air traffic requirements. These changes are designed to provide for the safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: This rule is effective October 18, 2024. The compliance date for each SIAP, associated Takeoff Minimums, and ODP is specified in the amendatory provisions.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of October 18, 2024.

ADDRESSES: Availability of matter incorporated by reference in the amendment is as follows:

For Examination

1. U.S. Department of Transportation, Docket Ops–M30, 1200 New Jersey Avenue SE, West Bldg., Ground Floor, Washington, DC 20590–0001;

2. The FAA Air Traffic Organization Service Area in which the affected airport is located;

3. The office of Aeronautical Information Services, 6500 South MacArthur Blvd., Oklahoma City, OK 73169 or,

4. The National Archives and Records Administration (NARA).

For information on the availability of this material at NARA, visit www.archives.gov/federal-register/cfr/ibr-locations or email fr.inspection@nara.gov.

Availability

All SIAPs and Takeoff Minimums and ODPs are available online free of charge. Visit the National Flight Data Center online at nfdc.faa.gov to register. Additionally, individual SIAP and Takeoff Minimums and ODP copies may be obtained from the FAA Air Traffic Organization Service Area in which the affected airport is located.

FOR FURTHER INFORMATION CONTACT:

Thomas J. Nichols, Standards Section Manager, Flight Procedures and Airspace Group, Flight Technologies and Procedures Division, Office of Safety Standards, Flight Standards Service, Aviation Safety, Federal Aviation Administration, Mailing Address: FAA Mike Monroney Aeronautical Center, Flight Procedures and Airspace Group, 6500 South MacArthur Blvd., STB Annex, Bldg. 26, Room 217, Oklahoma City, OK 73099. Telephone: (405) 954-1139.

SUPPLEMENTARY INFORMATION: This rule amends 14 CFR part 97 by amending the referenced SIAPs. The complete regulatory description of each SIAP is listed on the appropriate FAA Form 8260, as modified by the National Flight Data Center (NFDC)/Permanent Notice to Air Missions (P-NOTAM), and is incorporated by reference under 5 U.S.C. 552(a), 1 CFR part 51, and 14 CFR 97.20. The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the **Federal Register** expensive and impractical. Further, pilots do not use the regulatory text of the SIAPs, but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained on FAA form documents is unnecessary. This amendment provides the affected CFR sections, and specifies the SIAPs and Takeoff Minimums and ODPs with their applicable effective dates. This amendment also identifies the airport and its location, the procedure and the amendment number.

Availability and Summary of Material Incorporated by Reference

The material incorporated by reference is publicly available as listed in the **ADDRESSES** section.

The material incorporated by reference describes SIAPs, Takeoff Minimums and ODPs as identified in the amendatory language for part 97 of this final rule.

The Rule

This amendment to 14 CFR part 97 is effective upon publication of each separate SIAP and Takeoff Minimums and ODP as amended in the transmittal. For safety and timeliness of change considerations, this amendment incorporates only specific changes contained for each SIAP and Takeoff Minimums and ODP as modified by FDC permanent NOTAMs.

The SIAPs and Takeoff Minimums and ODPs, as modified by FDC permanent NOTAM, and contained in this amendment are based on criteria contained in the U.S. Standard for Terminal Instrument Procedures (TERPS). In developing these changes to SIAPs and Takeoff Minimums and ODPs, the TERPS criteria were applied only to specific conditions existing at the affected airports. All SIAP amendments in this rule have been previously issued by the FAA in a FDC NOTAM as an emergency action of immediate flight safety relating directly to published aeronautical charts.

The circumstances that created the need for these SIAP and Takeoff Minimums and ODP amendments require making them effective in less than 30 days.

Because of the close and immediate relationship between these SIAPs, Takeoff Minimums and ODPs, and safety in air commerce, I find that notice and public procedure under 5 U.S.C. 553(b) are impracticable and contrary to the public interest and, where applicable, under 5 U.S.C. 553(d), good cause exists for making these SIAPs effective in less than 30 days.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally

current. It, therefore—(1) is not a “significant regulatory action” under Executive Order 12866; (2) is not a “significant rule” under DOT regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 97

Air Traffic Control, Airports, Incorporation by reference, Navigation (Air).

Issued in Washington, DC, on September 27, 2024.

Thomas J. Nichols,

Standards Section Manager, Flight Procedures and Airspace Group, Flight Technologies and Procedures Division, Office of Safety Standards, Flight Standards Service, Aviation Safety, Federal Aviation Administration.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, 14 CFR part 97 is amended by amending Standard Instrument Approach Procedures and Takeoff Minimums and ODPs, effective at 0901 UTC on the dates specified, as follows:

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

- 1. The authority citation for part 97 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g), 40103, 40106, 40113, 40114, 40120, 44502, 44514, 44701, 44719, 44721–44722.

- 2. Part 97 is amended to read as follows:

By amending: § 97.23 VOR, VOR/DME, VOR or TACAN, and VOR/DME or TACAN; § 97.25 LOC, LOC/DME, LDA, LDA/DME, SDF, SDF/DME; § 97.27 NDB, NDB/DME; § 97.29 ILS, ILS/DME, MLS, MLS/DME, MLS/RNAV; § 97.31 RADAR SIAPs; § 97.33 RNAV SIAPs; and § 97.35 COPTER SIAPs, Identified as follows:

* * * Effective Upon Publication

AIRAC date	State	City	Airport	FDC No.	FDC date	Subject
31-Oct-24 ...	CO	Gunnison	Gunnison-Crested Butte Rgnl.	4/0631	8/16/2024	This NOTAM, published in Docket No. 31567, Amdt No. 4132, TL 24–23, (89 FR 79742, October 1, 2024) is hereby rescinded in its entirety.

AIRAC date	State	City	Airport	FDC No.	FDC date	Subject
31-Oct-24 ...	MN	Morris	Morris Muni/Charlie Schmidt Fld.	4/6540	8/27/2024	This NOTAM, published in Docket No. 31567, Amdt No. 4132, TL 24-23, (89 FR 79742, October 1, 2024) is hereby rescinded in its entirety.
AIRAC date	State	City	Airport	FDC No.	FDC date	Procedure name
31-Oct-24 ...	OK	Frederick	Frederick Rgnl	4/0640	9/6/2024	RNAV (GPS) RWY 35, Orig-B.
31-Oct-24 ...	KS	Phillipsburg	Phillipsburg Muni	4/0769	9/5/2024	RNAV (GPS) RWY 31, Amdt 2A.
31-Oct-24 ...	AK	Cordova	Merle K (Mudhole) Smith ...	4/0804	9/6/2024	RNAV (GPS) RWY 27, Amdt 2C.
31-Oct-24 ...	WI	Cumberland	Cumberland Muni	4/0812	9/6/2024	RNAV (GPS) RWY 9, Orig.
31-Oct-24 ...	WI	Cumberland	Cumberland Muni	4/0814	9/6/2024	RNAV (GPS) RWY 27, Orig.
31-Oct-24 ...	WI	Platteville	Platteville Muni	4/1599	9/17/2024	RNAV (GPS) RWY 25, Orig-B.
31-Oct-24 ...	CO	Gunnison	Gunnison-Crested Butte Rgnl.	4/5071	9/17/2024	RNAV (RNP) RWY 24, Orig-A.
31-Oct-24 ...	MA	Plymouth	Plymouth Muni	4/6070	7/23/2024	RNAV (GPS) RWY 6, Amdt 1E.
31-Oct-24 ...	MA	Plymouth	Plymouth Muni	4/6071	7/23/2024	RNAV (GPS) RWY 33, Amdt 1A.
31-Oct-24 ...	MA	Plymouth	Plymouth Muni	4/6072	7/23/2024	RNAV (GPS) RWY 15, Orig-B.
31-Oct-24 ...	MA	Plymouth	Plymouth Muni	4/6073	7/23/2024	RNAV (GPS) RWY 24, Orig-D.
31-Oct-24 ...	MA	Plymouth	Plymouth Muni	4/6103	7/23/2024	ILS OR LOC RWY 6, Amdt 1H.
31-Oct-24 ...	AK	Nulato	Nulato	4/6122	9/16/2024	RNAV (GPS) RWY 3, Amdt 1.
31-Oct-24 ...	OH	Youngstown/ Warren.	Youngstown/Warren Rgnl ...	4/9992	9/5/2024	ILS OR LOC RWY 32, Amdt 28.

[FR Doc. 2024-23955 Filed 10-17-24; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 31568; Amdt. No. 4133]

Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule establishes, amends, suspends, or removes Standard Instrument Approach Procedures (SIAPS) and associated Takeoff Minimums and Obstacle Departure Procedures (ODPs) for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, adding new obstacles, or changing air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: This rule is effective October 18, 2024. The compliance date for each SIAP, associated Takeoff Minimums, and ODP is specified in the amendatory provisions.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of October 18, 2024.

ADDRESSES: Availability of matters incorporated by reference in the amendment is as follows:

For Examination

1. U.S. Department of Transportation, Docket Ops-M30. 1200 New Jersey Avenue SE, West Bldg., Ground Floor, Washington, DC 20590-0001.

2. The FAA Air Traffic Organization Service Area in which the affected airport is located;

3. The office of Aeronautical Information Services, 6500 South MacArthur Blvd., Oklahoma City, OK 73169 or,

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

Availability

All SIAPs and Takeoff Minimums and ODPs are available online free of charge. Visit the National Flight Data Center at nfdc.faa.gov to register. Additionally, individual SIAP and Takeoff Minimums and ODP copies may be obtained from the FAA Air Traffic Organization Service Area in which the affected airport is located.

FOR FURTHER INFORMATION CONTACT: Thomas J. Nichols, Standards Section Manager, Flight Procedures and Airspace Group, Flight Technologies and Procedures Division, Office of

Safety Standards, Flight Standards Service, Aviation Safety, Federal Aviation Administration. Mailing Address: FAA Mike Monroney Aeronautical Center, Flight Procedures and Airspace Group, 6500 South MacArthur Blvd., STB Annex, Bldg. 26, Room 217, Oklahoma City, OK 73099. Telephone (405) 954-1139.

SUPPLEMENTARY INFORMATION: This rule amends 14 CFR part 97 by establishing, amending, suspending, or removes SIAPS, Takeoff Minimums and/or ODPs. The complete regulatory description of each SIAP and its associated Takeoff Minimums or ODP for an identified airport is listed on FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR part 51, and 14 CFR 97.20. The applicable FAA Forms are 8260-3, 8260-4, 8260-5, 8260-15A, 8260-15B, when required by an entry on 8260-15A, and 8260-15C.

The large number of SIAPs, Takeoff Minimums and ODPs, their complex nature, and the need for a special format make publication in the **Federal Register** expensive and impractical. Further, pilots do not use the regulatory text of the SIAPs, Takeoff Minimums or ODPs, but instead refer to their graphic depiction on charts printed by publishers or aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP, Takeoff Minimums and ODP listed on FAA form documents is unnecessary. This amendment provides the affected CFR sections and specifies the types of SIAPS, Takeoff Minimums and ODPs with their applicable effective

dates. This amendment also identifies the airport and its location, the procedure, and the amendment number.

Availability and Summary of Material Incorporated by Reference

The material incorporated by reference is publicly available as listed in the **ADDRESSES** section.

The material incorporated by reference describes SIAPS, Takeoff Minimums and/or ODPs as identified in the amendatory language for part 97 of this final rule.

The Rule

This amendment to 14 CFR part 97 is effective upon publication of each separate SIAP, Takeoff Minimums and ODP as amended in the transmittal. Some SIAP and Takeoff Minimums and textual ODP amendments may have been issued previously by the FAA in a Flight Data Center (FDC) Notice to Air Missions (NOTAM) as an emergency action of immediate flights safety relating directly to published aeronautical charts.

The circumstances that created the need for some SIAP and Takeoff Minimums and ODP amendments may require making them effective in less than 30 days. For the remaining SIAPs and Takeoff Minimums and ODPs, an effective date at least 30 days after publication is provided.

Further, the SIAPs and Takeoff Minimums and ODPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Procedures (TERPS). In developing these SIAPs and Takeoff Minimums and ODPs, the TERPS criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs, Takeoff Minimums and ODPs, and safety in air commerce, I find that notice and public procedure under 5 U.S.C. 553(b) are impracticable and contrary to the public interest and, where applicable, under 5 U.S.C. 553(d), good cause exists for making some SIAPs effective in less than 30 days.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a “significant regulatory action” under Executive Order 12866; (2) is not a “significant rule” under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same

reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Lists of Subjects in 14 CFR Part 97

Air Traffic Control, Airports, Incorporation by reference, Navigation (Air).

Issued in Washington, DC on September 27, 2024.

Thomas J. Nichols,

Standards Section Manager, Flight Procedures and Airspace Group, Flight Technologies and Procedures Division, Office of Safety Standards, Flight Standards Service, Aviation Safety, Federal Aviation Administration.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, 14 CFR part 97 is amended by establishing, amending, suspending, or removing Standard Instrument Approach Procedures and/or Takeoff Minimums and Obstacle Departure Procedures effective at 0901 UTC on the dates specified, as follows:

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

- 1. The authority citation for part 97 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g), 40103, 40106, 40113, 40114, 40120, 44502, 44514, 44701, 44719, 44721–44722.

- 2. Part 97 is amended to read as follows:

Effective 31 October 2024

Kake, AK, AFE/PAFE, NDB/DME RWY 11, Amdt 1A, CANCELED
Ketchikan, AK, KTN/PAKT, ILS Y OR LOC Y RWY 11, Amdt 8A
Ketchikan, AK, KTN/PAKT, ILS Z OR LOC Z RWY 11, Amdt 2
Ketchikan, AK, KTN/PAKT, LOC X RWY 11, Amdt 1A
Imperial, CA, IPL, VOR–A, Amdt 5
Sacramento, CA, MHR, RNAV (GPS) RWY 4R, Amdt 3
Fort Myers, FL, RSW, ILS OR LOC RWY 6, Amdt 8
Fort Myers, FL, RSW, RNAV (GPS) Y RWY 6, Amdt 2
Fort Myers, FL, RSW, RNAV (GPS) Y RWY 24, Amdt 2
Fort Myers, FL, RSW, RNAV (RNP) Z RWY 6, Orig
Fort Myers, FL, RSW, RNAV (RNP) Z RWY 24, Orig
Fort Myers, FL, RSW, VOR OR TACAN RWY 24, Amdt 2D
St Petersburg, FL, KSPG, RNAV (GPS) RWY 18, Amdt 2
St Petersburg, FL, KSPG, VOR RWY 18, Amdt 10, CANCELED
Iowa City, IA, IOW, RNAV (GPS) RWY 25, Amdt 3

Iowa City, IA, IOW, RNAV (GPS) RWY 30, Amdt 2
Iowa City, IA, KIW, Takeoff Minimums and Obstacle DP, Amdt 5A
Iowa City, IA, IOW, VOR–A, Amdt 1
Augusta, KS, 3AU, RNAV (GPS) RWY 18, Orig
Augusta, KS, 3AU, RNAV (GPS) RWY 36, Amdt 2
Augusta, KS, 3AU, Takeoff Minimums and Obstacle DP, Amdt 2
Augusta, KS, 3AU, VOR–A, Amdt 3
Perryville, MO, PCD, RNAV (GPS) RWY 2, Amdt 1
Perryville, MO, PCD, RNAV (GPS) RWY 20, Amdt 1
Perryville, MO, KPCD, Takeoff Minimums and Obstacle DP, Amdt 1
White Sulphur Springs, MT, 7S6, RNAV (GPS) RWY 1, Orig
White Sulphur Springs, MT, 7S6, RNAV (GPS) RWY 19, Orig
White Sulphur Springs, MT, 7S6, Takeoff Minimums and Obstacle DP, Orig
Youngstown/Warren, OH, YNG, RNAV (GPS) RWY 32, Amdt 1
Klamath Falls, OR, LMT, ILS Y OR LOC Y RWY 32, Amdt 21
Klamath Falls, OR, LMT, RNAV (GPS) RWY 14, Amdt 2
Klamath Falls, OR, LMT, RNAV (GPS) RWY 32, Amdt 1
Brownwood, TX, BWD, LOC RWY 17, Amdt 5
Brownwood, TX, BWD, RNAV (GPS) RWY 17, Amdt 1D
Brownwood, TX, BWD, VOR RWY 17, Orig
Brownwood, TX, BWD, VOR RWY 35, Amdt 2
Lubbock, TX, F82, RNAV (GPS) RWY 17, Orig
Lubbock, TX, F82, RNAV (GPS) RWY 35, Orig
Lubbock, TX, F82, Takeoff Minimums and Obstacle DP, Orig

[FR Doc. 2024–23953 Filed 10–17–24; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 16

[Docket No. FDA–2024–N–3654]

RIN 0910–AI97

Regulatory Hearing Before the Food and Drug Administration; General Provisions; Amendments; Correction

AGENCY: Food and Drug Administration, HHS.

ACTION: Direct final rule; correction.

SUMMARY: The Food and Drug Administration (FDA, Agency, or we) is correcting a final rule entitled “Regulatory Hearing Before the Food and Drug Administration; General Provisions; Amendments” that appeared

in the **Federal Register** of September 20, 2024. The final rule inadvertently omitted the effective date for a provision in the regulatory text. This document corrects the error in the **DATES** portion.

DATES: Effective February 3, 2025.

FOR FURTHER INFORMATION CONTACT:

Joyce Strong, Office of Policy, Legislation, and International Affairs, Food and Drug Administration, 10903 New Hampshire Ave., Silver Spring, MD 20993, 301-796-9148.

SUPPLEMENTARY INFORMATION: In FR Doc. 2024-21231, published in the **Federal Register** of Friday, September 20, 2024 (89 FR 77019), on page 77019, in the third column, the **DATES** section is corrected to read as follows:

DATES: *Effective date:* This rule is effective February 3, 2025, except for amendatory instruction number 3, amending 21 CFR 16.1(b)(2), which is effective December 18, 2025. Either electronic or written comments on the direct final rule or its companion proposed rule must be submitted by December 4, 2024. If FDA receives no significant adverse comments within the specified comment period, the Agency intends to publish a document confirming the effective date of the final rule in the **Federal Register** within 30 days after the comment period on this direct final rule ends. If timely significant adverse comments are received, the Agency will publish a document in the **Federal Register** withdrawing this direct final rule within 30 days after the comment period on this direct final rule ends.

Dated: October 10, 2024.

Eric Flamm,

Acting Associate Commissioner for Policy.

[FR Doc. 2024-24100 Filed 10-17-24; 8:45 am]

BILLING CODE 4164-01-P

DEPARTMENT OF THE TREASURY

Financial Crimes Enforcement Network

31 CFR Part 1010

RIN 1506-AB49

Update to the Public Utility Exemption Under the Beneficial Ownership Information Reporting Rule

AGENCY: Financial Crimes Enforcement Network (FinCEN), Treasury.

ACTION: Final rule.

SUMMARY: FinCEN is publishing this final rule to clarify an exemption under the beneficial ownership information reporting rule that FinCEN published on September 30, 2022. This rule modifies

the language exempting certain public utilities from the definition of “reporting company” in the beneficial ownership information reporting rule to more clearly implement the language of the exemption found in the Corporate Transparency Act.

DATES: This rule is October 18, 2024.

FOR FURTHER INFORMATION CONTACT: The FinCEN Regulatory Support Section at 1-800-767-2825 or electronically at frc@fincen.gov.

SUPPLEMENTARY INFORMATION:

I. Background

On September 30, 2022, FinCEN issued the beneficial ownership information (BOI) reporting rule (“Reporting Rule”).¹ That rule implemented the reporting requirements of section 6403 of the Corporate Transparency Act (CTA), enacted into law as part of the National Defense Authorization Act of Fiscal Year 2021 (NDAA).² The CTA requires certain types of domestic and foreign entities, called “reporting companies,” to submit information about “beneficial owners” to FinCEN.³ The CTA generally defines a reporting company as a corporation, limited liability company, or other similar entity that is created or registered to do business in the United States by the filing of a document with a secretary of state or similar office under the law of a State or Indian Tribe.⁴ The CTA exempts twenty-three categories of entities from that definition.⁵ One such exemption is for “a public utility that provides telecommunications services, electrical power, natural gas, or water and sewer services within the United States.”⁶

In the Reporting Rule, FinCEN gave precision to the CTA’s public utility exemption by making a reference to the Internal Revenue Code, which defines a regulated public utility for tax purposes. The Reporting Rule states that the exemption applies to “[a]ny entity that is a regulated public utility as defined in 26 U.S.C. 7701(a)(33)(A) that provides telecommunications services, electrical power, natural gas, or water

and sewer services within the United States.”⁷

While the CTA’s public utility exemption mentions four types of public utilities (telecommunications services, electrical power, natural gas, and water and sewer services), questions have arisen about the application of the exemption to providers of telecommunications services because the specific provision cross-referenced in the Internal Revenue Code definition—subparagraph (A) of 26 U.S.C. 7701(a)(33)—is only part of the definition of a regulated public utility that provides telecommunications services. Unlike covered providers of electrical power, natural gas, and water and sewer services, which are defined in subparagraph (A), covered providers of telecommunications services are defined by operation of subparagraphs (D) and (A) together. Subparagraph (D) specifies that a regulated public utility includes “a corporation engaged in the furnishing or sale of telephone or telegraph service, if the rates for such furnishing or sale meet the requirements of subparagraph (A),” and subparagraph (A) sets forth those requirements with regard to rates. FinCEN intended to cross-reference both of these provisions in the Reporting Rule’s public utility exemption but inadvertently omitted a reference to subparagraph (D) in the final rule.⁸

On June 10, 2024, FinCEN issued guidance in the form of a Frequently Asked Question clarifying that the CTA’s exemption for public utilities includes a corporation engaged in the furnishing or sale of telephone or telegraph services if the rates for such furnishing or sale meet the requirements of 26 U.S.C. 7701(a)(33)(A), as specified in 26 U.S.C. 7701(a)(33)(D).⁹

II. The Final Rule

In this final rule, FinCEN is amending its regulations, consistent with its June 10, 2024 guidance, to make clear that certain telecommunications services providers are exempt from reporting requirements under the CTA. To avoid any confusion arising from the cross-reference to subparagraph (A), FinCEN is adding a cross-reference to subparagraph (D). As amended, the regulation will provide as follows (new language in **bold italics**): “(xvi) ***Public utility.*** Any entity that is a regulated public utility as defined in 26 U.S.C. 7701(a)(33)(A) **or (D)** that provides

¹ 87 FR 59498 (Sept. 30, 2022), *codified at* 31 CFR 1010.380.

² The CTA is Title LXIV of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021, Public Law 116-283 (Jan. 1, 2021). Division F of the NDAA is the Anti-Money Laundering Act of 2020, which includes the CTA. Section 6403 of the CTA, among other things, amends the Bank Secrecy Act (BSA) by adding a new section 5336, Beneficial Ownership Information Reporting Requirements, to subchapter II of chapter 53 of title 31, United States Code.

³ 31 U.S.C. 5336(b)(1).

⁴ 31 U.S.C. 5336(a)(11)(A).

⁵ 31 U.S.C. 5336(a)(11)(B).

⁶ 31 U.S.C. 5336(a)(11)(B)(xvi).

⁷ 31 CFR 1010.380(c)(2)(xvi).

⁸ FinCEN had cross-referenced both (A) and (D) in the proposed rule, 86 FR 69920 (Dec. 8, 2021).

⁹ FinCEN Frequently Asked Question L.8. (Jun. 10, 2024) available at <https://www.fincen.gov/boi-faqs>.

telecommunications services, electrical power, natural gas, or water and sewer services within the United States.” This amendment will more clearly conform the regulation’s language to the scope of the CTA’s exemption, making it easier for covered entities to understand their compliance obligations.

III. Public Participation

Because this final rule is a technical clarification that does not change the scope of the public utility exemption, FinCEN believes it is unnecessary to solicit comment on this rule. As explained above in Section II, FinCEN intended the Reporting Rule’s public utility exemption to include telecommunications services providers, as set forth in the CTA, and understood the reference to 26 U.S.C. 7701(a)(33)(A) to include them. This final rule makes FinCEN’s interpretation of the CTA and the Reporting Rule more clear, without altering the legal rights and responsibilities of any person. FinCEN therefore finds that it has good cause to dispense with notice and comment, pursuant to 5 U.S.C. 553(b)(B).

IV. Effective Date

Because this rule does not impose any obligations on the public, instead simply clarifying an existing exemption’s scope, FinCEN finds good cause for making this rule effective immediately upon publication in the **Federal Register**, as permitted by 5 U.S.C. 553(d)(3).

V. Compliance With Other Authorities

Executive Orders 12866, 13563, and 14094 direct agencies to assess costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This rule would not have an annual effect on the economy of \$200 million or otherwise constitute a “significant regulatory action” as defined under section 3(f)(1) of Executive Order 12866, as amended. Accordingly, a regulatory impact analysis is not required.

Because no notice of proposed rulemaking is required, the provisions of the Regulatory Flexibility Act do not apply.

The Regulatory Flexibility Act, Public Law 96–354, applies only to rules for which an agency publishes a general

NPRM pursuant to 5 U.S.C. 553(b).¹⁰ This rule is being immediately published as a final rule; it was not preceded by an NPRM. Therefore, the Regulatory Flexibility Act does not apply to it.

Section 202 of the Unfunded Mandates Reform Act of 1995 (UMRA), Public Law 104–4, requires that an agency prepare a budgetary impact statement before promulgating a rule that includes a Federal mandate that may result in expenditure by state, local, and Tribal governments, in the aggregate, or by the private sector, of \$184 million or more in any one year.¹¹ FinCEN has determined that this rule will not result in expenditures by state, local, and tribal governments, or by the private sector, of \$184 million or more. Accordingly, FinCEN has not prepared a budgetary impact statement or specifically addressed regulatory alternatives.

The provisions of the Paperwork Reduction Act of 1995, Public Law 104–13, and its implementing regulations do not apply to this rule because there are no new or revised recordkeeping or reporting requirements.¹²

This rule is not a major rule as defined by the Congressional Review Act, Public Law 104–121.¹³ FinCEN, however, is submitting reports under the CRA to both Houses of Congress and to the Comptroller General.

List of Subjects in 31 CFR Part 1010

Administrative practice and procedure, Aliens, Authority delegations (Government agencies), Banks and banking, Brokers, Business and industry, Commodity futures, Currency, Citizenship and naturalization, Electronic filing, Federal savings associations, Federal-States relations, Foreign persons, Holding companies, Indian—law, Indians, Indians—tribal government, Insurance companies, Investment advisers, Investment companies, Investigations, Law enforcement, Penalties, Reporting and recordkeeping requirements, Small businesses, Securities, Terrorism, Time.

¹⁰ See generally 5 U.S.C. 601 *et seq.*

¹¹ The U.S. Bureau of Economic Analysis reported the annual value of the gross domestic product (GDP) deflator in 1995 (the year in which UMRA was enacted) as 66.939; and in 2023 as 123.273. See U.S. Bureau of Economic Analysis, “Table 1.1.9. Implicit Price Deflators for Gross Domestic Product” (accessed Sept. 16, 2024). Thus, the inflation adjusted estimate for \$100 million is 123.273 divided by 66.939 and then multiplied by 100, or \$184.157 million.

¹² See generally 44 U.S.C. Chapter 35, 5 CFR part 1320.

¹³ 5 U.S.C. 804(2).

Authority and Issuance

For the reasons set forth in the preamble, part 1010 of chapter X of title 31 of the Code of Federal Regulations is amended as follows:

PART 1010—GENERAL PROVISIONS

■ 1. The authority citation for part 1010 is revised to read as follows:

Authority: 12 U.S.C. 1829b and 1951–1959; 31 U.S.C. 5311–5314, 5316–5336; title III, sec. 314 Pub. L. 107–56, 115 Stat. 307; sec. 2006, Pub. L. 114–41, 129 Stat. 457; sec. 701 Pub. L. 114–74, 129 Stat. 599; sec. 6403, Pub. L. 116–283, 134 Stat. 3388.

■ 2. In § 1010.380, revise paragraph (c)(2)(xvi) to read as follows:

§ 1010.380 Reports of beneficial ownership information.

* * * * *

(c) * * *

(2) * * *

(xvi) *Public utility.* Any entity that is a regulated public utility as defined in 26 U.S.C. 7701(a)(33)(A) or (D) that provides telecommunications services, electrical power, natural gas, or water and sewer services within the United States.

* * * * *

Andrea M. Gacki,

Director, Financial Crimes Enforcement Network.

[FR Doc. 2024–23920 Filed 10–17–24; 8:45 am]

BILLING CODE 4810–02–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2024–0896]

RIN 1625–AA00

Safety Zone; Gallagher Station, Ohio River, New Albany, IN

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for all navigable waters from mile marker 607 to 612 of the Ohio River in New Albany, IN. The safety zone is needed to protect personnel, vessels, and the marine environment from potential hazards created by the demolition at Duke Energy Gallagher Station. Entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port, Sector Ohio Valley.

DATES: This rule is effective from 8:30 a.m. on October 19, 2024, through 11 a.m. on November 9, 2024. We will enforce the zone from 8:30 a.m. to 11 a.m. on October 19, 2024. However, if the zone is not needed on October 19, 2024, then it will be enforced from 8:30 a.m. to 11 a.m. on November 9, 2024.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to <https://www.regulations.gov>, type USCG–2024–0896 in the search box and click “Search.” Next, in the Document Type column, select “Supporting & Related Material.”

FOR FURTHER INFORMATION CONTACT: If you have questions about this rule, call or email Petty Officer Bryan Crane, U.S. Coast Guard, Sector Ohio Valley, Waterways Division; telephone: 502–779–5335, email: SECOHV-WWM@uscg.mil.

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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

II. Background Information and Regulatory History

The Coast Guard is issuing this temporary rule under the authority in 5 U.S.C. 553(b)(B). This statutory provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are “impracticable, unnecessary, or contrary to the public interest.” The Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because the demolition safety team recently increased the safety exclusion zone to now encompass the navigational channel. This safety zone must be established by October 19, 2024, and there is insufficient time to request public comments and respond to these comments before the safety zone must be established. As such, it is impracticable to publish a NPRM.

Also, under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Delaying the effective date of this rule would be impracticable because prompt action is needed to respond to the potential safety hazards associated with the Gallagher Station demolition.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 46 U.S.C. 70034. The Captain of the Port Sector Ohio Valley (COTP) has determined that potential hazards associated with the demolition on October 19, will be a safety concern for anyone within mile marker 607 to 612 of the Ohio River in New Albany, IN. In the case that the demolition cannot take place on October 19, 2024, an alternate date of November 9, 2024, will be used for the safety zone and the demolition. This rule is needed to protect personnel, vessels, and the marine environment in the navigable waters within the safety zone.

IV. Discussion of the Rule

This rule establishes a temporary safety zone from 8:30 a.m. on October 19, 2024, through 11 a.m. on November 9, 2024. The safety zone will be enforced from 8:30 a.m. to 11 a.m. on October 19, 2024. In the case that the demolition cannot take place on October 19, 2024, then it will be enforced on an alternate date of November 9, 2024. The duration of the zone is intended to protect personnel, vessels, and the marine environment in these navigable waters while the demolition is taking place. Debris and a large dust cloud is expected to be present which would impose a major hazard to navigation. Due to the proximity of the McAlpine lock, multiple recreational boat ramps, and the topography of the river in this area, a 5-mile river closure was determined to be necessary. No vessel or person will be permitted to enter the safety zone without obtaining permission from the COTP or a designated representative.

V. Regulatory Analyses

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

A. Regulatory Planning and Review

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

This regulatory action determination is based on the size, location, and duration of the safety zone. This action involves a safety zone to protect persons and vessels from potential hazards created by the demolition. This action impacts a 5-mile stretch of the Ohio River for only two and a half hours. If no hazards exist after the demolition takes place, the COTP may allow vessels to transit the area earlier than the proposed closure time. Moreover, the Coast Guard would issue a Broadcast Notice to Mariners via VHF–FM marine channel 16 about the zone, and the rule would allow vessels to seek permission from the COTP to enter the zone.

B. Impact on Small Entities

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

While some owners or operators of vessels intending to transit the safety zone may be small entities, for the reasons stated in section V.A above, this rule will not have a significant economic impact on any vessel owner or operator.

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

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

about this rule or any policy or action of the Coast Guard.

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

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

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this rule under Department of Homeland Security Directive 023–01, Rev. 1, associated implementing instructions, and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves a safety zone lasting only 2.5 hours that will prohibit entry from mile marker 607 to 612 on the Ohio River. The time of this

closure may be shortened if the designated representative determines that it is safe for vessels to transit the area. It is categorically excluded from further review under paragraph L60a of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1. A Record of Environmental Consideration supporting this determination is available in the docket. For instructions on locating the docket, see the **ADDRESSES** section of this preamble.

G. Protest Activities

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

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add § 165.T08–0896 to read as follows:

§ 165.T08–0896 Safety Zone; Ohio River; New Albany, IN.

(a) *Location.* The following area is a safety zone: All navigable waters of the Ohio river from mile marker 607.0 through 612.0.

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

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

(2) To seek permission to enter, contact the COTP or the COTP's

representative by VHF Ch. 16. Those in the safety zone must comply with all lawful orders or directions given to them by the COTP or the COTP's designated representative.

(d) *Enforcement periods:* This section will be enforced from 8:30 a.m. to 11 a.m. on October 19, 2024, or in the case the demolition cannot take place on that date, then it will be enforced from 8:30 a.m. to 11 a.m. on an alternate date of November 9, 2024.

Dated: October 15, 2024.

Heather R. Mattern,

Captain, U.S. Coast Guard, Captain of the Port Sector Ohio Valley.

[FR Doc. 2024–24283 Filed 10–16–24; 4:15 pm]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2024–0863]

RIN 1625–AA00

Safety Zone; NAS Jax Air Show; St. John's River, Jacksonville, FL

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for certain navigable waters within St. John's River in Jacksonville, FL. This action is necessary to provide for the safety of life on these navigable waters during the Naval Air Station Jacksonville Air Show. Entry of vessels or persons into this safety zone is prohibited unless specifically authorize by the Captain of the Port Sector Jacksonville or a designated representative.

DATES: This rule is effective from October 18, 2024 through October 20, 2024, from 8 a.m. to 5 p.m. each day.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to <https://www.regulations.gov>, type USCG–2024–0863 in the search box and click “Search.” Next, in the Document Type column, select “Supporting & Related Material.”

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Marine Science Technician First Class Joshua Will, Waterways Management Division, U.S. Coast Guard; telephone 904–714–7661, email Joshua.H.Will@uscg.mil.

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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

II. Background Information and Regulatory History

The Coast Guard is issuing this temporary rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are “impracticable, unnecessary, or contrary to the public interest.” The Coast Guard did not receive final details of this event until September 30, 2024 and lacks sufficient time to provide for a comment period and then consider those comments before issuing the rule. It is impracticable to publish an NPRM because we must establish this safety zone by October 18, 2024. Additionally, immediate action is needed to protect personnel and vessels in St. John’s River in Jacksonville, FL while the Naval Air Station Jacksonville Air Show is underway.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Delaying the effective date of this rule would be impracticable because prompt action is needed to respond to the potential safety hazards associated with the Naval Air Station Jacksonville Air Show.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 46 U.S.C. 70034. The purpose of this rule is to ensure safety of vessels, the viewing public, and the navigable waters in the safety zone before, during, and after the scheduled event.

IV. Discussion of the Rule

This rule establishes a safety zone from 8 a.m. through 5 p.m. for October 18, through October 20, 2024. The safety zone will encompass the entire area within the defined coordinates of St. John’s River. The duration of the zone is intended to protect personnel and spectators in these navigable waters before, during, and after the air show. No vessel or person will be permitted to enter the safety zone without obtaining permission from the Captain of the Port (COTP) or a designated representative.

V. Regulatory Analyses

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

A. Regulatory Planning and Review

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

This regulatory action determination is based on the following reasons: (1) the temporary safety zone will only being enforced for a total of 9 hours per day, for a total of 27 hours; (2) although persons and vessels may not enter, transit through, anchor in, or remain within the safety zone without authorization from the COTP or a designated representative, they may operate in the surrounding area during the enforcement period; (3) persons and vessels may still enter, transit through, anchor in, or remain within the areas during the enforcement period if authorized by the COTP or a designated representative.

B. Impact on Small Entities

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

While some owners or operators of vessels intending to transit the safety zone may be small entities, for the reasons stated in section V.A above, this rule will not have a significant economic impact on any vessel owner or operator.

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121),

we want to assist small entities in understanding this rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please call or email the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

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

E. Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the

aggregate, or by the private sector of \$100,000,000 (adjusted for inflation) or more in any one year. Though this rule will not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

F. Environment

We have analyzed this rule under Department of Homeland Security Directive 023–01, Rev. 1, associated implementing instructions, and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves the establishment of a temporary safety zone lasting 9 hours each day for 3 days in the waters surrounding Naval Air Station Jacksonville in Jacksonville, FL. It is categorically excluded from further review under paragraph L60(a) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1. A Record of Environmental Consideration supporting this determination is available in the docket. For instructions on locating the docket, see the **ADDRESSES** section of this preamble.

G. Protest Activities

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

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add § 165.T07–0821 to read as follows:

§ 165.T07–0821 NAS Jax Air Show, St. John's River, Jacksonville, FL.

(a) *Location.* The following area is a safety zone: All waters of the St. John's River, from surface to bottom, encompassed by a line connecting the following points beginning at 30°14'16.5" N, 081°39'44.01" W, thence east to 30°14'16.5" N, 081°39'27.9" W, then continue east to 30°14'16.5" N, 081°38'23.1" W, thence south to 30°13'24.9" N, 081°38'30" W, thence west to 30°13'24.9" N, 081°39'32.7" W, and finally continue northwest to 30°13'48.82" N, 081°39'45.97" W. These coordinates are based on the 1984 World Geodetic System (WGS 84).

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

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

(2) To seek permission to enter, contact the COTP or the COTP's representative by Jacksonville by telephone at 904–714–7557, or a designated representative via VHF–FM radio on channel 16, to request authorization. If authorization is granted, all persons and vessels receiving such authorization must comply with the instructions of the COTP Jacksonville or a designated representative.

(d) *Enforcement period.* This section will be enforced each day from 8 a.m. through 5 p.m., from October 18, 2024 through October 20, 2024.

Dated: October 15, 2024.

J.D. Espino-Young,

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

[FR Doc. 2024–24246 Filed 10–17–24; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 261

[EPA–R06–RCRA–2024; FRL–12271–01–R6]

Hazardous Waste Management System; Identification and Listing of Hazardous Waste

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking final action to remove an existing exclusion from the list of Federal hazardous waste (delisting) issued to Samsung Austin Semiconductor (Samsung) under the Resource Conservation and Recovery Act. This removal of the exclusion is based on correspondence EPA received from Samsung on August 22, 2024, in which Samsung indicated that the facility has ceased the process creating the delisted waste.

DATES: This rule is effective October 18, 2024.

FOR FURTHER INFORMATION CONTACT: Eshala Dixon, RCRA Permits & Solid Waste Section (LCR–RP), Land, Chemicals and Redevelopment Division, EPA Region 6, 1201 Elm Street, Suite 500, Dallas, TX 75270, phone number: 214–665–6592; email address: dixon.eshala@epa.gov.

SUPPLEMENTARY INFORMATION: On October 2, 2017 (70 FR 49187), the Environmental Protection Agency (EPA) granted a petition submitted by Samsung Austin Semiconductor (Samsung) to have the copper filter cake/copper sludge from the electroplating process excluded, or delisted from the definition of a hazardous waste. The copper filter cake/copper sludge is listed as F006, wastewater treatment sludges from electroplating operations. The basis of the listing is cadmium, hexavalent chromium, nickel, and cyanide (complexed). In a correspondence dated August 22, 2024, Samsung notified EPA that the facility has ceased the electroplating process creating the delisted waste. Accordingly, EPA is amending appendix IX of 40 CFR part 261, table 1 to remove in its entirety the entry for Samsung Austin Semiconductor, Austin TX.

The changes to appendix IX to part 261 are effective October 18, 2024. The Hazardous and Solid Waste Amendments of 1984 amended section 3010 of the Resource Conservation and Recovery Act (RCRA) to allow rules to become effective in less than six months

when the regulated community does not need the six-month period to come into compliance. As described above, the facility has ceased the electroplating process creating copper filter cake/copper sludge waste which necessitates the removal of the delisted waste. Therefore, a six-month delay in the effective date is not necessary in this case. This provides the basis for making this amendment effective immediately upon publication under the Administrative Procedures Act pursuant to 5 United States Code (U.S.C.) 553(d). The EPA has determined that having a proposed rulemaking and public comment on this change is unnecessary, as it involves the removal of a delisted waste.

List of Subjects in 40 CFR Part 261

Environmental protection, Hazardous waste, Recycling, Reporting and recordkeeping requirements.

Dated: October 8, 2024.

Helena Healy,

Director, Land, Chemicals and Redevelopment Division, Region 6.

For the reasons set out in the preamble, 40 CFR part 261 is amended as follows:

PART 261—IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

■ 1. The authority citation for part 261 continues to read as follows:

Authority: 42 U.S.C. 6905, 6912(a), 6921, 6922, 6924(y) and 6938.

Appendix IX to Part 21 [Amended]

■ 2. Amend table 1 of appendix IX to part 261 by removing the entry for “Samsung” for Austin, TX.

[FR Doc. 2024–23809 Filed 10–17–24; 8:45 am]

BILLING CODE 6560–50–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

41 CFR Chapter 51

Office of Inspector General Exemptions to the Privacy Act

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled, Office of Inspector General.

ACTION: Final rule.

SUMMARY: The Committee for Purchase From People Who Are Blind or Severely Disabled (Committee, U.S. AbilityOne Commission, Commission), Office of Inspector General (OIG) is finalizing without change its Privacy Act

exemption regulations for the system of records OIG’s AbilityOne/OIG–001 Case Management System which were published as a Notice of Proposed Rulemaking on June 22, 2023. This Final Rule makes the OIG’s AbilityOne/OIG–001 Case Management System, system of records be exempt from certain sections of the Privacy Act of 1974 pursuant to the general and specific exemptions listed in the act. The law enforcement and investigatory nature of the system of records makes it inappropriate to allow individual access to records under the Privacy Act.

DATES: Effective November 17, 2024.

FOR FURTHER INFORMATION CONTACT: For general questions, please contact: Kamil Ali, Attorney-Advisor, U.S. AbilityOne Commission Office of Inspector General, 355 E Street SW (OIG Suite 335), Washington, DC 20024. Phone: (202) 603–2248, Email: kali@oig.abilityone.gov. For privacy questions, please contact: Ms. Kamil Ali, Attorney-Advisor, U.S. AbilityOne Commission Office of Inspector General, 355 E Street SW (OIG Suite 335), Washington, DC 20024. Phone: (202) 603–2248, Email: kali@oig.abilityone.gov.

SUPPLEMENTARY INFORMATION:

Background

The Privacy Act of 1974, 5 U.S.C. 401–24, governs how the Federal Government collects, maintains, and uses personally identifiable information in systems of record. The Privacy Act requires that Federal agencies publish in the **Federal Register** a system of records notice (SORN) that identifies purpose of data collection, the routine use of its disclosures, and how individuals may get access to their own records and contest it.

The Inspector General Act of 1978, 5 U.S.C. 401–24, allows the U.S. AbilityOne Commission/OIG to maintain the system to fulfill its mission. The U.S. AbilityOne Commission/OIG is responsible for conducting and supervising independent and objective audits, inspections, and investigations of the programs and operations of the Committee. OIG promotes economy, efficiency, and effectiveness within the U.S. AbilityOne Commission/OIG and prevents and detects fraud, waste, and abuse in its programs and operations. OIG’s Office of Investigations investigates allegations of criminal, civil, and administrative misconduct involving U.S. AbilityOne Commission employees, contractors, grantees, and Departmental programs and activities. This includes investigating for

violations of criminal laws by entities regulated by U.S. AbilityOne Commission, regardless of whether they receive Federal funds. These investigations can result in criminal prosecutions, fines, civil monetary penalties, and administrative sanctions.

The investigative and law enforcement nature of the system of records makes it necessary for the system to be exempt from the notice and access requirements. The Privacy Act contains general and specific exemptions for law enforcement purposes that grant these exemptions. The general exemption, 5 U.S.C. 552a(j)(2), allows exemptions for system of records that are “maintained by an agency or component thereof which performs as its principal function any activity pertaining to the enforcement of criminal laws, including police efforts to prevent, control, or reduce crime or to apprehend criminals, and the activities of prosecutors, courts, correctional, probation, pardon, or parole authorities, and which consists of (A) information compiled for the purpose of identifying individual criminal offenders and alleged offenders and consisting only of identifying data and notations of arrests, the nature and disposition of criminal charges, sentencing, confinement, release, and parole and probation status; (B) information compiled for the purpose of a criminal investigation, including reports of informants and investigators, and associated with an identifiable individual; or (C) reports identifiable to an individual compiled at any stage of the process of enforcement of the criminal laws from arrest or indictment through release from supervision.” Similarly the specific exemption in 5 U.S.C. 552a(k)(2) allows exemptions for systems of records for “investigatory material compiled for law enforcement purposes, other than material within the scope of subsection (j)(2) of this section: Provided, however, that if any individual is denied any right, privilege, or benefit that he would otherwise be entitled by Federal law, or for which he would otherwise be eligible, as a result of the maintenance of such material, such material shall be provided to such individual, except to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or, prior to the effective date of this section, under an implied promise that the identity of the source would be held in confidence.” The data collected by the AbilityOne/OIG–001 Case Management

System falls under these categories by its nature as investigatory material, and for this reason, U.S. AbilityOne Commission is adding 41 CFR 51–9.6.

Summary of Comment and Response

The Commission received one comment on the proposed rule.

Comment: One comment argued that the OIG should not be able to use the 5 U.S.C. 552a(j)(2) exemption because its function is not sufficiently criminal and sought more clarification on the nature of the system of records and how the exemptions apply.

Response: The IG Act outlines the authorities of the Inspector General under 5 U.S.C. 404(a) and grants it the ability to conduct, supervise, and coordinate investigations related to the program and to manage identification and prosecution of fraud and abuse. 41 CFR 51–9.601(c) explains the reasons the exemptions are justified to operate an investigatory system of records. Details about the system of records, such as what information it contains and how it is collected, are under the AbilityOne/OIG–001 Case Management System SORN, 88 FR 40223.

List of Subjects in 41 CFR Part 51–9

Privacy.

For reasons stated in the preamble, the Committee amends 41 CFR part 51–9 as follows:

PART 51–9—PRIVACY ACT RULES

■ 1. The authority citation for part 51–9 continues to read as follows:

Authority: 5 U.S.C. 552a.

■ 2. Revise subpart 51–9.6, consisting of § 51–9.601, to read as follows:

Subpart 51–9.6—Exemptions

§ 51–9.601 Office of Inspector General exemptions.

(a) Pursuant to section (j) of the Privacy Act of 1974, the Committee has deemed it necessary to adopt the following exemptions to specified provisions of the Privacy Act:

(1) Pursuant to 5 U.S.C. 552a(j)(2), the AbilityOne/OIG–001 Case Management System, System of Records is exempt from the following provisions of the Privacy Act: 5 U.S.C. 552a (c)(3)–(4); (d); (e)(1)–(3); (e)(4)(G)–(I); (e)(5); (e)(8); and (f)–(g) and from 41 CFR 51–9.1, 51–9.2, 51–9.3, 51–9.4, and 51–9.7.

(2) [Reserved]

(b) Pursuant to section (k) of the Privacy Act of 1974, the Committee has deemed it necessary to adopt the following exemptions to specified provisions of the Privacy Act:

(1) Pursuant to 5 U.S.C. 552a(k)(2), AbilityOne/OIG–001 Case Management System, System of Records is exempt from the following provisions of the Privacy Act, subject to the limitations set forth in those subsections: 5 U.S.C. 552a(c)(3), (d), (e)(4)(G)–(I), and (f) and from 41 CFR 51–9.1, 51–9.2, 51–9.3, 51–9.4, and 51–9.7.

(2) [Reserved]

(c) Exemptions from the subsections are justified because application of these provisions would present a serious impediment to law enforcement. Access to the records contained in this system of records could inform the subject of an investigation of an actual or potential criminal, civil, or regulatory violation, of the existence of that investigation; of the nature and scope of the information and evidence obtained as to his activities; of the identity of confidential sources, witnesses, and law enforcement personnel, and of information that may enable the subject to avoid detection or apprehension. These factors would present a serious impediment to effective law enforcement where they prevent the successful completion of the investigation, endanger the physical safety of confidential sources, witnesses, and law enforcement personnel, and/or lead to the improper influencing of witnesses, the destruction of evidence, or the fabrication of testimony. In addition, granting access to such information could disclose security-sensitive or confidential business information or information that would constitute an unwarranted invasion of the personal privacy of third parties. Finally, access to the records could result in the release of properly classified information which would compromise the national defense or disrupt foreign policy. Amendment of the records would interfere with ongoing investigations and law enforcement activities and impose an impossible administrative burden by requiring investigations to be continuously reinvestigated. It is not possible to detect relevance or necessity of specific information in the early stages of a civil, criminal or other law enforcement investigation, case, or matter, including investigations in which use is made of properly classified information. Relevance and necessity are questions of judgment and timing, and it is only after the information is evaluated that the relevance and necessity of such information can be established.

Michael R. Jurkowski,

Director, Business Operations.

[FR Doc. 2024–24087 Filed 10–17–24; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 15 and 74

[ET Docket No. 21–115; RM–11821; FCC 24–22; FR ID 207656]

Wireless Microphones in the TV Bands, 600 MHz Guard Band, 600 MHz Duplex Gap, and the 941.5–944 MHz, 944–952 MHz, 952.850–956.250 MHz, 956.45–959.85 MHz, 1435–1525 MHz, 6875–6900 MHz and 7100–7125 MHz Bands

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In this document, the Federal Communications Commission (Commission) revises the technical rules for low-power auxiliary station (LPAS) devices to permit a recently developed type of wireless microphone system, termed herein as a Wireless Multichannel Audio System (WMAS), to operate in the broadcast television (TV) bands and other LPAS frequency bands on a licensed basis. The Commission adopts technical rules for licensed WMAS operations in specific frequency bands under our LPAS rules and also permits WMAS to operate on an unlicensed basis under the rules in the TV bands and 600 MHz duplex gap. The Commission updates its existing LPAS and technical rules for wireless microphones, which already rely on certain European Telecommunications Standards Institute (ETSI) standards, to incorporate the latest version of that standard where appropriate. Finally, the Commission updates the wireless microphone rules to reflect the end of the post-Incentive Auction transition period. The Commission's goal in the FCC document is to increase wireless microphone spectral efficiency and enable more intensive use in the spectrum available for such operations.

DATES: This rule is effective November 18, 2024. The incorporation by reference of certain material listed in this rule is approved by the Director of the Federal Register as of November 18, 2024.

FOR FURTHER INFORMATION CONTACT:

Hugh VanTuyl of the Office of Engineering and Technology, at Hugh.VanTuyl@fcc.gov or 202–418–7506.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Report and Order*, ET Docket No. 21–115 and RM–11821; FCC 24–22, adopted and released on February 15, 2024. The full text of this document is available for public inspection and can be

downloaded at: <https://https://docs.fcc.gov/public/attachments/FCC-24-22A1.pdf>. Alternative formats are available for people with disabilities (Braille, large print, electronic files, audio format) by sending an email to FCC504@fcc.gov or calling the Commission's Consumer and Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (TTY).

Procedural Matters

Regulatory Flexibility Act. The Regulatory Flexibility Act of 1980, as amended (RFA), requires that an agency prepare a regulatory flexibility analysis for notice and comment rulemakings, unless the agency certifies that “the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities.” Accordingly, we have prepared a Final Regulatory Flexibility Analysis (FRFA) concerning the possible impact of the rule changes contained in the *Report and Order* on small entities. The FRFA is set forth in Appendix C of the FCC document, <https://docs.fcc.gov/public/attachments/FCC-24-22A1.pdf>.

Paperwork Reduction Act. The Report and Order does not contain new or modified information collection requirements subject to the Paperwork Reduction Act of 1995 (PRA), Public Law 104-13. In addition, therefore, it does not contain any new or modified information collection burden for small business concerns with fewer than 25 employees, pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107-198, see 44 U.S.C. 3506(c)(4).

Congressional Review Act. The Commission has determined, and the Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget, concurs, that this rule is non-major under the Congressional Review Act, 5 U.S.C. 804(2). The Commission will send a copy of the *Report and Order* to Congress and the Government Accountability office, pursuant to 5 U.S.C. 801(a)(1)(A).

Accessing Materials. People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an email to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

Incorporation by Reference. Incorporation by reference (IBR) is the process that federal agencies use when referring to materials published elsewhere to give those materials the

same force and effect of law in the Code of Federal Regulations (CFR) as if the materials' text had actually been published in the **Federal Register**. By using IBR, the Commission is able to give effect to technical instructions, testing methodologies, and other process documents that are developed and owned by standards development organizations. Referencing these documents in the Commission's rules in accordance with requirements established by the Office of the Federal Register substantially reduces the volume of material that the Commission otherwise would have to publish in the **Federal Register** and the CFR. Once the Commission has completed any necessary notice-and-comment rulemaking proceedings and determined based on the record that any standards the Commission adopts is sound and appropriate, the Commission need only update the references to the standards in the Commission's rules.

Synopsis

The Commission amends the part 74 low-power auxiliary station (LPAS) technical rules to permit the use of Wireless Multichannel Audio Systems (WMAS) in most of the frequency bands where wireless microphones are currently permitted to operate. WMAS devices use wider channelization than currently is permitted for wireless microphones under part 74, along with a more efficient operating protocol, that can enable more microphones to be deployed within the same amount of spectrum. Specifically, the Commission adopts a definition of WMAS and specifies the frequency bands in which WMAS will be permitted, along with the technical requirements (spectral efficiency, channel bandwidth, maximum output power, and emission masks) that govern the operation of these systems on a licensed basis under part 74. The Commission adopts technical rules for WMAS consistent with the recently updated, *i.e.*, 2021, European Telecommunication Standards Institute (ETSI) standard for WMAS. The Commission also updates its existing technical rules for currently authorized part 74 LPAS wireless microphones, which already rely on certain ETSI standards, to require the applicable portions of the 2021 ETSI standard for WMAS. In addition, the Commission revises the part 15 technical rules for unlicensed wireless microphone devices that operate in the TV bands and the 600 MHz duplex gap to permit WMAS operations in those bands and to require use of the 2021 ETSI standard. Finally, the Commission makes minor updates to the part 15 and

part 74 rules to reflect the end of the post-Incentive Auction transition. The existing licensing mechanisms and eligibility requirements under part 74 subpart H of the Commission's rules remain unchanged.

At the time the Commission released the *Notice*, the latest ETSI standard for wireless microphones was the version released in 2017, but the Commission noted the possibility that ETSI could further update its standard during the pendency of the FCC document. The standard was updated in November 2021 after the Commission released the NPRM (86 FR 35046, July 1, 2021). In assessing the changes between the 2017 and 2021 versions, the Commission finds that none of the changes affecting the parts of the standard that pertain to the FCC proceeding were of a substantive nature; thus, the changes between the two versions does not affect the overall proposals or the nature of the record. Consistent with the Commission current practices regarding the ETSI wireless microphone standard, the Commission will continue to require only specific portions in its rules, *i.e.*, the transmit emission masks and spurious emission limits. As noted, the Commission finds that there are no significant differences between the 2017 and 2021 ETSI standards in that regard. Several parties recognize the pending update to the ETSI standard in their comments and explicitly support adoption of the 2021 version.

The OFR has regulations concerning incorporation by reference. These regulations require that, for a final rule, agencies must discuss in the preamble to the final rule the way in which materials that the agency incorporates by reference are reasonably available to interested parties, and how interested parties can obtain the materials. Additionally, the preamble to the final rule must summarize the material. Sections 15.236(g), 74.861(d)(4), and (e)(7) of the final rules require certain wireless microphones to comply with the transmit emission masks and spurious emission limits in European Telecommunications Standards Institute (ETSI) standard EN 300 422-1 V2.2.1 (2021-11): Wireless Microphones; Audio PMSE up to 3 GHz; Part 1: Audio PMSE Equipment up to 3 GHz; Harmonised Standard for access to radio spectrum. This standard specifies the technical characteristics and methods of measurements for “audio programme making and special events” (PMSE) equipment operating with up to 250 mW output power on radio frequencies up to 3 GHz. PMSE equipment within the scope of this standard is equipment that is used in wireless applications for

audio transmission purposes including, but not limited to, wireless microphones, in-ear monitoring systems, conference systems, talkback systems, tour guide systems, cognitive PMSE, Wireless Multichannel Audio Systems (WMAS), and assistive listening devices. ETSI EN 300 422-1 V2.2.1 (2021-11) is available from ETSI at 650 Route des Lucioles, F-06921 Sophia Antipolis Cedex, France. It may be downloaded at no charge from ETSI at: https://www.etsi.org/deliver/etsi_en/300400_300499/30042201/02.02.01_60/en_30042201v020201p.pdf.

Revisions to the Part 74 LPAS Rules To Authorize WMAS

Definition of WMAS

The Commission adopts the WMAS definition in the 2021 ETSI standard, “wireless audio transmission systems using digital broadband transmission techniques for microphone and in-ear monitor systems applications, and other multichannel audio PMSE use, *e.g.* with the ability to support three or more audio channels per MHz,” with two modifications. The Commission does not include the term “PMSE,” which is not used in the Commission rules and is not needed because the part 74 rules already define the device categories to which the rules apply. The Commission also does not include the phrase concerning “the ability [of WMAS] to support three or more audio channels per MHz” since that is listed merely as an example in the definition, but the Commission separately specifies a similar spectral efficiency requirement in the rules. Accordingly, for purposes of parts 15 and 74, the Commission defines “Wireless Multichannel Audio Systems” as “[w]ireless audio transmission systems using broadband digital transmission techniques for microphone and in-ear monitor system applications and other multichannel audio use.” The Commission believes that this definition will encompass the types of WMAS devices that manufacturers are developing, and is consistent with several commenters’ requests to adopt a WMAS definition similar to ETSI’s definition.

Frequency Bands of Operation

The Commission permits WMAS to operate on a licensed basis in all of the bands it proposed in the *Notice*, specifically, the VHF-TV bands (54–72 MHz, 76–88 MHz, and 174–216 MHz), the UHF-TV band (470–608 MHz), the 653–657 MHz segment of the 600 MHz duplex gap, and the 941.5–944 MHz, 944–952 MHz, 952.850–956.250 MHz, 956.45–959.85 MHz, 1435–1525 MHz,

6875–6900 MHz, and 7100–7125 MHz bands. Several of these bands, including the TV bands, allow for WMAS channel sizes of 6 megahertz or greater, while the smaller bands (the 653–657 MHz segment of the duplex gap, the 952.850–956.250 MHz band, and the 956.45–959.85 MHz) each contain three to four megahertz of spectrum. While Sennheiser argues that WMAS works best with at least 6 megahertz of spectrum, it and other parties indicate that WMAS can work with a lesser amount.

The Commission disagrees that it should prohibit either WMAS or the types of wireless microphones currently permitted under part 74 from operating in the 6875–6900 MHz and 7100–7125 MHz bands that are available for use by low power indoor Unlicensed National Information Infrastructure (U-NII) devices under part 15 of the rules. The Commission first permitted licensed wireless microphones to use these bands in the 2015 *Wireless Microphones R&O*, 80 FR 71702, November 17, 2015, which was intended to accommodate the future needs of wireless microphones by making additional spectrum available where they could operate. Some parties now argue that the 6875–6900 MHz and 7100–7125 MHz bands should be removed from the list of frequencies available for licensed wireless microphone operations because the bands are not heavily used by wireless microphones at this time, retaining these bands creates regulatory uncertainty, and wireless microphones operating at these frequencies may have limited range as compared to wireless microphones in other bands. However, such a decision is beyond the scope of this order as the Commission did not seek comment in the *Notice* on the removal of the 6875–6900 MHz and 7100–7125 MHz bands from the list of bands available for part 74 wireless microphones. In any event, the Commission does not believe that the relatively low current usage of these bands is a reason to remove them since they provide 50 megahertz of spectrum that could accommodate licensed wireless microphones at locations where additional spectrum capacity for microphones may be needed.

Moreover, other parties express concern that WMAS operations in the 6875–6900 MHz and 7100–7125 MHz bands could negatively impact unlicensed devices and recommend that WMAS not be permitted to operate in those bands or that the WMAS power level be limited to reduce the potential for harmful interference. Because the Commission established rules for licensed wireless microphones in these

bands prior to the 2020 *6 GHz Report and Order*, 85 FR 31390, May 26, 2020, that established rules for unlicensed devices in these bands, parties developing or operating unlicensed devices were already aware that they will have to share spectrum with licensed wireless microphones operating at power levels up to one watt. Allowing WMAS to operate in the 6875–6900 MHz and 7100–7125 MHz bands in addition to the part 74 wireless microphones currently permitted will not negatively impact unlicensed operations as some parties suggest. As discussed below, WMAS must comply with the same power limit as other part 74 wireless microphones in the 6875–6900 MHz and 7100–7125 MHz bands, *i.e.*, one watt, but the Commission is establishing a wider 20-megahertz maximum allowable bandwidth for WMAS. Therefore, WMAS power spectral density (PSD) in these bands will be lower than that permitted by the current rules, so the interference potential of WMAS to unlicensed devices will be lower than current wireless microphones. Further, as parties noted, the wireless microphone operating range in the 6875–6900 MHz and 7100–7125 MHz bands is short, which means that the distance at which unlicensed devices could potentially receive harmful interference from them is also short. And finally, the Commission notes that unlicensed 6 GHz devices in that band are limited to low-power-indoor devices. These devices are required to incorporate a contention-based protocol that will help promote co-existence with other band users, including wireless microphone users. For these reasons, the Commission disagrees that the decision to permit WMAS and other part 74 wireless microphones to operate in the 6875–6900 MHz and 7100–7125 MHz bands will create regulatory uncertainty for manufacturers and users of unlicensed devices in these bands.

The Commission disagrees with ViacomCBS that it should prohibit WMAS from operating in the UHF-TV band or make WMAS operations secondary to narrowband wireless microphones. The UHF-TV band has historically been used by wireless microphones for reasons such as good signal propagation and compact device size, and multiple parties support its use by WMAS. Prohibiting WMAS operation in this band would severely reduce the public benefits that more efficient wireless microphone systems will provide. In any event, it is not clear that allowing WMAS in the UHF-TV band would have a significant impact

on narrowband wireless microphone use by broadcasters. Because the Commission will not permit licensed WMAS to operate with any greater power than a single licensed narrowband wireless microphone and the wider bandwidth will result in lower PSD, the distance at which a WMAS could interfere with other wireless microphones will be short, meaning that any impact on narrowband wireless microphone usage will be extremely localized. Further, under the part 74 rules, licensees operating wireless microphones are expected to work with other nearby licensees to avoid mutual interference, and ViacomCBS has provided no evidence that this process would not work between licensees using WMAS and narrowband wireless microphones. The Commission declines to make WMAS secondary to narrowband wireless microphones and therefore gives narrowband wireless microphones users greater spectrum rights. Such an action could result in undesirable situations where a single licensed narrowband wireless microphone user could preclude a more efficient WMAS from operating, as opposed to those users being required to work cooperatively to enable both types of wireless microphones to operate.

Licensed WMAS Technical Requirements

The Commission adopts technical requirements for WMAS devices operating on a licensed basis under part 74 of the rules. While the current part 74 rules for wireless microphones are based on narrower bandwidths than those required for WMAS, the Commission permits wider bandwidths for WMAS at no higher power levels than the current rules permit and specify emission masks for these devices.

Bandwidth

The Commission permits licensed WMAS to operate with a maximum bandwidth of 6 megahertz in the VHF-TV and UHF-TV bands specified in part 74 of the rules. This corresponds to the size of a TV channel and is supported by the record. The Commission also adopts its proposal to require a WMAS device to operate entirely within a single 6 MHz channel and not span parts of two adjacent channels to promote more efficient spectrum sharing between narrowband wireless microphones, WMAS, and white space devices. WMAS devices operating in the 4 megahertz portion of the 600 MHz duplex gap available to licensed

wireless microphones will be limited to the width of that band.

Outside of the TV bands and 600 MHz duplex gap, the Commission permits WMAS to operate with bandwidths up to 20 megahertz in spectrum bands where licensed microphone use is permitted by the part 74 rules and that contain sufficient spectrum, consistent with the 2021 ETSI standard, which requires a WMAS bandwidth that is less than or equal to 20 megahertz. Wireless microphones operating in bands that are less than 20 megahertz wide will be limited to the width of those bands. If ETSI adopts a standard in the future permitting bandwidths greater than 20 megahertz and the Commission, after notice and comment, adopts that standard and makes corresponding amendments to the rules, parties will be permitted to operate WMAS with wider bandwidths in frequency bands that contain sufficient spectrum to do so. The Commission does not believe that a 20 megahertz bandwidth limit is overly restrictive since there is no indication in the record that wireless microphone manufacturers are interested in developing systems with greater bandwidths, and in the event a party has a need to operate in a larger amount of spectrum, it could use multiple WMAS systems. The Commission also does not believe that allowing bandwidths of greater than 6 megahertz outside the TV bands will increase the likelihood of harmful interference to other services or unlicensed operations. On the contrary, as discussed in more detail below, the Commission is requiring WMAS devices operating under part 74 to comply with the same power limits currently in the rules, resulting in a lower power spectral density and thus reducing the likelihood of harmful interference to other users in the bands where WMAS operates. The Commission declines to require WMAS devices operating in the 6875–6900 MHz and 7100–7125 MHz bands to avoid specific frequencies that could be used for unlicensed operations because under the rules unlicensed devices do not receive interference protection from licensed services. However, the Commission expects that any potential impact to unlicensed operations would be limited as wireless microphones generally only operate over relatively short distances and are generally itinerant and intermittent. Additionally, there are other channels in the 6 GHz band that unlicensed devices could move to at the times that they might be near a wireless microphone operation.

The Commission notes Sennheiser's argument that WMAS may not work as

well using bandwidths less than 6 megahertz and other parties' assertions that WMAS should not be permitted in a bandwidth of less than 1 or 1.5 megahertz. However, the Commission declines to specify a minimum bandwidth for WMAS devices operating in any frequency bands because parties are developing systems that can operate in smaller bandwidths (*e.g.*, 1 or 2 megahertz) and the Commission does not wish to preclude WMAS technical advancements that could allow more efficient operation in smaller bandwidths.

Spectral Efficiency

Consistent with the 2021 ETSI standard and the suggestions of Sennheiser and Waves, the Commission requires WMAS to have an operational mode capable of providing at least three audio channels per megahertz, but the Commission will not require WMAS to operate with a specific minimum number of channels at all times. As Sennheiser notes, WMAS allows dynamic resource allocation within a single TV channel for improved wireless microphone efficiency, *e.g.*, higher audio quality for an act performing on stage, fewer resources (lower audio quality) for an act testing equipment prior to going on stage, and even fewer resources (intercom quality) for an act that has just finished. Because of this ability to modify channel usage, *e.g.*, number of channels and/or their sizes, the Commission agrees with Sennheiser that a single spectral efficiency metric that must be met at all times would be inappropriate since the amount of spectrum needed can vary rapidly over time and may not always equal or exceed three audio channels per megahertz. Moreover, requiring a WMAS system to operate with at least three audio channels per megahertz at all times could create other inefficiencies and hardships for users. As noted, microphone usage requirements vary based on specific requirements at the time a microphone is needed. If the Commission were to require by rule that there be at least three audio channels per megahertz in operation at all times, then users would either need to have one or more narrowband microphone systems installed along with a WMAS system for those times when the spectral efficiency requirement was not being met, or the WMAS system would have to establish a connection to microphone(s) not actually needed at a given time just to meet the requirement. Neither outcome is desirable as they lead either to additional cost and complexity for users or inefficient spectrum use without any

corresponding benefits to the public. The Commission therefore believes that ETSI's suggestion for WMAS to be capable of operating with three audio channels per megahertz is more appropriate than its initial proposal to require WMAS to meet this efficiency requirement at all times.

The Commission recognizes the concerns of Microsoft, Lectrosonics, and Shure/NAB/Paramount about the need for efficient spectrum use by WMAS, but note that WMAS is expected to be high-end, and therefore significantly more complex and expensive equipment than current narrowband wireless microphone systems, making it likely to be used only at events where a large number of simultaneous audio channels is necessary. As Sennheiser indicates, WMAS' inherent design efficiencies mean that in the vast majority of cases WMAS will operate with 24 or more audio channels within a 6 megahertz TV channel, thereby using more wireless microphones than required by the minimum capability mode the Commission is requiring. Also, under the part 74 rules, licensed wireless microphone users are required to coordinate among themselves to ensure that they do not cause mutual interference. This required coordination will help ensure efficient spectrum use by and promote co-existence among parties using both WMAS and conventional narrowband wireless microphones. Finally, the Commission notes that any potential conflicts between WMAS and narrowband wireless microphones are likely to raise similar scenarios as those that occur between parties operating narrowband wireless microphones under the existing rules and for which such users successfully manage and coordinate today, in that a single party could operate multiple narrowband wireless microphones that fill a single 6 megahertz TV or multiple TV channels.

Output Power

The Commission permits WMAS to operate on a licensed basis under the part 74 rules at the same power levels currently permitted under these rules, *i.e.*, 50 milliwatts EIRP in the VHF-TV bands, 250 milliwatts conducted power in the UHF band, 20 milliwatts EIRP in the 600 MHz duplex gap, 250 milliwatts conducted power in the 1435–1525 MHz band, and 1 watt conducted power in all other bands. These power levels are supported by the record. Because the Commission is permitting WMAS to operate with wider bandwidths than the part 74 rules currently permit, the power spectral density for WMAS, which will operate using wider

bandwidths than that used for narrowband wireless microphones, will be lower than for a single narrowband wireless microphone, and therefore significantly lower than when multiple narrowband wireless microphones operate within a single channel. This will result in a decreased potential for WMAS to cause harmful interference to other users in the bands where they operate, including broadcast TV, licensed and unlicensed wireless microphones (narrowband or WMAS), unlicensed white space devices, and aeronautical mobile telemetry (AMT) operations in the 1435–1525 MHz band.

The Commission declines to modify the rules to remove the inconsistency in the power specification for licensed wireless microphones in the TV bands (EIRP in the VHF-TV bands and conducted power in the UHF-TV band). Wireless microphone manufacturers argue that there is no need for changes, and Microsoft does not indicate any specific harms from maintaining the current rules. Because no party has shown a need to modify the rules, the Commission retains the current power specifications for part 74 wireless microphones in the TV bands without change.

Emission Mask and Spurious Emission Limits

The Commission requires WMAS operating under part 74 to comply with the emission mask and spurious emission limits in ETSI EN 300 422–1 (2021). Specifically, emissions within the band from $2.5 \times B$ below to $2.5 \times B$ above the carrier frequency, where B is the channel bandwidth, shall comply with the emission mask in Figure 3 of section 4.2.4.2.2 of ETSI EN 300 422–1 V2.2.1 (2021–11); and emissions outside of this mask shall comply with the spurious emission limits specified in section 4.2.4.1.2 of ETSI EN 300 422–1 V2.2.1 (2021–11). This mask and these emission limits will protect licensed operations in adjacent bands from WMAS operations, including broadcast TV and licensed wireless microphones, and will enable coexistence with unlicensed operations, including white space devices and unlicensed wireless microphones. Wireless microphone manufacturers support these requirements. While Microsoft expresses concern about adopting ETSI standards finalized after the 2017 standard, the Commission observes that there is no significant differences in the WMAS emission mask and the spurious emission limits between the 2017 standard and the 2021 standard. Specifically, both the 2017 and 2021 masks are identical up to a frequency

offset 2.5 times the WMAS bandwidth above and below the carrier, which for WMAS on a 6-megahertz TV channel covers the operating channel as well as the upper and lower first and second adjacent TV channels. The only difference between the masks is the point at which a WMAS must comply with the ETSI spurious emission limits (more than 2.5 times the WMAS bandwidth removed from the carrier in the 2021 standard, as opposed to 5 times the WMAS bandwidth from the carrier in the 2017 standard). Microsoft raises no objection to the use of the mask in the ETSI 2021 standard in response to wireless microphone manufacturers' filings in support of this standard.

The spurious emission limits are specified differently in the 2021 ETSI standard than in the 2017 standard (in dBm rather than microwatts or nanowatts), but the limits themselves are equivalent. Because the ETSI spurious emission limit in the TV bands is generally more stringent than the limit at the edge of the WMAS emission mask, and because the 2021 mask covers a narrower frequency range, the emission mask in the 2021 ETSI standard will provide slightly greater protection to operations in adjacent bands than the 2017 ETSI mask since the lower spurious emission limits apply at a lesser frequency separation from the carrier. In addition, the ETSI spurious emission limit generally provides greater protection than the part 15 out-of-band emission limits. Thus, incorporating the 2021 ETSI WMAS emission mask and spurious emission limits instead of those in the 2017 standard will not result in any increased likelihood of harmful interference to operations in adjacent bands, including other wireless microphones and unlicensed white space devices.

The Commission declines to require wireless microphones, either narrowband or WMAS, to comply with the ETSI intermodulation distortion limits, as suggested by Shure and Sennheiser. The Commission's rules do not currently specify any comparable type of limits for wireless microphones, so requiring wireless microphones to comply with these limits would be a new requirement. The record does not indicate specific benefits associated with adopting this requirement, and there is no information on potential costs or other burdens, such as increased complexity for certification testing or the need for manufacturers to redesign equipment to comply with a new requirement.

The Commission notes Wave's assertion that the 2021 ETSI standard contains errors in the measurement

procedure for determining compliance with the emission mask. To the extent that Waves believes that there are errors, it should work with ETSI to address its concerns. However, in response to Wave's request that the Commission permit alternative measurement procedures for determining compliance, the Commission notes its rules already provide flexibility in the measurement procedures that parties may use in preparing data for an application for certification. Specifically, test data must be measured in accordance with (1) bulletins or reports prepared by the Commission's Office of Engineering and Technology (OET); (2) those procedures acceptable to the Commission and published by national engineering societies; or (3) any other measurement procedure acceptable to the Commission. Thus, the rules have provisions that could allow Waves to use a procedure that is a variation of, or an alternative to, the 2021 ETSI measurement procedure for determining compliance with the emission mask. If Waves wishes to do so, it should contact OET prior to applying for certification to determine whether its proposed alternative measurement procedures are acceptable to the Commission.

Updating Technical Rules for Existing Part 74 LPAS Wireless Microphones to Revised ETSI Standards

The Commission will require analog and digital narrowband (*i.e.*, non-WMAS) wireless microphones operating under part 74 for which an application for certification is filed on or after the effective date of the rules to comply with the emission masks and spurious emission limits in ETSI EN 300 422-1 (2021). Specifically, emissions within the band from $2.5 \times B$ below to $2.5 \times B$ above the carrier frequency, where B is the channel bandwidth, shall comply with either the emission mask in Figure 1 (analog) or Figure 2 (digital) of section 4.2.4.2.2 of ETSI EN 300 422-1 V2.2.1 (2021-11); and emissions outside of this mask shall comply with the spurious emission limits specified in section 4.2.4.1.2 of ETSI EN 300 422-1 V2.2.1 (2021-11). These masks and emission limits will protect licensed operations in adjacent bands, including broadcast TV and licensed wireless microphones, and will enable coexistence with unlicensed operations, including white space devices and unlicensed wireless microphones. In addition, incorporating the latest ETSI emission masks and spurious emission limits into the rules will harmonize certain Commission wireless microphone requirements with those used in other parts of the world, which will reduce the number of

different regulatory requirements with which manufacturers must comply, reducing development and manufacturing costs as well as costs to consumers. While Microsoft expresses concern about adopting ETSI standards finalized after the 2017 standard, the Commission observes that the differences between the narrowband emission masks in the 2017 standard and in the 2021 standard are not significant and would not increase the potential for harmful interference to operations in adjacent bands, such as unlicensed white space devices. The Commission therefore adopts the 2021 ETSI standard for narrowband emission masks. As discussed above, the 2021 ETSI standard for spurious emission limits is equivalent to the 2017 standard, so the Commission requires narrowband wireless microphones to comply with the spurious emission limits in the 2021 ETSI standard. Because there are no significant differences between the 2021 ETSI standard and the 2011 ETSI standard currently referenced in the rules, and because no party indicated that there is a need for a significant transition period to comply with the 2021 ETSI standard, the Commission will make the rule changes referencing the 2021 standard effective 30 days after publication in the **Federal Register**. Applications for certification for part 74 narrowband wireless microphones filed on or after that date must demonstrate compliance with the 2021 ETSI standard, although manufacturers may begin to use it sooner if they choose.

Revisions to the Technical Rules for Part 15 Unlicensed Wireless Microphone Operations in the TV bands, the 600 MHz Guard Band, and the 600 MHz Duplex Gap

Unlicensed WMAS Operation Under Part 15

Frequency Bands

The Commission will permit WMAS to operate on an unlicensed basis under part 15 in the VHF-TV and UHF-TV bands and in the upper 6-megahertz segment of the 600 MHz duplex gap (657–663 MHz), under the same definition of WMAS that it adopts for licensed WMAS. As Shure notes, there are many professional applications for wireless microphones where the operator is not eligible for a part 74 license because it does not use 50 or more wireless microphones. Thus, the benefits of WMAS cannot be fully realized unless the Commission allows WMAS to operate on an unlicensed basis in addition to a licensed basis. The Commission agrees with Sennheiser that

WMAS allows for more efficient use, *i.e.*, fewer TV channels are required for large events that use a large number of wireless microphones, thus making more spectrum available for other applications, such as narrowband (non-WMAS) wireless microphones and white space devices. The Commission is not permitting unlicensed WMAS to operate in the 600 MHz guard band (614–616 MHz) since no party indicated that there is a need to do so.

The Commission disagrees with Lectrosonics and ViacomCBS on limiting WMAS to licensed part 74 operations only. Similar to licensed WMAS operations, unlicensed WMAS operations are unlikely to cause harmful interference to licensed wireless microphones since the wider bandwidth will result in a low PSD, limiting the range at which interference could occur. WMAS operating under part 15 must not cause harmful interference to licensed operations, including licensed wireless microphones, so in the event a part 15 WMAS system causes harmful interference to a licensed wireless microphone, the part 15 system would have to move to a different frequency or cease operation. It should not be difficult for a licensed wireless microphone user to locate an unlicensed WMAS system that causes interference since the range at which a system could cause interference to licensed wireless microphones will be short, and a WMAS system a short distance away should be easily identifiable by a large number of wireless microphones communicating with a sophisticated centralized base station. With regard to ViacomCBS' concern about efficient spectrum use, unlicensed WMAS will be subject to the same spectral efficiency requirements as licensed WMAS, and there is no evidence in the record that unlicensed WMAS operations will be less efficient than licensed. Furthermore, in response to NCTA's request that the Commission limits eligibility to operate WMAS in the 6 GHz band to part 74 licensees, the Commission notes that unlicensed WMAS are not authorized in the 6875–6900 MHz and 7100–7125 MHz bands since only entities with a part 74 license are eligible to operate wireless microphones in those bands.

The Commission disagrees with Microsoft that it should prohibit unlicensed WMAS in the TV bands due to the potential impact on white space devices, particularly personal/portable devices. As an initial matter, there are currently no certified personal/portable white space devices. However, the Commission's decision to allow unlicensed WMAS in the TV bands does

not change the relationship between any future personal/portable white space devices and unlicensed wireless microphones. That is, both types of devices must share spectrum in the TV bands on an equal basis; neither type of device has priority over the other. As discussed below, unlicensed WMAS will operate with no greater power than the rules currently permit for two narrowband unlicensed wireless microphones, so the impact of unlicensed WMAS on white space devices will be no greater than two narrowband wireless microphones, and will be significantly less than if many narrowband wireless microphones operate simultaneously within a single TV channel as the rules currently permit. Because personal/portable white space devices may operate with up to 100 milliwatts EIRP in the TV bands, the same maximum power at which unlicensed WMAS could operate, personal/portable white space devices would have at least as much impact on unlicensed WMAS as unlicensed WMAS would have on personal/portable white space devices. There is no expectation under the rules that unlicensed WMAS would have priority over other unlicensed uses, such as white space devices. In the event of a conflict between two unlicensed devices, the device operators would have to resolve the conflict among themselves by taking actions such as changing the operating channel, reorienting antennas, or changing location.

The Commission also disagrees with Microsoft that it needs to consider the FCC proceeding simultaneously with the 2017 wireless microphones notice of proposed rulemaking that sought comment on whether the Commission should expand the eligibility for a part 74 license to additional entities, *e.g.*, those that routinely use fewer than 50 wireless microphones. In the event the Commission decides to expand eligibility for part 74 licensing, that action would increase the number of parties eligible to register wireless microphones for protection in the white space database and thus could increase the number of TV channels reserved for licensed wireless microphones in the database. However, the Commission's decision to allow unlicensed WMAS in the TV bands does not increase the number of parties eligible to register wireless microphones and, therefore will not increase the total number of TV channels reserved in the database. If the Commission expands licensing eligibility, the procedure for registering a WMAS on a TV channel by newly

eligible entities would be no different than the procedure for registering narrowband wireless microphones. In either case, the registration process reserves an entire TV channel regardless of whether a party registers a single narrowband wireless microphone or a WMAS that fills an entire 6-megahertz channel. Because of the increased spectral efficiency provided by WMAS, *i.e.*, more wireless microphones in a single TV channel, WMAS could actually reduce the number of TV channels that must be reserved in the white space database, thus leaving more vacant channels available for white space devices.

Technical Requirements

Bandwidth. Consistent with the Commission's actions with respect to licensed WMAS, it will permit unlicensed WMAS to operate in the VHF-TV and UHF-TV bands with a maximum bandwidth of 6 megahertz, which corresponds to the size of a TV channel. Also consistent with the Commission's actions with respect to licensed WMAS, the Commission will require unlicensed WMAS devices to operate entirely within a single 6 megahertz channel and not span parts of two adjacent channels to promote more efficient spectrum sharing between narrowband wireless microphones, WMAS, and white space devices. The Commission will also permit unlicensed WMAS to operate within the 6-megahertz portion of the 600 MHz duplex gap (657–663 MHz) that is available to unlicensed wireless microphones. As with licensed WMAS, the Commission does not specify a minimum bandwidth for unlicensed WMAS because some parties may choose to operate systems with smaller bandwidths (*e.g.*, one or two megahertz, as suggested by Shure), and the Commission does not wish to preclude WMAS technical advancements that could allow it to operate more efficiently with smaller bandwidths. Thus, Shure will be able to operate its WMAS system under the rules the Commission adopts, subject to the power limits discussed below. Because many wireless microphones used in unlicensed applications are identical to those used in licensed applications (except for the maximum allowable power in the UHF TV band), establishing the same technical requirements for wireless microphones under both parts 74 and 15 of the rules will enable manufacturers to produce wireless microphones at lower cost since they will not have develop multiple variations to comply with differing regulatory requirements.

The Commission disagrees with Shure/NAB/Paramount that all unlicensed WMAS systems should be limited to a channel size of only one or two megahertz to enable coexistence with narrowband wireless microphones. Such a restriction could severely limit the maximum number of audio channels that an unlicensed WMAS could use, and the Commission notes that other wireless microphone manufacturers, such as Sennheiser, are developing systems that operate across the full 6 megahertz TV channel bandwidth. Limiting the maximum permissible bandwidth of unlicensed WMAS to one or two megahertz would not ensure that portions of a vacant TV channel remain available for licensed narrowband wireless microphones since an unlicensed WMAS operator could simply use multiple one or two megahertz systems and occupy an entire 6-megahertz TV channel. For users that require many microphones, and depending on the usage requirements and operating protocols, employing WMAS over a wider bandwidth channel may permit more microphones to share that single channel than could operate on multiple smaller adjacent WMAS channels within that single TV channel. Thus, permitting WMAS to operate on channels up to 6 megahertz bandwidth can promote spectrum efficiency by allowing wireless microphones to operate using fewer TV channels than they do now since a WMAS system on a single 6 megahertz channel could have the same or greater capacity than multiple narrowband wireless microphones using multiple TV channels. This can leave more spectrum available for other wireless microphone users, as well as other spectrum users, *e.g.*, white space devices.

The Commission does not believe that an unlicensed WMAS bandwidth restriction is necessary to enable spectrum sharing between unlicensed WMAS and narrowband wireless microphones used in electronic news gathering, as NAB suggests. Based on the record, the Commission expects that WMAS will generally be relatively expensive and complex systems designed for events, such as concerts and live theater, where large numbers of wireless microphones are used, and it seems unlikely that these systems would be deployed for purposes such as covering breaking news events, where simpler narrowband wireless microphones could be deployed more quickly and easily. Therefore, the Commission expects that conflicts between unlicensed WMAS and nearby narrowband wireless microphones used

for electronic news gathering are unlikely to occur. And in instances where such conflicts may occur, the Commission believes that the disparate users should be able to easily coordinate usage as both WMAS and narrowband microphones are generally designed with capability to operate over multiple channels.

The Commission disagrees that the brief operational tests performed by Shure and NAB/Paramount demonstrate that unlicensed WMAS must be limited to a 1 or 2 megahertz bandwidth. The Commission does not believe that this brief test, in which it appears that Sennheiser's prototype 6-megahertz wide WMAS was placed within a few meters of a narrowband wireless microphone receiver and resulted in purported harmful interference at extremely short separation distances, demonstrates a need to limit unlicensed WMAS bandwidth. It also appears that NAB's claim that interference could occur to licensed narrowband wireless microphones at 55 meters from unlicensed WMAS is an unlikely occurrence. As Sennheiser notes, NAB's assumed 20 meter or more distance from a narrowband ENG wireless microphone to its associated receiver seems atypical for newsgathering applications. Assuming a much shorter separation distance, such as 3 to 5 meters, which Sennheiser suggests is more realistic, drastically reduces the distance at which interference could occur to narrowband microphone systems from WMAS. Also, parties operating narrowband wireless microphones in the UHF-TV band on a licensed basis are permitted to operate with up to 250 milliwatts rather than 50 milliwatts as NAB assumed. Further, since WMAS would typically be used at locations such as theaters and concert halls, the emissions are generally expected to be attenuated from building walls between an unlicensed WMAS and narrowband wireless microphones used in ENG, further reducing the likelihood of harmful interference.

Spectral efficiency. The Commission adopts the same spectral efficiency requirement for unlicensed WMAS that it adopts for licensed WMAS to help ensure consistent requirements between licensed and unlicensed WMAS. That is, an unlicensed WMAS must have an operational mode capable of providing at least three audio channels per megahertz, but the Commission does not require unlicensed WMAS to operate with a specific minimum number of audio channels at all times. As discussed above with respect to licensed WMAS, because of WMAS' dynamic capabilities, a single spectral usage

metric would not be appropriate since the number and quality of audio channels can vary during an event and may not equal or exceed a specific threshold, *e.g.*, three audio channels in every megahertz of spectrum at every instance in time. However, as Sennheiser indicates, WMAS spectral efficiency would typically be significantly greater than the three audio channel per megahertz benchmark that the Commission adopts. For these reasons, the Commission declines to adopt a specific spectral efficiency metric that must be met at all times, *e.g.*, 4 audio channels per megahertz as suggested by Shure/NAB Paramount. The Commission instead requires unlicensed WMAS to incorporate an operational mode with the capability of operating with three audio channels per megahertz.

Power. The Commission adopts power levels for unlicensed WMAS to permit them to operate using different technologies developed by different manufacturers, *e.g.*, Shure and Sennheiser. In addition to providing flexibility for multiple technologies, these rules address interference concerns described in the record by minimizing the potential for harmful interference to incumbent licensed wireless microphone operators. The Commission permits unlicensed WMAS in the TV bands with a bandwidth of up to 1 megahertz to operate at 50 milliwatts EIRP, which is the same power level currently permitted for narrowband unlicensed wireless microphones operating with a bandwidth of 200 kHz. For unlicensed WMAS in the TV bands with a bandwidth of 1 to 2 megahertz, the Commission permits operation at up to 100 milliwatts EIRP, which is the same as the power level permitted by the current rules for two narrowband unlicensed wireless microphones, but is less than the 250 milliwatt power level permitted for licensed wireless microphones in the UHF TV band. This higher power level is supported by Shure and NAB/Paramount (subject to the bandwidth restrictions discussed above), and Sennheiser does not object to it. For unlicensed WMAS in the TV bands with a bandwidth greater than 2 megahertz and up to 6 megahertz, the Commission also permits operation at up to 100 milliwatts EIRP. Although NAB/Fox/Paramount claim that "the record does not contain any request seeking greater power than the 50 milliwatt power level for unlicensed WMAS occupying an entire TV channel, the Commission notes that Sennheiser expressly proposes a power level of up

to 100 milliwatts for unlicensed WMAS with a bandwidth greater than or equal to 1 megahertz and up to 6 megahertz. The Commission adopts this power level because, as Sennheiser observes, it constitutes a "technology-neutral approach" that will "allow for different types of WMAS implementations." In other words, this power level will allow manufacturers with different system designs (*e.g.*, Sennheiser's with a single power level over 6 megahertz and Shure's where the power scales with bandwidth) to market unlicensed WMAS systems and thus benefit the public by enabling greater availability and use of this more efficient new technology. Additionally, the Commission believes that power level would provide flexibility for the potential development and use of more innovative types of WMAS technology in the future.

NAB/Fox/Paramount express concern that this 100 milliwatt power level for unlicensed WMAS operating in the TV bands with a bandwidth greater than 2 megahertz and up to 6 megahertz could pose a risk of harmful interference to broadcasters' existing wireless microphones. However, the Commission does not believe this would be the case. Operation at this higher power level will be limited to WMAS, which has significantly greater spectral efficiency than narrowband wireless microphones. Because WMAS systems are more complex and provide support for more microphones per megahertz than traditional narrowband microphones, the Commission expects that they will be operated at fewer locations than narrowband wireless microphones. Moreover, because WMAS can support many more wireless microphones in a 6-megahertz channel as compared to the number of narrowband wireless microphones that can operate at a location in the same bandwidth, WMAS implementations will encumber fewer TV channels as compared to those narrowband wireless microphone systems. Thus, in areas where unlicensed WMAS may operate, the Commission expects more channels to be available for licensed wireless microphones than may be available today. For these reasons, the Commission is not convinced that, in practical use, there would be a "high risk of interference to broadcasters' existing licensed wireless microphones," as was asserted in a recent *ex parte* submission. Even at the 100 milliwatt power level the Commission adopts for unlicensed WMAS operating with greater than 1-megahertz bandwidth, those systems

will operate at a lower power spectral density than instances where more than two narrowband wireless microphones operate within a single TV channel and at a significantly lower power spectral density as compared to situations where more expansive narrowband microphone usage is necessary and could occupy an entire 6-megahertz TV channel. In addition, WMAS's higher spectral efficiency will permit a greater number of audio channels in a 6-megahertz TV channel than if multiple narrowband wireless microphones are used further reducing the total amount of spectrum needed for unlicensed operations. This reduced power spectral density and ability to support more microphones on less spectrum compared to narrowband wireless microphones will keep the potential for causing harmful interference low and promote coexistence with other spectrum users. Further, even if the Commission were to limit unlicensed WMAS power to 50 milliwatts for systems with bandwidths of greater than 2 megahertz, as NAB/Fox/Paramount suggest, users could still operate multiple 2-megahertz unlicensed WMAS systems at the same location, thus resulting in a power level in a 6 megahertz channel that exceeds the 100 milliwatt limit the Commission adopts, e.g., 200 or 300 milliwatts. In any case, wireless microphone manufacturers have an incentive to design equipment using the lowest power necessary for an application to conserve battery life, which will further reduce the risk of harmful interference from unlicensed WMAS to licensed narrowband wireless microphones. The Commission does not adopt Sennheiser's proposal to require a WMAS base operating at a power level greater than 50 milliwatts to remain stationary since WMAS will generally be relatively complex systems designed for events such as concerts and live theater, so it seems unlikely that a WMAS base would be deployed in a non-stationary application, e.g., for covering breaking news events.

For unlicensed WMAS operating in the upper 6-megahertz segment of the duplex gap (657–663 MHz), the Commission is retaining the maximum 20 milliwatt EIRP limit consistent with the power level currently permitted for narrowband wireless microphones in this frequency band. No party requested a different power level for that band.

Emission mask and spurious emission limits. Consistent with the Commission's action with respect to part 74 licensed WMAS, it will require unlicensed WMAS to comply with the emission mask and spurious emission limits in the 2021 ETSI standard. These

limits will ensure that WMAS protects operations in adjacent bands, including the broadcast TV bands. This action will ensure consistent requirements for both licensed and unlicensed WMAS, which will benefit manufacturers and WMAS users by eliminating the need for manufacturers to design multiple equipment models to comply with differing standards, thus reducing equipment costs.

Updated ETSI Standards for Part 15

The Commission adopts the same emission masks for unlicensed analog and digital narrowband (i.e., non-WMAS) wireless microphones as it does for part 74 licensed wireless microphones, specifically, those in the 2021 ETSI standard. As with the Commission's action harmonizing the emission masks for licensed and unlicensed WMAS, this action will ensure consistency in the requirements for both licensed and unlicensed narrowband wireless microphones, which will benefit manufacturers and narrowband wireless microphone users by eliminating the need for manufacturers to design multiple equipment models to comply with varying standards, thus reducing equipment costs.

Updating Wireless Microphone Rules Following the End of the Post-Incentive Auction Transition

Part 74. The Commission makes changes to §§ 74.802(a), 74.861(e)(1), and 74.870(c) to reflect the frequencies currently available for low power auxiliary stations. The Commission also modifies § 74.802(b)(1) by removing the entries for analog TV stations from the table of TV service contours that licensed wireless microphones must protect and correcting the upper channel number of the UHF–TV band. Because all analog TV broadcasting ceased in 2021, it is no longer necessary to specify these contours, and the upper channel in the UHF–TV band is now channel 36. However, the Commission will not at this time make additional revisions to the part 74 rules to remove all paragraphs with transition dates that have passed. It is possible that there are parties still in possession of wireless microphones that can no longer be used because they operate on frequencies where operation is now prohibited, e.g., the 600 MHz service bands, and retaining the rules with the transition requirements can enable parties to more easily determine which equipment may or may not be used now.

Part 15. The Commission adopts its proposals to modify § 15.236 to reflect the currently available frequencies for

unlicensed wireless microphones, except it is making additional modifications to § 15.236(e) by removing the entries for analog TV stations from the table of TV service contours that unlicensed wireless microphones must protect and correcting the upper channel number of the UHF–TV band. All analog TV broadcasting ceased in 2021, so it is no longer necessary to specify these contours, and the highest channel in the UHF–TV band is now channel 36. Consistent with the Commission's actions with respect to licensed wireless microphones, the Commission retains the transition requirements in § 15.37 so parties can more easily determine which wireless microphones comply with the current rules, e.g., permissible frequencies of operation.

With regard to removing § 15.236(c)(6), the Spectrum Act states that operation of unlicensed devices in the 600 MHz guard bands “shall rely on a database or subsequent methodology as determined by the Commission.” The Commission is removing the database access requirement for unlicensed wireless microphones operating in the guard bands (including the duplex gap) as no longer necessary since these bands are now unavailable to licensed services nationwide. The Commission believes that this constitutes a “subsequent methodology” that will ensure that unlicensed wireless microphones does not cause harmful interference to licensed services, thus complying with the Spectrum Act requirements. Consistent with removing the database access requirement for unlicensed wireless microphones, the Commission also removes references to this requirement in §§ 15.703, 15.713 and 15.715 of the white space rules.

Ordering Clauses

Accordingly, *it is ordered* that, pursuant to the authority contained in sections 4(i), 301, 302, and 303 of the Communications Act of 1934, as amended, and sections 6403 and 6407 of the Middle Class Tax Relief and Job Creation Act of 2012, Public Law 112–96, 126 Stat. 156, 47 U.S.C. 154(i), 301, 302a, 303, 1452, 1454, the Report and Order *is hereby adopted*.

It is further ordered that parts 15 and 74 of the Commission's rules *are amended* as specified in Appendix A of the Report and Order, and such rule amendments *will become effective* 30 days after the date of publication in the **Federal Register**.

It is further ordered that the Commission's Office of the Secretary, *shall send* a copy of the Report and Order, including the Final Regulatory

Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration.

It is further ordered that the Office of the Managing Director, Performance Program Management, *shall send* a copy of this Report and Order in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, 5 U.S.C. 801(a)(1)(A).

List of Subjects

47 CFR Part 15

Communications equipment,
Incorporation by reference, Radio.

47 CFR Part 74

Communications equipment,
Incorporation by reference, Television.
Federal Communications Commission.

Marlene Dortch,
Secretary.

Final Rules

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR parts 15 and 74 as follows:

PART 15—RADIO FREQUENCY DEVICES

- 1. The authority citation for part 15 continues to read as follows:

Authority: 47 U.S.C. 154, 302a, 303, 304, 307, 336, 544a, and 549.

- 2. Section 15.38 is amended by:
- a. Revising the introductory text;
 - b. Redesignating paragraphs (a) through (f) as paragraphs (b) through (g) and adding new paragraph (a);
 - c. Revising newly redesignated paragraph (e); and
 - d. Removing notes 1 and 2 to § 15.38.

The revisions and addition read as follows:

§ 15.38 Incorporation by reference.

Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in this section, the Federal Communications Commission (FCC) must publish a document in the **Federal Register** and the material must be available to the public. All approved incorporation by reference (IBR) material is available for inspection at the FCC and at the

National Archives and Records Administration (NARA). Contact FCC at the address indicated in 47 CFR 0.401(a); phone: (202) 418–0270. For information on the availability of this material at NARA, visit www.archives.gov/federal-register/cfr/ibr-locations or email fr.inspection@nara.gov. The material may be obtained from the following sources:

(a) The IBR material may be obtained from the sources in the following paragraphs of this section or from one or more private resellers listed in this paragraph (a).

(1) Accuris Standards Store, 321 Inverness Drive, South Englewood, CO 80112; phone: (800) 332–6077; website: <https://accuristech.com>.

(2) American National Standards Institute (ANSI), see paragraph (b) of this section.

(3) GlobalSpec, 257 Fuller Road, Suite NFE 1100, Albany, NY 12203–3621; phone: (800) 261–2052; website: <https://standards.globalspec.com>.

(4) Nimonik Document Center, 401 Roland Way, Suite 224, Oakland, CA 94624; phone: (650) 591–7600; email: info@document-center.com; website: www.document-center.com.

* * * * *

(e) European Telecommunications Standards Institute (ETSI), 650 Route des Lucioles, F–06921 Sophia Antipolis Cedex, France; phone: +33 4 92 94 42 00; email: webstore@etsi.org; website: www.etsi.org/.

(1) ETSI EN 300 422–1 V2.2.1 (2021–11), Wireless Microphones; Audio PMSE up to 3 GHz; Part 1: Audio PMSE Equipment up to 3 GHz; Harmonised Standard for access to radio spectrum, published November 2021; IBR approved for § 15.236(g). (Available at: www.etsi.org/deliver/etsi_en/300400_300499/30042201/02.02.01_60/en_30042201v020201p.pdf.)

(2) [Reserved]

* * * * *

- 3. Section 15.236 is revised and republished to read as follows:

§ 15.236 Operation of wireless microphones in the bands 54–72 MHz, 76–88 MHz, 174–216 MHz, 470–608 MHz, 614–616 MHz and 657–663 MHz.

(a) *Definitions.* The following definitions apply in this section.

600 MHz duplex gap. An 11 megahertz guard band at 652–663 MHz that separates part 27 600 MHz service uplink and downlink frequencies.

600 MHz guard band. Designated frequency band at 614–617 MHz that prevents interference between licensed services in the 600 MHz service band and channel 37.

Wireless Microphone. An intentional radiator that converts sound into electrical audio signals that are transmitted using radio signals to a receiver which converts the radio signals back into audio signals that are sent through a sound recording or amplifying system. Wireless microphones may be used for cue and control communications and synchronization of TV camera signals as defined in § 74.801 of this chapter. Wireless microphones do not include auditory assistance devices as defined in § 15.3(a) of this part.

Wireless Multichannel Audio Systems. Wireless audio transmission systems using broadband digital transmission techniques for microphone and in-ear monitor system applications and other multichannel audio use.

(b) *Permissible operations.* Operation under this section is limited to wireless microphones and wireless multichannel audio systems as defined in this section.

(c) *Frequency bands.* Operation of wireless microphones is permitted in all of the following frequency bands.

Wireless multichannel audio systems may operate only in the bands listed in paragraphs (c)(1) and (2) of this section.

(1) Channels allocated and assigned for the broadcast television service.

(2) The 657–663 MHz segment of the 600 MHz duplex gap.

(3) The 614–616 MHz segment of the 600 MHz guard band.

(d) *Power limits.* The maximum radiated power shall not exceed the following values:

(1) In the bands allocated and assigned for broadcast television:

(i) Wireless microphones: 50 mW EIRP.

(ii) Wireless multichannel audio systems with a bandwidth up to 1 MHz: 50 mW EIRP.

(iii) Wireless multichannel audio systems with a bandwidth greater than 1 MHz: 100 mW EIRP.

(2) In the 600 MHz guard band and the 600 MHz duplex gap: 20 mW EIRP.

(e) *Operating locations.* Operation is limited to locations at least four kilometers outside the following protected service contours of co-channel TV stations:

TABLE 1 TO PARAGRAPH (e)

Type of station	Protected contour		
	Channel	Contour (dBu)	Propagation curve
Digital: Full service TV, Class A TV, LPTV, translator and booster	Low VHF (2–6)	28	F(50,90)
	High VHF (7–13)	36	F(50,90)
	UHF (14–36)	41	F(50,90)

(f) *Operating frequency and bandwidth*—(1) *Wireless microphones*. The operating frequency within a permissible band of operation defined in paragraph (c) of this section must comply with the following requirements.

(i) The frequency selection shall be offset from the upper or lower band limits by 25 kHz or an integral multiple thereof.

(ii) One or more adjacent 25 kHz segments within the assignable frequencies may be combined to form a channel whose maximum bandwidth shall not exceed 200 kHz. The operating bandwidth shall not exceed 200 kHz.

(iii) The frequency tolerance of the carrier signal shall be maintained within $\pm 0.005\%$ of the operating frequency over a temperature variation of -20 degrees to $+50$ degrees C at normal supply voltage, and for a variation in the primary supply voltage from 85% to 115% of the rated supply voltage at a temperature of 20 degrees C. Battery operated equipment shall be tested using a new battery.

(2) *Wireless multichannel audio systems*. A wireless multichannel audio system may have an operating bandwidth not exceeding 6 megahertz and must have a mode of operation in which it is capable of operating with at least three audio channels per megahertz. For wireless multichannel audio systems operating in the TV bands (channels 2–36), the 6 megahertz (or less) channel must fall entirely within a single TV channel.

(g) *Emission masks*—(1) *Analog systems*. Emissions within the band from $2.5 \times B$ below to $2.5 \times B$ above the carrier frequency, where B is the channel bandwidth, shall comply with the emission mask in Figure 1 of section 4.2.4.2.2 of ETSI EN 300 422–1 V2.2.1 (2021–11) (incorporated by reference, see § 15.38).

(2) *Digital systems*. Emissions within the band from $2.5 \times B$ below to $2.5 \times B$ above the carrier frequency, where B is the channel bandwidth, shall comply with the emission mask in Figure 2 of section 4.2.4.2.2 of ETSI EN 300 422–1 V2.2.1 (2021–11) (incorporated by reference, see § 15.38).

(3) *Wireless Multichannel Audio Systems*. Emissions within the band from $2.5 \times B$ below to $2.5 \times B$ above the carrier frequency, where B is the channel bandwidth, shall comply with the emission mask in Figure 3 of section 4.2.4.2.2 of ETSI EN 300 422–1 V2.2.1 (2021–11), (incorporated by reference, see § 15.38).

(4) *Spurious emission limits*. Emissions outside of the emission masks listed in paragraphs (g)(1) through (g)(3) shall comply with the limits specified in section 4.2.4.1.2 of ETSI EN 300 422–1 V2.2.1 (2021–11), (incorporated by reference, see § 15.38).

■ 4. Section 15.703 is amended by revising the definition of “*White space database*” to read as follows:

§ 15.703 Definitions.

* * * * *

White space database. A database system approved by the Commission that maintains records on authorized services and provides lists of available channels to white space devices.

■ 5. Section 15.713 is amended by:

- a. Removing and reserving paragraph (a)(2);
- b. Revising paragraph (a)(3); and
- c. Removing and reserving paragraphs (f) and (i).

The revision reads as follows:

§ 15.713 White space database.

(a) * * *

(3) To register the identification information and location of fixed white space devices.

* * * * *

§ 15.715 [Amended]

■ 6. Section 15.715 is amended by removing paragraph (q).

PART 74—EXPERIMENTAL RADIO, AUXILIARY, SPECIAL BROADCAST AND OTHER PROGRAM DISTRIBUTION SERVICES

■ 7. The authority citation for part 74 continues to read as follows:

Authority: 47 U.S.C. 154, 302a, 303, 307, 309, 310, 325, 336 and 554.

■ 8. Section 74.35 is added to read as follows:

§ 74.35 Incorporation by reference.

Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in this section, the Federal Communications Commission (FCC) must publish a document in the **Federal Register** and the material must be available to the public. All approved incorporation by reference (IBR) material is available for inspection at the FCC and at the National Archives and Records Administration (NARA). Contact the FCC at the address indicated in 47 CFR 0.401(a); phone: (202) 418–0270. For information on the availability of this material at NARA, visit www.archives.gov/federal-register/cfr/ibr-locations or email fr.inspection@nara.gov. The material may be obtained from the European Telecommunications Standards Institute (ETSI), 650 Route des Lucioles, F–06921 Sophia Antipolis Cedex, France; phone: +33 4 92 94 42 00; email: webstore@etsi.org; website: www.etsi.org/.

(a) ETSI EN 300 422–1 V2.2.1 (2021–11), *Wireless Microphones; Audio PMSE up to 3 GHz; Part 1: Audio PMSE Equipment up to 3 GHz; Harmonised Standard for access to radio spectrum*, published November 2021; IBR approved for § 74.861(d)(4) and (e)(7). (Available at: www.etsi.org/deliver/etsi_en/300400_300499/30042201/02.02.01_60/en_30042201v020201p.pdf.)

(b) [Reserved]

■ 9. Section 74.801 is amended by adding a definition for “*Wireless Multichannel Audio System*” in alphabetical order to read as follows:

§ 74.801 Definitions.

* * * * *

Wireless multichannel audio systems. Wireless audio transmission systems using broadband digital transmission techniques for microphone and in-ear monitor system applications and other multichannel audio use.

■ 10. Section 74.802 is amended by revising paragraphs (a) and (b)(1) to read as follows:

§ 74.802 Frequency assignment.

(a) Frequencies within the following bands may be assigned for use by low power auxiliary stations:

26.100–26.480 MHz
 54.000–72.000 MHz
 76.000–88.000 MHz
 161.625–161.775 MHz (except in Puerto Rico or the Virgin Islands)
 174.000–216.000 MHz
 450.000–451.000 MHz

455.000–456.000 MHz
 470.000–488.000 MHz
 488.000–494.000 MHz (except Hawaii)
 494.000–608.000 MHz
 653.000–657.000 MHz
 941.500–944.000 MHz
 944.000–952.000 MHz
 952.850–956.250 MHz
 956.45–959.85 MHz
 1435–1525 MHz
 6875.000–6900.000 MHz
 7100.000–7125.000 MHz

(b)(1) Operations in the bands allocated for TV broadcasting are limited to locations at least 4 kilometers outside the protected contours of co-channel TV stations shown in the following table. These contours are calculated using the methodology in § 73.684 of this chapter and the R–6602 curves contained in § 73.699 of this chapter.

TABLE 1 TO PARAGRAPH (b)(1)

Type of station	Protected contour		
	Channel	Contour (dBu)	Propagation curve
Digital: Full service TV, Class A TV, LPTV, translator and booster	Low VHF (2–6)	28	F(50,90)
	High VHF (7–13)	36	F(50,90)
	UHF (14–36)	41	F(50,90)

* * * * *

■ 11. Section 74.861 is amended by revising paragraphs (d)(4) and (e)(1), (5), and (7) and removing paragraph (i).

The revisions read as follows:

§ 74.861 Technical requirements.

* * * * *

(d) * * *

(4) The following emission limits apply in the 941.5–944 MHz, 944–952 MHz, 952.850–956.250 MHz, 956.45–959.85 MHz, 1435–1525 MHz, 6875–6900 MHz and 7100–7125 MHz bands.

(i) *Analog systems.* Emissions within the band from $2.5 \times B$ below to $2.5 \times B$ above the carrier frequency, where B is the channel bandwidth, shall comply with the emission mask in Figure 2 of section 4.2.4.2.2 of ETSI EN 300 422–1 V2.2.1 (2021–11) (incorporated by reference, see § 74.35).

(ii) *Digital systems.* Emissions within the band from $2.5 \times B$ below to $2.5 \times B$ above the carrier frequency, where B is the channel bandwidth, shall comply with the emission mask in Figure 3 of section 4.2.4.2.2 of ETSI EN 300 422–1 V2.2.1 (2021–11) (incorporated by reference, see § 74.35).

(iii) *Wireless Multichannel Audio Systems.* Emissions within the band from $2.5 \times B$ below to $2.5 \times B$ above the carrier frequency, where B is the channel bandwidth, shall comply with the emission mask in Figure 3 of section 4.2.4.2.2 of ETSI EN 300 422–1 V2.2.1 (2021–11) (incorporated by reference, see § 74.35). A wireless multichannel audio system must have an operating bandwidth B not exceeding 20 megahertz and must have a mode of operation in which it is capable of transmitting at least three audio channels per megahertz.

(iv) *Spurious emission limits.*

Emissions outside of the emission masks specified in paragraphs (d)(4)(i) through (iii) of this section shall comply with the limits specified in section 4.2.4.1.2 of ETSI EN 300 422–1 V2.2.1 (2021–11) (incorporated by reference, see § 74.35).

(e) * * *

(1) The power may not exceed the following values.

(i) 54–72, 76–88, and 174–216 MHz bands: 50 mW EIRP

(ii) 470–608 MHz band: 250 mW conducted power

(iii) 653–657 MHz band: 20 mW EIRP

* * * * *

(5) The operating bandwidth shall not exceed 200 kilohertz, except that a wireless multichannel audio system must have an operating bandwidth not exceeding 6 megahertz in the TV bands or 4 megahertz in the 653–657 MHz band and must have a mode of operation in which it is capable of transmitting at least three audio channels per megahertz. For wireless multichannel audio systems operating in the TV bands, the 6 megahertz (or less) channel must fall entirely within a single TV channel (2–36) that is available for Part 74 LPAS use under § 74.802(b). The provisions of § 74.802(c) regarding frequency of operation within TV channels do not apply to wireless multichannel audio systems.

* * * * *

(7)(i) *Analog systems.* Emissions within the band from $2.5 \times B$ below to $2.5 \times B$ above the carrier frequency, where B is the channel bandwidth, shall comply with the emission mask in Figure 1 of section 4.2.4.2.2 of ETSI EN

300 422–1 V2.2.1 (2021–11) (incorporated by reference, see § 74.35).

(ii) *Digital systems.* Emissions within the band from $2.5 \times B$ below to $2.5 \times B$ above the carrier frequency, where B is the channel bandwidth, shall comply with the emission mask in Figure 2 of section 4.2.4.2.2 of ETSI EN 300 422–1 V2.2.1 (2021–11) (incorporated by reference, see § 74.35).

(iii) *Wireless Multichannel Audio Systems.* Emissions within the band from $2.5 \times B$ below to $2.5 \times B$ above the carrier frequency, where B is the channel bandwidth, shall comply with the emission mask in Figure 3 of section 4.2.4.2.2 of ETSI EN 300 422–1 V2.2.1 (2021–11), (incorporated by reference, see § 74.35).

(iv) *Spurious emission limits.* Emissions outside of the emission masks listed in paragraphs (e)(7)(i) through (e)(7)(iii) shall comply with the limits specified in section 4.2.4.1.2 of ETSI EN 300 422–1 V2.2.1 (2021–11) (incorporated by reference, see § 74.35).

* * * * *

■ 12. Section 74.870 is amended by revising paragraph (c) introductory text to read as follows:

§ 74.870 Wireless video assist devices.

* * * * *

(c) Wireless video assist devices may operate with a bandwidth not to exceed 6 MHz on frequencies in the bands 180–210 MHz (TV channels 8–12) and 470–608 MHz (TV channels 14–36) subject to the following restrictions:

* * * * *

[FR Doc. 2024–23959 Filed 10–17–24; 8:45 am]

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Proposed Rules

Federal Register

Vol. 89, No. 202

Friday, October 18, 2024

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

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

23 CFR Part 772

[Docket No. FHWA–2019–0036]

RIN 2125–AF78

Procedures for Abatement of Highway Traffic Noise and Construction Noise

AGENCY: Federal Highway Administration (FHWA), U.S. Department of Transportation (DOT).

ACTION: Notice of proposed rulemaking (NPRM); request for comments.

SUMMARY: The FHWA proposes to revise the Federal regulations on the Procedures for Abatement of Highway Traffic Noise and Construction Noise. The proposed rule would clarify certain definitions, the applicability of this rulemaking, certain analysis requirements, and the eligibility of funds made available under the Highways title of the United States Code (U.S.C.) to provide noise abatement measures and to improve the analytical procedures. The FHWA also proposes changes and clarifications of factors used to determine the effectiveness of noise abatement measures. In addition, the proposed rule would include exemptions to Type I projects and allow screening analysis that would focus on the projects most likely to cause a traffic noise impact to improve efficiency. The proposed rule would make several changes that are intended to increase the pool of eligible participants in the noise study and mitigation decision processes to ensure everyone receives due consideration for impacts and the possibility of receiving abatement on a given project.

DATES: Comments must be received on or before December 17, 2024. Late-filed comments will be considered to the extent practicable.

ADDRESSES: To ensure that you do not duplicate your docket submissions, please submit them by only one of the following means:

- **Federal eRulemaking Portal:** Go to www.regulations.gov and follow the online instructions for submitting comments.

- **Mail:** Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor Room W12–140, Washington, DC 20590.

- **Hand Delivery:** West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is (202) 366–9329.

- **Instructions:** You must include the agency name and docket number or the Regulatory Identification Number (RIN) for the rulemaking at the beginning of your comments. All comments received will be posted without change to www.regulations.gov, including any personal information provided.

FOR FURTHER INFORMATION CONTACT: For technical information: Aileen Varela-Margolles, Office of Natural Environment, (305) 978–7780; for legal information: Lev Gabrilovich, Office of the Chief Counsel, (202) 366–3813, Federal Highway Administration, 1200 New Jersey Avenue SE, Washington, DC 20590. Office hours are from 8 a.m. to 4:30 p.m., ET Monday through Friday, except Federal holidays.

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I. Electronic Access and Filing

This document and all comments received may be viewed online through the Federal eRulemaking portal at www.regulations.gov using the docket number listed above. 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 by accessing the Office of the Federal Register's website at: www.federalregister.gov and the U.S. Government Publishing Office's website at: www.GovInfo.gov.

All comments received before the close of business on the comment closing date indicated above will be considered and will be available for examination in the docket at the location specified in the **ADDRESSES** section. Comments received after the comment closing date will be filed in the docket and considered to the extent practicable. In addition to late comments, we will continue to file relevant information in the docket as it becomes available after the comment period closing date, and interested persons should continue to examine the docket for new material. A final rule may be published at any time after the close of the comment period and after DOT has had the opportunity to review the comments submitted.

II. Executive Summary

The FHWA proposes to update the Federal Procedures for Abatement of Highway Traffic Noise and Construction Noise in 23 CFR part 772 (part 772) to clarify the responsibilities under the “applicability” section of this part to various State department of transportation (State DOT) and non-State DOT recipients of apportioned or discretionary funding, provide additional flexibility for State DOTs, improve consistency in the implementation of part 772, increase options for abatement that is best suited to a particular project and community,

and create a more equitable process for considering the affected public's preference when making noise abatement decisions. The proposed rule would make changes to how and when noise impacts are considered, the funding mechanisms available for noise abatement, the methods for consideration of benefitted receptor's desires, the Date of Public Knowledge as currently defined in § 772.5, and recommendations for considering construction noise in ways that are intended to increase the pool of eligible participants in the noise study and mitigation decision processes to promote equitable consideration for impacts and the possibility of receiving abatement on a given project. The proposed changes would allow all recipients to expedite project delivery while maintaining protections for human health and the environment by continuing to provide for analyzing, considering, minimizing, and mitigating noise impacts.

The FHWA proposes to reorganize part 772 to improve its clarity in response to stakeholder feedback on the existing regulation. The proposed changes fall into three categories: (1) those that are intended to better balance

the needs of receptors (noise-sensitive lands and buildings) adjacent to the project with the needs of recipients; (2) those that are intended to improve the compliance process and focus work effort on projects that are likely to alter the existing noise environment; and (3) those that will allow for the timely adoption of new technology in noise analyses.

The proposed rule includes several key changes that have the potential to alter how recipients conduct noise analyses and how the public receives consideration for noise abatement. The FHWA is proposing to redefine how projects are categorized, what areas of and around a project must be considered for noise analysis, adding exemptions to Type I projects, and allowing project-level screening. This would allow recipients to focus analysis and mitigation efforts on projects and areas that have, or are likely to have, noise impacts. When projects must undergo noise analyses, FHWA is proposing to update the method for adopting new versions of the Traffic Noise Model. In considering traffic noise impacts, the proposed rule would include changes to the levels that are considered an impact. When impacts

are identified and abatement must be considered, FHWA is proposing to improve the process for considering abatement by consolidating requirements; allowing for the use of innovative mitigation measures; allowing for the consideration of non-acoustical benefits of mitigation; seeking comment on third-party funding options; updating how property owners' and residents' viewpoints are solicited, counted, and considered; defaulting to replacing existing mitigation in-kind; and including provisions for reestablishing a Date of Public Knowledge. These proposed changes would increase community opportunities to participate in decisionmaking and potentially to obtain noise mitigation for impacts. The proposed rule also includes some updates to the consideration of construction noise when such noise is present at a single location for a long time. Finally, FHWA is proposing to allow additional flexibility for all effective abatement measures to be eligible for Federal participation. The FHWA requests comments on the proposed changes.

KEY PROPOSED CHANGES TO PART 772

Topic area	Description of proposed change	Existing regulatory section(s)	Proposed regulatory section(s)
Reorganization	Reorganizing the existing regulation to better match the project development process from beginning to end.	All sections, except § 772.17.	All sections, except § 772.17.
Applicability and responsibilities.	Clarifying what parts of this rulemaking apply only to State DOTs and which parts apply to all recipients receiving FHWA funding and/or approvals for a project.	All sections, except § 772.1.	All sections, except § 772.1.
Project Types	Better aligning work effort to likely results (e.g., focusing noise analysis on projects likely to have noise impacts) by: • Introducing exempt projects • Introducing screenings to determine likelihood of impacts • Updating what constitutes the analysis area	§ 772.5, § 772.7	§ 772.3, § 772.5, § 772.7.
Traffic noise prediction	Including legacy periods and grace periods, and providing for use of updated versions of the Traffic Noise Model (TNM) via FEDERAL REGISTER notice.	§ 772.9	§ 772.7.
Consideration of adjacent receptors.	Establishing criteria and processes for resetting the Date of Public Knowledge and reanalyzing a project area for new receptors. Establishing a default wherein public viewpoints are weighed equally and are the final decision point regarding State DOT-proposed mitigation measures.	§ 772.5, § 772.13	§ 772.9, § 772.11.
Traffic noise impacts	Updating the criteria for a noise impact to balance research and commonly used State criteria.	§ 772.5, § 772.11, Table 1—Noise Abatement Criteria. § 772.13	§ 772.3, § 772.9, Table 1—Noise Impact Criteria. § 772.11.
Analysis of traffic noise abatement.	Consolidating the analysis of feasibility and reasonableness of abatement measures, and replacing these terms with effective noise abatement or effectiveness. Establishing a default decision of in-kind replacement of noise mitigation that is impacted by a project. Clarify the process and allow for equitable allocation of resources and benefits.	§ 772.13	§ 772.11.
Consideration of other abatement measures.	Updating Federal participation to allow funding noise abatement measures that are effective and consistent with FHWA's national policy for environmental mitigation in 23 CFR 771.105(e) and allow more flexibility in abatement options. Proposing three options for third-party prohibitions, restrictions, or allowance thereof.	§ 772.13, § 772.15	§ 772.11, § 772.19.

III. Background

Legal Authority

The FHWA developed the noise regulation as required by section 136 of the Federal-Aid Highway Act of 1970

(codified at 23 U.S.C. 109(i)). The part 772 regulation applies to a highway or multimodal construction project that requires FHWA approval regardless of funding sources, or is funded with Federal-aid highway funds. *See* 23 CFR

772.7(a). The regulation requires a recipient to investigate traffic noise impacts in areas adjacent to a federally-funded or approved project for the construction of a highway on a new location or a significant change to an

existing highway. If the recipient identifies noise related impacts, it must consider noise abatement. *See* 23 CFR 772.11 and 772.13. The recipient must incorporate all feasible and reasonable noise abatement into the project design. *See* 23 CFR 772.13(h). The FHWA last updated the noise regulation in 2010, with an effective date of July 13, 2011 (75 FR 39820, July 13, 2010).

Statement of the Problem

The FHWA has received ongoing feedback from State DOTs, other transportation stakeholders and practitioners, and the public related to the implementation of the noise regulation since 2011. The feedback includes comments suggesting that some requirements in the existing regulation are ambiguous and unclear while others are too prescriptive. The existing regulations also allow for different interpretations of some requirements. As a result, noise impact and abatement decisions can vary significantly from State to State. Interpretations of some requirements can also result in inequitable outcomes regarding the construction or provision of noise abatement in communities. One example of documented feedback is a report sponsored by FHWA and the American Association of State Highway and Transportation Officials (AASHTO) summarizing findings from a Traffic Noise Practitioners Summit held in October 2015.¹ Another example is a listening session sponsored by FHWA and AASHTO in March 2019; comments from the listening session are summarized and posted in the docket for this rulemaking.

The proposed changes are intended to address stakeholder concerns with the existing regulation and would strike a balance between retaining flexibility for States while improving consistency and

equitable implementation of the regulation for the public. The FHWA has identified several areas where the existing regulation could be improved to better serve the public. For example, FHWA proposes to offer additional flexibilities on the type of non-barrier mitigation measures allowed. Proposed improvements would better balance the recipient's flexibilities in addressing highway noise issues and continue to protect noise sensitive receptors, such as homes and schools, near projects. For more information see the Section-by-Section discussion below.

The proposed rule would support FHWA's goals and objectives of encouraging infrastructure investment while protecting the environment. The proposed rule also would advance the policy goals of three Executive orders (E.O.). Section 1 of E.O. 13990 on Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis (86 FR 7037, Jan. 25, 2021) states the Administration's policy of listening to the science and improving public health and protecting the environment. The proposed rule, which is informed by scenario modeling and statistical data analysis, would help to protect the public from the introduction of new unhealthy levels of noise and would provide for the use of data and science to analyze existing conditions and make determinations on noise impacts and abatement. The E.O. 14008 on Tackling the Climate Crisis at Home and Abroad (86 FR 7619, Feb. 1, 2021) reiterates the importance of protecting public health and delivering environmental justice. The proposed rule, when applied to individual projects, would have the potential to lead to noise analysis and noise abatement measures that could promote environmental justice by protecting human health through the

provision of noise mitigation and spurring economic opportunity through mobility. In the same manner, the proposed rule would carry out E.O. 13985 on Advancing Racial Equity and Support for Underserved Communities Through the Federal Government (86 FR 7009, January 25, 2021), as amended by E.O. 14091 on Further Advancing Racial Equity and Support for Underserved Communities Through The Federal Government (88 FR 10825, February 16, 2023), by introducing new ways for recipients to consider impacts and mitigation in a way that best fits a given community. See the IV. Summary of Key Proposed Changes and V. Section-by-Section Discussion below.

The overarching goal of the proposed changes is to develop a clear and concise regulation that satisfies statutory requirements, improves the analytical process and subsequent decisionmaking, and continues to help protect the public's health, welfare, and livability. The FHWA proposes updates to all sections of the existing regulation. The FHWA is soliciting comments on all of the proposed changes, and expressly seeks comment on specific provisions below. Additional information on these proposed changes follows in IV. Summary of Key Proposed Changes. More details on these and other changes can be found in V. Section-by-Section Discussion of this NPRM.

IV. Summary of Key Proposed Changes

The FHWA proposes to reorganize the sections of the existing regulation to better match the workflow of a noise analysis during the project development process from beginning to end. The Derivation Table lists the proposed section numbers and names next to the existing section numbers.

DERIVATION TABLE TO COMPARE PROPOSED AND EXISTING PART 772

Proposed section(s)	Existing section(s)
§ 772.1 Purpose	§§ 772.1 and 772.3.
§ 772.3 Definitions	§ 772.5.
§ 772.5 Applicability	§ 772.7.
§ 772.7 Traffic Noise Prediction	§ 772.9.
§ 772.9 Analysis of Traffic Noise Impacts	§ 772.11.
§ 772.11 Analysis of Traffic Noise Abatement	§ 772.13.
§ 772.13 Construction Noise	§ 772.19.
§ 772.15 Documentation and Reporting	§§ 772.13, 772.11, and 772.19.
§ 772.17 Information for Local Officials	§ 772.17.
§ 772.19 Federal Participation	§ 772.15.

The FHWA proposes to substitute the term "State DOT" for "highway agency"

in certain sections of part 772 to reflect current usage and clarify what actions

are the exclusive responsibility of a State DOT rather than the responsibility

¹ AASHTO Center for Environmental Excellence, Traffic Noise Practitioners Summit White Paper,

and Noise Roadmap (February 22, 2016), available

at: <https://environment.transportation.org/past-event/2015-traffic-noise-practitioners-summit/>.

of other non-State DOT recipients of FHWA funds or approvals. The term “recipient” is newly added to part 772 when the section’s requirements and responsibilities belong to any entity with a project that is subject to this part.

The term recipient is inclusive of State DOTs, unless otherwise denoted by “non-State DOT recipient”.

The FHWA is proposing 10 key changes to this regulation, as summarized in the table below,

Summary of Key Proposed Changes. Details on the reorganization of content and proposed changes within individual sections are described in the V. Section-by-Section Discussion.

SUMMARY OF KEY PROPOSED CHANGES

Section (as proposed) and topic	Proposed change	Purpose of change
<i>What we are proposing to change?</i>	<i>What are we proposing to change it to/replace it with?</i>	<i>Why are we proposing to change this?</i>
Project area requiring analysis—Noise analysis area § 772.3 Definitions § 772.5 Applicability § 772.9 Analysis of traffic noise impacts Type I project definitions and required analyses § 772.5 Applicability § 772.7 Traffic Noise Prediction	We propose to use the project area where design year traffic may contribute to noise impacts from the project. These proposed changes would: (1) identify Type I projects that could be exempt from noise analysis because these projects are expected to have minimal or no noise impacts; and (2) allow project screenings to determine whether impacts are likely before a full analysis with field measurements and modeling is undertaken.	To focus analysis and work effort on areas most likely to be affected by the project based on traffic changes and construction work, and to ensure full consideration of community impacts. To introduce additional flexibility to improve the analytical process by better aligning the analysis effort to the likelihood of potential impacts and successful construction of abatement, while still providing the necessary information to the public regarding project impacts as part of FHWA National Environmental Policy Act (NEPA) process.
Definitions of impacts § 772.3 Definitions § 772.9 Analysis of Traffic Noise Impacts § 772.11 Analysis of Traffic Noise Abatement Table 1 Noise Impact Criteria	We propose to change the definitions of substantial changes in noise levels by: changing substantial decrease as contained in the acoustic effectiveness criterion to be at least 5 dB(A) but not more than 10 dB(A); and changing the substantial increase criterion, by capping the maximum allowable increase, beyond which an impact will occur, at 10 dB(A) and maintaining the current floor value of 5 dB(A), below which a noise impact because of a substantial increase does not occur. We also propose to remove the requirement to set an approach level of at least 1 dB(A), and incorporate it into table 1 by reducing the Noise Impact Criteria by 1 dB(A) for all Activity Categories. For all criteria, State DOTs would continue to have the option to define more stringent (lower) values.	To better align the definitions of substantial decrease and substantial increase to be the same range of values which is a more logical approach and will also result in additional communities being considered for mitigation compared to the current rule. To update the impact values in table 1 in order to remove the requirement for State DOTs to select an approach criteria.
TNM software updates and releases § 772.7 Traffic Noise Prediction	We propose to provide for usage of legacy data from ongoing projects and grace periods for beginning to use new releases of TNM in noise analyses.	To ensure a smooth transition to future updates of FHWA’s TNM and to provide certainty to State DOTs and noise analysis practitioners on when the new model should be used for noise analyses.
Date of Public Knowledge § 772.9 Analysis of Traffic Noise Impacts § 772.11 Analysis of Traffic Noise Abatement	We propose to provide circumstances under which the Date of Public Knowledge must be reset.	To ensure that the public obtains full consideration for potential impacts and abatement in cases where project design changes will alter the noise environment from what was previously analyzed in NEPA; and to ensure that the public is considered for impacts and abatement in cases where projects do not proceed in a timely manner after the completion of NEPA. This change consistent with NEPA reevaluation policies.
Mitigation Options § 772.9 Analysis of Traffic Noise Impacts § 772.11 Analysis of Traffic Noise Abatement	We propose to allow for any effective mitigation measures, or combination measures, to be eligible for Federal-aid funding provided they meet the requirements established in this rulemaking and in the given State DOT Noise Policy. We propose to include an additional optional effectiveness factor, to allow for noise mitigation that also provides other environmental and social benefits.	To expand options for State DOTs to consider more cost- and acoustically-effective mitigation options such that mitigation is provided more often, is more effective at reducing noise, can enhance the environment, and can do so using the limited available funding.
Analysis process § 772.11 Analysis of Traffic Noise Abatement	We propose to combine “feasibility” and “reasonableness” determinations using the term “effectiveness.” We propose to establish that existing noise barriers that are disturbed by a new project can be eligible for Federal-aid funds for in-kind or improved replacement without necessitating additional analyses.	To consolidate and clarify the traffic noise abatement analysis process so that it is easier to understand for the public; and to maintain existing mitigation that benefits a community.
Public Involvement § 772.11 Analysis of Traffic Noise Abatement: Consideration of Viewpoints	We propose to consider renters and owners as having equal votes during mitigation decisionmaking; to make mitigation decisions based on a simple majority of returned ballots; and to limit the use of a minimum response rate requirement by State DOTs.	To increase the public’s awareness of and influence on final mitigation decisions.
Third Party Funding § 772.11 Analysis of Traffic Noise Abatement	We propose three options to consider third party funding. Proposed option three would remove the prohibition on complete funding of noise abatement by a third party while retaining the ban on partial funding.	To ensure equitable allocation of resources and benefits and financial prudence for cost effective abatement measures.

SUMMARY OF KEY PROPOSED CHANGES—Continued

Section (as proposed) and topic	Proposed change	Purpose of change
<i>What we are proposing to change?</i>	<i>What are we proposing to change it to/replace it with?</i>	<i>Why are we proposing to change this?</i>
Quantitative Analysis of Construction Noise § 772.19 Construction Noise	We propose to include a new section stating that State DOTs should conduct quantitative construction noise analyses in cases where the public has expressed concern about the issue, or where the State DOT believes that construction noise is likely to impact the quality of life of nearby residents.	To ensure the public receives proper consideration for construction noise mitigation measures.

The FHWA also proposes to clarify the timeline for implementation of the final rule, including preparation and use of State DOT noise policies. The FHWA anticipates the effective date will be 30 days after publication of the final rule, consistent with the Administrative Procedure Act, 5 U.S.C. 553(d). To implement the final rule, FHWA proposes that a State DOT would be required to develop its noise policy in accordance with the final rule and submit its proposed policy to FHWA, or self-certify its approval of its policy, within 6 months following the effective date of the final rule. The State DOT would be required to implement the new noise policy within 12 months of the effective date of the final rule and apply the policy uniformly and consistently statewide. Recipients within the State would follow and implement their respective State DOT's noise policy on the same schedule as the State DOT. This would allow sufficient time for States to develop, finalize, and publish their policies.

The FHWA is proposing that States adopt new noise policy within 6 months and implement within 12 months of a final rule. The FHWA encourages States to implement the many improvements in the final rule by incorporating them in a new noise policy as expeditiously as practicable. A State's failure to revise a noise policy in accordance with the final rule could prevent FHWA Division Office from reviewing proposed projects in the State for noise impacts and to implement abatement measures to mitigate impacts in a timely manner. If a State does not revise its noise policy, the FHWA Division Office would be unable to determine whether a project's noise analysis complies with the final rule. Since all environmental commitments for effective noise abatement must be included in the plans, specifications and estimates before FHWA releases a project for construction, a State's failure to implement a revised noise policy within 12 months could result in a delay in FHWA's approval of highway projects within the State.

Projects for which traffic noise prediction activities are initiated 12 months after the effective date of the final rule, or initiated after approval of the State's noise policy, whichever occurs first, would need to be developed in accordance with this part. The recipients of Federal funding may also choose to apply this regulation to any project at any stage after approval of the State's noise policy.

Commenters are encouraged to comment on the feasibility of this timeline and the proposed approaches to the noise policy development and approval process described in V. Section-by-Section Discussion under § 772.5 Applicability.

V. Section-by-Section Discussion

The following paragraphs describe the proposed changes within each section of the regulation as proposed to be reorganized. We also explain where we are proposing to combine existing sections.

Section 772.1 Purpose

The FHWA proposes to reorganize the existing regulation to better match the workflow of a noise analysis during the project development process from beginning to end. The proposed reorganization includes consolidating the existing § 772.1 Purpose and § 772.3 Noise Standards sections into a single § 772.1 Purpose section. By consolidating these sections, proposed § 772.1(a) would describe the purpose of providing noise standards and would remove repetitive information that is found in proposed § 772.1(b) regarding what constitutes noise standards.

The proposed changes also would include three clarifications of existing requirements in §§ 772.1 and 772.3. The first would clarify that this rulemaking applies to both highway traffic noise and construction noise by replacing the phrase "procedures for noise studies and noise abatement measures" with "highway traffic and construction noise standards" in proposed § 772.1(a). The second would clarify that this rulemaking provides both "noise impact and abatement criteria" by adding the

words "impact and" in § 772.1(b). The final change would correct the reference to 23 U.S.C. 109(i) in existing § 772.3.

Section 772.3 Definitions

Renumbered § 772.3, as proposed, would add, revise, combine, and remove several definitions. For the reasons discussed below, FHWA proposes to add new definitions for the following eight terms: *Cost average*; *Exempt project*; *Noise analysis area*; *Noise Impact Criteria*; *Noise policy*; *Receiver*; *Recipient*; and *State DOT*. The FHWA proposes to rename *Noise reduction design goal* to *Noise reduction requirement* and revise the definition. The FHWA also proposes to revise the following terms in the existing regulation: *Benefitted receptor*; *Impacted receptor*; *Permitted*; *Receptor*; *Statement of likelihood*; *Substantial noise increase*; *Traffic noise impacts*; *Type I project*; *Type II project*; and *Type III project*. The FHWA proposes to combine the terms *Multifamily dwelling* and *Residence* into the single term *Residence*. Finally, FHWA proposes to remove the terms *Date of public knowledge*; *Feasibility*; *L₁₀*; *Reasonableness*; and *Substantial construction*. These changes would provide clarity and make these definitions easier to understand or in line with the state of practice. Some of these changes (e.g., benefitted receptor, impacted receptor, and noise reduction requirement) would allow State DOTs more flexibility to mitigate noise impacts in a community and in a context sensitive manner. We discuss the proposed changes in alphabetical order consistent with the regulation. We do not discuss existing definitions that would remain unchanged.

Benefitted receptor. The FHWA proposes to simplify this definition. Under the existing rule, a benefitted receptor is a receptor with a "noise reduction at or above the minimum threshold of 5 dB(A), but not to exceed the highway agency's reasonableness design goal." Under this proposed rule, a benefitted receptor would include any receptor that achieves the noise reduction requirement criterion as defined by a State DOT. Thus, this

definition would align with the noise reduction requirement rather than have multiple criteria. A defined threshold that is consistently applied would support fairness in decisionmaking and more equitable outcomes.

Cost average. Existing § 772.13(k) allows a State DOT, on Type I or Type II projects, the option to cost average noise abatement among benefitted receptors within a project, if certain criteria are met. State DOTs are familiar with this concept in noise abatement, and FHWA proposes to add the definition to § 772.3 to facilitate implementation by recipients.

Date of public knowledge. The FHWA is proposing to remove this definition, as it is described and used entirely in proposed § 772.11 Analysis of traffic noise abatement.

Exempt project. The FHWA proposes to add this new definition for Type I projects that are not expected to have noise impacts and are thus exempt from noise analysis and consideration of abatement under proposed § 772.5(c).

Feasibility. The FHWA is proposing to remove this term and definition from the rule. The concepts and criteria that are under feasibility in the existing regulation would be covered under the consideration of effective noise abatement described in proposed § 772.11(e).

Impacted receptor. The FHWA proposes to modify this definition for clarity, by replacing “[t]he recipient” with “[a] receptor” that has a traffic noise impact.

L_{10} . The FHWA proposes to remove this definition and noise metric to reflect existing practice. All State DOTs now use the L_{EQ} noise metric.

Multifamily dwelling. The FHWA proposes to remove this definition by combining it with the more general term *Residence*. The descriptions in both of these terms are repetitive and can be covered by the more general of the two. The regulatory provision in the existing definition of *multifamily dwelling*, requiring that each residence in a multifamily structure be counted as one receptor when determining impacted and benefitted receptors, was moved to proposed § 772.7(d).

Noise analysis area. The FHWA proposes to add this new definition to identify the areas within or beyond the project limits that may have noise impacts. This would allow project sponsors to focus analysis on the areas that may have noise impacts. Currently, if a project is determined to be a Type I project, then the entire project area as defined in the environmental document is required to be analyzed, per paragraph (8) under the definition of

Type I project in existing § 772.5. The proposed approach to determining the noise analysis area would provide flexibility and avoid establishing a distance for study based on other factors that may not be appropriate for noise analyses. Use of TNM is the recommended method for determining the extent of impacts from a specific highway. Impacts may be contained within the project area, but may also extend beyond the project limits. The FHWA is seeking comments on the new definition of *noise analysis area* from the entire project to the areas that are most likely to have a noise impact from the roadway.

Noise Impact Criteria. The FHWA proposes to add this definition to reflect the proposed change of the title of table 1 from “Noise Abatement Criteria” to “Noise Impact Criteria.” The term *Noise Impact Criteria*, proposed to mean the values in table 1 or lower (more stringent) values as specified in a State noise policy, would better reflect that the sound levels in the table are the levels at which noise impacts are considered to occur. Analysis of abatement would occur after the identification of traffic noise impacts. This approach was made clear in footnote 2 to Table 1 in the current regulation.

Noise policy. The FHWA proposes to add this new definition to clarify what constitutes a State noise policy. A State may title its noise policy by other names, but this definition and the associated regulatory text would aid State DOTs in fulfilling the requirements.

Noise reduction requirement. The FHWA proposes to rename the existing term *Noise Reduction Design Goal* to the more accurate *Noise Reduction Requirement*, to reflect existing practice. The FHWA also proposes to align the noise reduction requirement with the acoustic effectiveness standard in § 772.11(e). Under the current rule, highway agencies analyze feasibility by achieving at least a 5 dB(A) highway traffic noise reduction at impacted receptors, then analyze which receptors are considered benefitted, and then finally analyze how many benefitted receptors achieve the reasonableness acoustic criterion (‘noise reduction design goal’) of at least 7 dB(A). To clarify the standard, FHWA proposes that the acoustic feasibility, benefitted receptor, and noise reduction design goal be consolidated into a single ‘effectiveness’ criterion for acoustics entitled the ‘noise reduction requirement.’ This value would be at least 5 dB(A) but not more than 10 dB(A) at the given number of receptors

as defined in a State noise policy. In addition, FHWA proposes to add the flexibility of allowing a combination of abatement measures to achieve the specified noise reduction rather than a single measure. Accordingly, as proposed, the *Noise reduction requirement* would mean any measure, or combination of measures, that mitigates noise impacts to receptors by reducing design year noise levels by 5 to 10 dB(A) as defined in a State noise policy.

Permitted. The FHWA proposes to revise this definition such that a definite commitment to develop land can be evidenced not only by the issuance of a building permit, but also by the equivalent. This would address situations for which a building permit is not applicable to that type of development. For example, projects in government jurisdictions that do not use building permits for certain types of developments, such as mobile homes, would be considered for impacts and abatement, as long as the jurisdiction can prove a commitment. This proposed change reflects common practice and addresses a gap in the existing rule.

Reasonableness. The FHWA is proposing to remove this term and definition from part 772. The concepts and criteria that are under reasonableness in the existing regulation would be covered under the consideration of effective noise abatement described in § 772.11(e).

Receiver. The FHWA proposes to add this new definition to clarify that this term refers to a modeling object inside TNM. The proposed definition also would clarify that a modeled receiver can represent one or more real-world receptors, provided that they share a common noise environment.

Receptor. The FHWA proposes to modify this definition to mean a real-world location only. The concept of “representative” locations in a noise model is described in the definition of the term *Receiver*. Receptors are modeled using the Receiver input object in TNM.

Recipient. The FHWA proposes to add this new definition to clarify requirements and responsibilities belong to any entity with a project that is subject to this part. A recipient means an entity that receives a Federal award directly or via a pass-through entity from FHWA. The project can be funded with apportioned or discretionary funding, or subject to an FHWA approval action. A recipient can be a State, regional, county, or local government or other project sponsor such as a grant recipient undertaking a highway project. For the purposes of 23

CFR part 772, recipients do not include federally recognized Tribes.

Residence. The FHWA proposes to combine this definition with the current definition of *Multifamily dwelling*, as previously discussed.

State department of transportation. The FHWA proposes to add this new definition to clarify what actions are the exclusive responsibility of a State DOT rather than the responsibility of other non-State DOT recipients.

Statement of likelihood. The FHWA proposes to replace the phrase “feasibility and reasonableness analysis” in the definition with “impact and abatement analysis” to reflect the replacement of the feasibility and reasonableness concepts with the proposed effective noise abatement criteria described in § 772.11(e).

Substantial construction. The FHWA proposes to remove this definition, as it is described entirely in § 772.13.

Substantial noise increase. The FHWA proposes to change the definition of substantial noise increase from a level between 5 and 15 dB(A) to between 5 and 10 dB(A) in the design year over the existing noise level as defined in a State noise policy. The FHWA believes that setting the substantial increase to between 5 and 10 dB(A) would provide clarity for what constitutes a “substantial increase” in noise level. A 10 dB(A) increase is perceived as a doubling in loudness, and will have a noticeable impact on people living, working, or playing in the near-road environment. Noise increases above 10 dB(A) are rare and infrequent. For example, a 10 dB(A) noise increase can be caused by 10-fold increase in traffic volume. An increase of 15 dB(A) can be caused by 31-fold increase in traffic volume, based on the logarithmic scale of the decibel unit of measurement. These changes consider what is mathematically defensible and understandable to the public; what is recommended by research conducted into the health-impacts and speech interference from noise; and what is an achievable reduction using current technology. The FHWA proposes to retain the flexibility for a State DOT to choose the criteria in its noise policy within the given range. This proposed change in definition also would be better aligned with the proposed noise reduction requirement of 5 to 10 dB(A), discussed in § 772.11. The FHWA is seeking comments on the proposed change to *substantial noise increase*.

Traffic noise impacts. The FHWA proposes to revise this definition to incorporate proposed changes in the regulation, specifically the title change of table 1 to part 772 from Noise

Abatement Criteria to Noise Impact Criteria, and to remove the term and concept of an “approach” level, the value of which is incorporated directly into table 1. States would retain the option to define a lower impact criteria than the values in table 1. The proposed definition otherwise would remain the same, in that it would describe that there are two ways in which a traffic noise impact may occur—either when design year build condition noise levels: (1) meet or exceed the criteria listed in table 1; or (2) create a substantial noise increase over existing levels.

Type I project. The FHWA proposes to simplify the definition of Type I project and move the specific examples to § 772.5.

Type II project. The FHWA proposes to revise the existing definition by adding a clause to clarify for the public that a Type II project is a retrofit noise abatement project on an existing highway in the absence of an associated highway project.

Type III project. The FHWA proposes to revise the existing definition by adding a sentence to clarify that a Type III project is not likely to change the noise environment.

The FHWA is not proposing any changes to the following existing definitions: *Common noise environment*, *Design year*, *Existing noise levels*, *Impacted receptor*, *L_{EQ}*, *Noise barrier*, and *Property owner*.

Section 772.5 Applicability

This section is proposed to be renumbered and revised to include the detailed descriptions of Project Types that are found in the existing Definitions section, introduce the new concept of exempt projects, and describe the State DOT noise policies and minimum criteria for inclusion in such policies.

The FHWA proposes to clarify in renumbered § 772.5(a)(1) that the proposed rule applies to any highway project or multimodal project that requires FHWA approval, regardless of funding sources, or that is funded with Federal-aid highway funds.

Type I Projects

The FHWA proposes to move the list of example projects that are currently found in the Definitions section to renumbered § 772.5. The FHWA proposes in § 772.5(b) to organize the list of Type I projects into four broad categories that would cover all of the project types under the existing definition of the term “Type I project”: (1) construction of a roadway on a new location; (2) substantial physical alteration of an existing highway; (3) a substantial change in the operations of

an existing highway when those changes are because of the proposed highway project; and (4) other projects which may cause a traffic noise impact during regular operation. The list of Type I projects in proposed § 772.5(b) would not be exclusive.

Proposed § 772.5(b)(3) would explicitly describe a substantial change in operations for clarity, where it is currently implied by the example project types listed as being primarily work on an existing alignment. These projects include restriping existing pavement to add an auxiliary lane or through traffic lane, including for a high occupancy vehicle (HOV) lane, high occupancy toll (HOT) lane, bus lane, or truck climbing lane; and the addition of a new or a substantial alteration of a weigh station, rest area, ride-share lot, or toll plaza. The FHWA proposes to move “except for when the auxiliary lane is a turn lane” from paragraph (4) of the existing definition of a “Type I project” to the proposed project exemptions in proposed § 772.5(c)(1) for clarity. In proposed § 772.5(b)(3)(v), FHWA would add an explanation to describe “substantial alteration” from existing Analysis and Abatement Guidance (2011)² and to account for the projects that are eligible for assistance under title 23, including projects funded by discretionary grants under title 23 or administered as if Federal-aid projects under chapter 1 of title 23.

In addition, projects proposing to use apportioned funding or discretionary grants under title 23, or projects that are administered as if they are Federal-aid projects under chapter 1 of title 23, to build noise abatement on existing roadways, should be subject to the same requirements of a Type I projects because the acoustic performance of the noise abatement measure can only be predicted and analyzed by performing a noise analysis. Such projects would include changing the pavement surface or building noise barriers in the roadway right-of-way.

Projects proposing to use Federal-aid funds to build independent noise abatement on existing roadways are Type II projects and can only obtain the FHWA funding and approval by being part of an approved Type II program priority list. On the other hand, projects proposing to use discretionary grant funding to build independent noise abatement on existing roadways must follow the eligibility requirements of the

² FHWA, “Analysis and Abatement Guidance” (FHWA-HEP-10-025) (June 2010; revised December 2010), available at: https://www.fhwa.dot.gov/environment/noise/regulations_and_guidance/analysis_and_abatement_guidance/.

given grant program and are not necessarily Type II projects.

New § 772.5(b)(4) would add “other projects which may cause a traffic noise impact during regular operation” to the list of Type I projects. Generally, if a project results in a new noise source, the State DOT should consider a noise analysis for the project. The proposed rule would not preclude a State DOT from performing a noise analysis for a project that does not strictly meet the Type I or Type II criteria, but may result in a new noise source.

Project Exemptions

The FHWA proposes in new § 772.5(c) to introduce a new “exempt project” category. The exempt projects

would be those projects that would otherwise be considered as Type I based on their scope of work but are not likely to change the noise environment. Projects unlikely to change the noise environment would not require analysis of traffic noise impacts or abatement as in the case of Type III projects. Proposed project exemptions include clarifications of project parameters that currently are described in guidance.

The table below lists proposed Type I projects that could be exempt, with references to the proposed regulation. The FHWA conducted research and modeling analysis to support the proposed exemptions. The research report, titled “23 CFR 772 NPRM

Analysis: Analysis to Support Potential Type I Exempt Projects,” is available for review in the docket.

The FHWA seeks comments on whether to include exemptions in this regulation for assessment of noise impacts, on the exempt projects in proposed § 772.5(c), and on other projects that should be considered for exemption from analysis of traffic noise impacts with appropriate justification.

Type I Projects and Corresponding Proposed Exemptions

If a Type I project meets the description in the first column, then a proposed exemption is listed in the second column.

Type I project	Proposed exemption to Type I project
The addition of a new or substantial alteration of a toll plaza § 772.5(b)(3)(v).	The addition of, or conversion to, an all-electronic toll plaza where vehicles do not stop or accelerate away. § 772.5(c)(1)(i)
The addition of an auxiliary lane, whether added by construction or restriping § 772.5(b)(3)(ii) and (iv).	An auxiliary lane when it is a turn lane or less than 2,500 feet in length and thus does not function as a through lane. § 772.5(c)(1)(ii)
The addition of a through traffic lane(s), whether added by construction or restriping § 772.5(b)(3)(i) and (iv).	The addition of a through traffic lane when: • Design speed limit is 35 mph or less; and • Vehicular restrictions would cause the volume of traffic using these lanes to be much lower than the main lanes, including autos-only, bus-only, and no trucks allowed. § 772.5(c)(iii)
Substantial Vertical Alteration § 772.5(b)(2)(ii)	A substantial vertical alteration when such alteration results in a newly blocked line of sight between the area and the receptor, such as moving a roadway into a cut. § 772.5(c)(1)(iv)

Type II Projects

Proposed § 772.5(d) is intended to provide more clarity to the public that a State would need to develop a Type II noise program in order to use Federal-aid funds when considering noise abatement on existing highways in the absence of a new highway project. This is the case under the existing regulation and it would be the case under the proposed rule. A State’s participation in the development and implementation of a Type II program is and would continue to be optional. A State also retains the right to use their own funding for such abatement in the absence of an FHWA-approved Type II noise program.

Type III Projects

Proposed § 772.5(e) provides that a State DOT is not required to complete a noise analysis or consider abatement measures for a Type III project, which is a Federal or Federal-aid highway project that does not meet the classifications of a Type I or Type II project. The Definitions section of the existing regulation describes Type III projects and states that they do not require a noise analysis. The proposed definition in § 772.3 would define Type III projects as ones that are not likely to change the noise environment, and

would move the existing provision that a State DOT is not required to complete a noise analysis or consider abatement measures from the existing Definition to proposed § 772.5(e).

State Noise Policy

The FHWA is considering changes to the noise policy development and approval process and is requesting comments on three proposed options for § 772.5(f), including the advantages and disadvantages of each. Commenters are also welcome to submit additional options, variations of the proposed options, or a combination of these options. After considering comments received, FHWA may include any of the options, or a variation or combination of the options, in the final rule. For all options, FHWA proposes to include the minimum requirements for the information that must be included in a State DOT noise policy in § 772.5(g). The FHWA seeks comment on the provided criteria and any other criteria not addressed that FHWA should consider.

Option (1) reflects current practices that were established to ensure compliance with the standards developed under 23 U.S.C. 109(h). This option would ensure that projects where FHWA has approval authority would meet the FHWA noise standards. It

provides for FHWA review and approval of State noise policies. Under this option, State DOTs would be required to develop a noise policy in conformance with part 772 and apply the policy uniformly and consistently statewide. The State DOT would be required to submit its proposed State policy to FHWA within 6 months of the effective date of the final rule for FHWA review and approval. The FHWA would review the State noise policy in a timely manner, and the State DOT would be required to implement the new noise policy within 12 months of the effective date of the final rule. The criteria provided in § 772.5(g) contain the requirements for a State noise policy to support State DOT development and FHWA review of a policy.

Under proposed option (2), a State would self-approve its own noise policy by finding that it meets the set of criteria, provided in proposed § 772.5(g), and thus comply with standards developed under 23 U.S.C. 109(h). Under this option, the State DOT would be required to develop a noise policy in conformance with the regulation. Within 6 months of the effective date of the final rule, the State DOT would develop and self-approve its State policy according to FHWA criteria for noise policies. The State DOT would submit the self-approved noise policy to

FHWA and will post it on the State DOT's public website to ensure public access. The State DOT would be required to implement the new noise policy within 12 months of the effective date of the final rule and apply the policy uniformly and consistently statewide.

Under proposed option (3), a State DOT could opt to self-approve the State noise policy or to submit it for FHWA review and approval. The State DOT would be required to develop a noise policy in conformance with the final rule. Within 6 months of the effective date of the final rule, the State DOT would either (1) submit its noise policy for FHWA review and approval, or (2) self-approve its own noise policy by finding that it meets the set of criteria provided in proposed § 772.5(g), submit the self-approved noise policy to FHWA, and publish it on the State DOT's public website to ensure public access. The State DOT would be required to implement the new noise policy within 12 months of the effective date of the final rule and apply the policy uniformly and consistently statewide, regardless of which approval option the State chooses.

Effective Date

Proposed § 772.5(h) includes new text explaining that projects for which traffic noise prediction activities are initiated 12 months after the effective date of a final rule, or initiated after approval of the State's noise policy, whichever occurs first, must be developed in accordance with this part. The State DOT may choose to apply the final rule to any project at any stage after approval of the State's noise policy pursuant to § 772.5(f).

Section 772.7 Traffic Noise Prediction

In renumbered § 772.7, FHWA proposes to change the reference to FHWA TNM version, and the process to announce and apply the use of new versions of the noise model in proposed § 772.7(a); make several clarifications in proposed § 772.7(c) and (d); and add a noise screening process to reduce regulatory and analysis burden for projects that are unlikely to cause impacts in proposed § 772.7(e).

Traffic Noise Model Version

In proposed § 772.7(a), FHWA proposes to delete the current reference to a specific TNM version. Though the TNM will continue to be the required model for noise prediction, instead of specifying a version of TNM in the regulation, FHWA proposes to require the use of the latest version of the model, or any other model FHWA

determines to be consistent with the TNM's methodology. The FHWA also proposes to establish a process to announce each updated required version of TNM by publishing a notice of availability in the **Federal Register**.

To allow more implementation flexibility, FHWA intends to provide a grace period after the release of a new or major updated version of TNM. The length of the grace period would depend on the level and extent of the changes, but it would be a minimum of 6 months to a maximum of 2 years. The FHWA would announce the length of the grace period in the same **Federal Register** notice of availability that announces the model release. The FHWA believes that providing a variable grace period to incorporate use for the new model is important to address the needs of each release situation. For example, if the new version of the model requires additional data collection, then a longer grace period might be necessary to accommodate this effort before requiring its use. The FHWA believes a maximum 2-year grace period would allow States ample time to prepare for the implementation of the new version of the model.

The FHWA is also proposing that any highway project for which traffic noise prediction activities have been initiated using the previous version of the TNM before or during the grace period can continue without switching to the new model. The new model must be used any time traffic noise prediction (*i.e.*, modeling activities) are started after the end of the grace period. The FHWA believes this process will provide a smooth transition to the adoption of each version of TNM, provide more certainty to the States, and minimize any interruption to project schedules.

Clarifications

The FHWA is also proposing clarifications in § 772.7(c) concerning the use of traffic characteristics that would yield the worst traffic noise impact. Currently, the rule requires, when predicting noise levels and assessing noise impacts, the use of "traffic characteristics that would yield the worst traffic noise impact for the design year. . . .". The FHWA is proposing to clarify these requirements for Type I and Type II projects. Type I project analyses would continue to use the design year; however, since there is no design year for a Type II project, those analyses would use the worst noise hour for the existing year resulting from the combination of natural and mechanical sources and human activity usually present in a particular area, per the definition of *Existing noise levels*.

This clarification reflects the existing practice and makes the language in the rule more precise. Consistent with current policy, State DOTs should continue to use the operating speed to determine the existing worst noise hour if it is determined to be consistently higher than the posted speed limit.³ The FHWA is seeking comment on whether it would be beneficial to include a new definition for the term '*Worst Noise Hour*' and whether this definition should incorporate the existing guidance regarding the use of operating speeds for vehicles.

The FHWA also proposes to consolidate and move instructions regarding the calculation and placement of receptors, which is currently found under the descriptions of each Activity Category in § 772.11. Because we are proposing to remove those detailed descriptions from the text, the relevant portions were summarized and moved to § 772.7(d). The text continues to state that each State DOT must define a method to calculate and place non-residential receptors and apply it consistently statewide. Proposed § 772.7(d) also includes regulatory text providing that for residential land uses, each single-family structure and each dwelling unit in a multifamily structure would be counted as one receptor when determining impacted and benefitted receptors. We proposed moving similar language from the Definitions section when we combined the definitions of *multifamily dwelling* and *residence*. The text does not reflect a new requirement, and is part of the proposed reorganization.

Noise Screening Process

The FHWA proposes in § 772.7(e) to add an optional traffic noise screening process to allow State DOTs to determine whether a project is likely to cause traffic noise impacts before conducting a detailed noise analysis. If a project passes the traffic noise screening outlined in proposed § 772.7(e), the State DOT could document the results and no further analysis would be required. Traffic noise screening would reduce unnecessary analysis conducted for projects that do not cause any meaningful noise impacts.

The FHWA proposes that traffic noise screening would involve modeling a worst-case scenario with a simplified TNM run using a FHWA-approved tool such as FHWA's Traffic Noise Screening

³ FHWA, Analysis and Abatement Guidance (December 2010), available at: https://www.fhwa.dot.gov/environment/noise/regulations_and_guidance/analysis_and_abatement_guidance/.

Tool,⁴ rather than the usual requirements of detailed TNM object inputs and model validation. Currently, the use of particular screening tools is allowed through their inclusion in a State noise policy that is submitted for FHWA review and approval. Because of the simplified inputs associated with a screening analysis, it is expected that results will vary somewhat from a detailed analysis conducted using TNM. In order to minimize any other additional sources of variance between a detailed TNM analysis and the screening, the screening tool should be such that it can replicate TNM results when the modeled conditions are the same. The FHWA's Traffic Noise Screening Tool will replicate TNM results within 0.1 dB when the modeled conditions are the same. If a State DOT chooses to use its own screening tool; the decision to do so, the name of the tool, and a description of the tool would need to be included in the noise policy; and the tool also would need to replicate TNM results within 0.1 dB in order to be deemed compliant with the requirements. Allowing an absolute difference between a screening tool and TNM of no more than 0.1 dB would minimize variations that are not caused by inherent issues with the underlying simplifications involved with screening. Simple geometries can be computed in TNM and the results can be directly used in a screening tool with results scaled to account for different volumes using the same equations that are used by TNM; therefore, there is no need for a tolerance greater than 0.1 dB for consistency with TNM. This variation would be the test used in determining whether a given screening tool is allowed for use on projects. The FHWA seeks feedback on the allowable variation of 0.1 dB between TNM and a given screening tool.

A State DOT would be required to conduct the screening analysis on the entire noise analysis area for the project. The same model or tool used to determine noise levels for the existing year also would be required to be used to analyze noise levels in the design year for the build condition, consistent with current practice in the use of TNM. State DOTs also could choose to analyze the design year for the no-build condition using the aforementioned screening methods.

A traffic noise screening analysis would be required to include the following parameters, if applicable:

existing noise level, facility type, length of facility, number of lanes in each travel direction, lane width, roadway design capacity, vehicle fleet mix, speed, roadway grade, type of ground between roadway and receiver, land (urban/suburban/rural) areas, Noise Impact Criteria Activity Category, and distance of nearest receiver from the roadway. The FHWA requests comments on the proposed screening parameters and on other screening parameters that should be considered.

Type I projects with complex attributes are not appropriate for screening analysis and would be required to apply the provisions in proposed § 772.9. Complex attributes include: the construction of a roadway on a new location; ground elevation changes because of hills, valleys, and other undulations greater than three feet that do not correlate to the grade change in the roadway (e.g., the roadway will continue at its current elevation regardless of the surrounding terrain); large areas of trees that fully obscure the line of sight between the roadway and the source; intervening buildings, barriers, or other substantial structures; intervening ground with multiple ground types (e.g., water, pavement, grass, etc.); or where the horizontal deviation between any roadway segment of the project and a straight line approximation of the entire length of the roadway project is greater than 25 degrees (i.e., a curvy road).

The FHWA proposes that detailed traffic noise analysis as described in § 772.9 would not be required if both of the following screening conditions are satisfied: first, if the result of screening is at least 5 dB less than the Noise Impact Criteria for the appropriate activity category, and second, if the result of screening does not exceed the substantial noise increase criteria determined in a State noise policy. The screening threshold of 5 dB below the Noise Impact Criteria represents a safety factor that accounts for expected variation between a detailed model such as TNM and a simplified model such as the Traffic Noise Screening Tool. A 5 dB safety factor is not needed for the State DOT's substantial noise increase criteria because any over or under predictions in the existing condition are expected to cancel with any over or under predictions for the future condition. For more information, the technical report titled, "23 CFR 772 NPRM Analysis: Traffic Noise Screening Process" is available for review in the docket.

The FHWA seeks comments on whether it should allow project screening and the proposed screening parameters.

Section 772.9 Analysis of Traffic Noise Impacts

The FHWA is proposing multiple changes to the process of analyzing traffic noise impacts in renumbered § 772.9. Related proposed changes can be found in § 772.3 and Table 1 to Part 772—Noise Impact Criteria.

To improve readability, FHWA is proposing to reorganize this section to better align with the order of activities in the project development process. The FHWA removed the detailed description of the Activity Categories from this section to avoid duplication of descriptions provided in table 1 to part 772.

As described in proposed § 772.3, FHWA proposes to clarify that the *noise analysis area* in § 772.9(a)(1) can be within or slightly beyond the project limits, to only include areas that have the potential for noise impacts. Under the current definition of a Type I project (§ 772.3, Type I project, paragraph 8), a project must be analyzed for traffic noise impacts for the entire project area as defined in the environmental document. This change would better align the necessary analysis with the likelihood of impacts and abatement, while still protecting the near-road receptors from traffic noise impacts that may be caused by, or increased by, the proposed project.

The FHWA proposes to clarify what constitutes "validation of the noise model" in proposed § 772.9(a)(3) by incorporating longstanding guidance⁵ that the existing noise level and predicted noise level for the existing condition are within ± 3 dB(A).

Part of determining whether there is a noise impact involves comparing predicted noise levels against the values in table 1 for a given land use and activity category. Currently, State DOTs must define an 'approach criteria' as a value at least 1 dB below the corresponding value in table 1. The FHWA proposes to remove the requirement in current § 772.11(e) for State DOTs to establish an approach level to be used when determining a traffic noise impact. As mentioned in § 772.3 Definitions and described in table 1, instead of requiring an approach level of at least 1 dB(A) less than the Noise Impact Criteria listed in table 1 to part 772, FHWA proposes to reduce the Noise Impact Criteria values in table 1 by 1 dB(A) below current levels. The purpose of this change is to integrate the most commonly used approach level of

⁴ FHWA, Traffic Noise Screening Tool, software and User's Guide (September 2021), available at: https://www.fhwa.dot.gov/environment/noise/traffic_noise_model/.

⁵ FHWA, Analysis and Abatement Guidance (December 2010), available at: https://www.fhwa.dot.gov/environment/noise/regulations_and_guidance/analysis_and_abatement_guidance/.

1 dB(A) less than the values in current table 1, and simplify the regulation by not requiring States to take an additional step to apply an approach level. States would retain the same flexibility by continuing to have the option to define a more stringent (lower) impact level than the values in table 1 in their State noise policy.

Section 772.11 Analysis of Traffic Noise Abatement

The FHWA is proposing several changes to renumbered § 772.11, including providing new flexibilities for noise abatement measures and moving the reporting requirements to a new section, § 772.15 Documentation and Reporting.

The FHWA is proposing to require in § 772.11(a) that abatement measures must be considered and evaluated for effectiveness (*i.e.*, replacing feasibility and reasonableness in current § 772.13(d)). The FHWA would continue to require “primary consideration to exterior areas where frequent human use occurs” (in current § 772.11(b)), in proposed § 772.11(a)(1). The FHWA intends to maintain its longstanding policy that noise abatement measures remain effective in perpetuity⁶ and proposes to codify in proposed § 772.11(a)(2) what is currently provided in guidance.

State DOTs have requested clear direction on how to address replacement of noise barriers. The FHWA is proposing new language in § 772.11(b) regarding how to address projects where there is already existing noise abatement from a previous project. Current FHWA guidance discusses how a State should consider existing abatement, including whether it should be enhanced to provide the appropriate level of protection for the most recent traffic volumes and worst noise hour. However, the guidance does not discuss what to do in the event that the existing abatement must be removed to accommodate features of a new highway project. Some State DOTs have taken the lead in addressing this issue by requiring that the abatement be rebuilt and, if possible, improved upon, at a new location. To this end, FHWA proposes to include language in the rule to address this issue consistent with existing State DOT practice and longstanding FHWA policy that abatement should provide a substantial reduction in noise levels⁷ and provide

that abatement in perpetuity.⁸ Specifically, FHWA proposes in § 772.11(b) that an existing noise abatement measure that is affected or removed because of a highway project must be replaced to provide noise abatement equal to or better than what was present before. The FHWA believes that this proposed language could ensure that affected communities would continue to receive at least the same level of noise reduction even with the removal of the existing noise abatement. The proposed language also includes exceptions to the provision when the abatement is no longer desired or the land use is no longer sensitive to noise. The FHWA is seeking comment on whether this proposed clarification on the replacement of noise abatement would aid State DOTs in planning and conducting their highway noise analyses.

The primary change to this section is that FHWA proposes in § 772.11(c) through (e) to simplify the analysis of traffic noise abatement by consolidating the existing “feasibility” and “reasonableness” evaluation requirements into one single “effectiveness” assessment based on four criteria—(1) engineering effectiveness (*i.e.*, constructability and maintenance), (2) acoustic effectiveness, (3) cost effectiveness, and (4) consideration of viewpoints. Each of these criteria is described below. As proposed in § 772.11(c), each State DOT would be expected to describe what constitutes effective abatement in its noise policy, in compliance with the parameters defined in § 772.11(e). All abatement effectiveness factors would be required to be achieved in order for a noise abatement measure to be deemed effective.

Engineering Effectiveness

Engineering effectiveness would have the same description as existing § 772.13(d)(1)(ii) under feasibility.

Acoustic Effectiveness

Acoustic effectiveness would combine the acoustic feasibility factor described in existing § 772.13(d)(1)(i) and the reasonableness factor of a noise reduction design goal described in existing § 772.13(d)(2)(iii) into a single assessment.

The FHWA is proposing to rename the “noise reduction design goal” in existing § 772.13(d)(2)(iii) as the “noise

reduction requirement” to more accurately reflect that achieving this reduction remains a requirement for Federal participation in the noise abatement measure(s).

The current noise reduction design goal for an abatement measure to be considered reasonable is at least 7 dB(A) but not more than 10 dB(A), as defined in a State noise policy and applied uniformly and consistently statewide. However, abatement is considered feasible under the current rule at a minimum 5 dB(A) reduction. Similarly, most State DOTs consider a receptor to be benefited if it receives a noise reduction of at least 5 dB(A).

The noise reduction requirement is included in the determination of acoustic effectiveness in proposed § 772.11(e)(2). To determine acoustic effectiveness, FHWA is proposing to allow States to define a noise reduction requirement in the State noise policy of at least 5 dB(A) but not more than 10 dB(A). This means that an abatement measure would need to achieve a noise reduction of at least the State’s noise reduction requirement, from 5 dB(A) to 10 dB(A), to be eligible for Federal funding.

The intent of this proposed change is to eliminate confusion over the varying values in the definitions and to allow more flexibility to States in determining acoustic effectiveness for effective abatement measures. The FHWA has received feedback from State DOTs that retaining flexibility is an important part of the noise program, and this proposal seeks to retain that flexibility while also providing clear direction on abatement requirements.

The FHWA requests comment on the proposed noise reduction requirement within the range of at least 5 dB(A) but not more than 10 dB(A) for acoustic effectiveness. The FHWA also solicits input and justification on other ranges to define acoustic effectiveness.

The second step in determining acoustic effectiveness is to analyze whether the noise abatement measure provides the required noise reduction at a sufficient number or percentage of impacted receptors. The FHWA is proposing to continue to allow State DOTs to choose from the most common options currently in use by State DOTs. The proposed options are: a simple majority of impacted receptors, two or more impacted receptors, or a combination of these two criteria. For example, by using a combination of the criteria, a State DOT could consider noise abatement to be ineffective if there is only an isolated receptor in the given area, and also that noise abatement must provide the required reduction to a

⁶ FHWA, Analysis and Abatement Guidance (December 2010), available at: https://www.fhwa.dot.gov/environment/noise/regulations_and_guidance/analysis_and_abatement_guidance/.

⁷ FHWA, Analysis and Abatement Guidance (December 2010), available at: https://www.fhwa.dot.gov/environment/noise/regulations_and_guidance/analysis_and_abatement_guidance/.

www.fhwa.dot.gov/environment/noise/regulations_and_guidance/analysis_and_abatement_guidance/.

⁸ FHWA, Analysis and Abatement Guidance (December 2010), available at: https://www.fhwa.dot.gov/environment/noise/regulations_and_guidance/analysis_and_abatement_guidance/.

simple majority of the impacted receptors. The State would be required to define and explain the basis for the determination in their noise policy, which also is required under the current regulation.

Cost Effectiveness

Cost effectiveness as proposed would have a similar description as existing § 772.13(d)(2)(ii) under reasonableness. The FHWA proposes to clarify that cost criteria may be determined for each type of abatement a State DOT intends to use, recognizing that different abatement measures may have different costs associated with them. Cost effectiveness can be based on the cost of a measure or based on the quantity of material for that measure and the cost of that material. Should FHWA define criteria for considering the cost effectiveness of non-barrier (*i.e.*, not walls or berms) abatement measures? Or should FHWA provide some basic parameters and allow States to define how other abatement measures will be analyzed for cost effectiveness? The FHWA requests comments and examples to inform our consideration of these questions and the proposed cost effectiveness provisions.

The FHWA also seeks comment on whether geographic cost allowances and cost averaging should be retained in the regulation in proposed § 772.11(e)(3)(i) and (ii).

The FHWA is proposing to amend the provision on third party funding of noise abatement measures. Currently, § 772.13(j) prohibits any third-party funding that is necessary to make otherwise infeasible or unreasonable measures feasible and/or reasonable (replaced by the term “effective” in the proposed rule). Third parties are any entities other than the recipients of funds designated under title 23 U.S.C. An element in determining the reasonableness of noise abatement measures involves relative cost effectiveness by comparing the cost of abatement measures on a project to a baseline cost reasonableness value. Third party funding of some of a measure’s costs could have the effect of making the cost to construct the measure on a project fall below the baseline value, and thus be considered cost-effective, and therefore make the remainder of the cost eligible for Federal-aid funding.

Prior to the current rule, under FHWA guidance, it was permissible for third-party funding to pay for the difference between the actual costs and the baseline value (partial funding) of noise abatement measures, provided it was done in a non-discriminatory manner. The current rule changed the standard

in stating “FHWA’s position that, in order to comply with the requirements of title VI and the Executive order on Environmental Justice (E.O. 12898), it is only acceptable to permit third party funding . . . if the noise abatement measure would be considered feasible and/or reasonable without the additional funding.” Title VI and the E.O. 12898 requires fair treatment of minority and low income populations in bearing the burdens and realizing the benefits of federally funded activities. The E.O. 13985 specifically states that Agencies must recognize and work to redress inequities in policies and programs that serve as barriers to equal opportunity and should allocate resources to address the historic failure to invest sufficiently, justly, and equally in underserved communities, as well as individuals from those communities. Because these concerns do not arise with third party funding of functional and aesthetic enhancements of measures already determined effective, funding of such enhancements is currently acceptable. The effect of the provision in current § 772.13(j) was to ban both partial and complete third-party funding of noise abatement measures which are determined to be cost ineffective.

The purpose of the prohibition in the current regulation is to protect the Federal investment in the project by funding construction of only cost-effective measures, and to ensure that interests desiring otherwise cost ineffective measures do not gain an unfair advantage in the allocation of scarce infrastructure resources on Federal-aid funded projects. Consistent with title VI, E.O. 12898, and E.O. 13985, the prohibition also ensures minority and low-income persons are not denied benefits such as construction of a noise abatement measure that others may realize as part of a Federal-aid highway project. But the scope of the current prohibition may not be appropriate to achieve these purposes without resulting in unintended negative consequences. It is clear that third party funding of a portion of the cost of an ineffective noise abatement measure, which had been allowed under previous FHWA guidance, has the potential to result in imprudent and unfair allocation of resources and benefits on Federal-aid projects, and the current rule appropriately prohibits such funding. Where no Federal, or State, resources are involved because a measure is funded entirely by a third party; however, neither environmental or financial fairness in allocation of public benefits and burdens, nor financial prudence issues, are

implicated. Where no person is burdened or denied public benefits by the complete funding of additional benefits by third parties, those additional resources in the form of third party donations should be allowed to be used on a project to maximize limited public investment in infrastructure. The current rule, thus, may have gone beyond what is needed to ensure non-discriminatory treatment.

The FHWA is proposing three options for third-party funding in this rulemaking at § 772.11(e)(3)(iii). While we have included one option (Option 3) in the proposed regulatory text, we may include any of the options discussed, or a variation of any of the options based on comments received, in a final rule. Proposed Option 1 would make only a conforming change from the concept of feasible and reasonable to effective. This option would continue the current prohibition on any third-party funding that is necessary to make otherwise ineffective measures effective, and would continue to allow third party funding of enhancements.

Proposed Option 2 would continue the current prohibition on any third party funding that is necessary to make otherwise ineffective measures effective, and would continue to allow third party funding of enhancements. It would add a provision to allow donation of costs for utility relocation by a non-receptor utility and donation of real property by a non-receptor third party, needed to construct a noise abatement measure, consistent with 23 U.S.C. 323. According to 23 U.S.C. 323, donation of real property to be acquired in connection with a project, funds, materials, and services is permitted, notwithstanding any other law, the value of which is credited to the State’s share of project costs. The proposed rule would also allow the donation of real property and allow the value of such to be credited to the State’s share of the project costs, consistent with 23 U.S.C. 323. A utility or landowner which is also a noise sensitive receptor would not be allowed to donate costs for utility relocation or real property because they could gain an advantage by donating what amounts to partial funding of abatement measures. The effect of the change would be to enhance funding flexibility and broaden the pool of resources available for a project. A State would not be required to allow such donations.

Proposed Option 3, which appears in the regulatory text of the proposed rule, would remove the current prohibition insofar as it bans complete funding of ineffective noise abatement measures by third parties, while retaining the ban on

partial funding that is necessary to make otherwise ineffective measures effective. Where a third party pays for the entire cost of otherwise cost ineffective measures, neither of the Government's concerns, Federal funding or fairness, financial and environmental, is implicated. In the context of the gap between resources and needs for infrastructure development, and increasingly dense development leading to a greater potential for noise impacts, if a neighborhood, for example, wishes to pay all costs associated with construction of a noise barrier that is not cost effective under State standards, but meets other effectiveness criteria, then the State should retain the flexibility to accommodate the request and accept the donation. In accepting such a donation, the State would not be committing scarce Federal funds to otherwise ineffective measures or putting other receptors at a disadvantage. In contrast, where there is an offer of only partial funding of measures, enough to make the barrier cost effective but not for the entire cost, funds would be committed to ineffective measures, to the potential disadvantage of other receptors on the project and of receptors on and beneficiaries of other projects. The effect of the change would be to enhance funding flexibility and broaden the pool of resources available for a project. A State would not be required to allow such donations.

For noise abatement measures funded by third parties under Option 3, the value of the donation could not be credited to the non-Federal share of the project funding. Since the construction cost of the measure being greater than the baseline cost effectiveness value, the measure would be ineligible for Federal-aid funding, and could only be constructed because it was funded by a third-party donation. Because the measure would be ineligible for Federal funding, it would not be necessary for implementation of the project and, therefore, would not meet the cost allowability requirements of the Federal cost principles under 2 CFR part 200, subpart E, and may not be credited to the non-Federal share of the project funding.⁹ The FHWA seeks comment on these three options, and any other options suggested by commenters.

Consideration of the Viewpoints of the Property Owners and Residents of the Benefitted Receptors

Proposed § 772.11(e)(4) has a similar description as existing § 772.13(d)(2)(i) under reasonableness. The FHWA is proposing to clarify its longstanding policy that only residents and property owners at benefitting receptors can make a determination on desirability of noise abatement on a public right-of-way. There have been situations where a homeowner's association or other entity has sought to speak for all residents in the association, and we want to clarify that the viewpoints of residents and property owners must be considered individually and not as an association. The State DOT must consider tenants and renters in addition to property owners when analyzing noise abatement, which clarifies FHWA existing policy. Some State noise policies have considered tenants and renters unequally to property owners, such as with different weighting, and FHWA seeks comment on how to encourage equal access to the process when State DOTs are analyzing traffic noise abatement. Equal weighting is particularly important to ensure equitable consideration for underserved populations.

The FHWA is also proposing to streamline and standardize the viewpoint criteria by proposing that a simple majority of respondents must desire abatement for it to be constructed. We are proposing this change in an effort to simplify the process and to better align the viewpoint criteria to public expectations of voting and subsequent decisionmaking.

The FHWA proposes that a State DOT cannot demand a minimum response as to whether to construct a noise abatement measure, unless there are two or more outreach efforts to directly contact the benefitted receptors and obtain their viewpoints. This change is to reflect the current guidance in the online FHWA Highway Traffic Noise Frequently Asked Questions¹⁰ (FAQ G.7) and to address the issues regarding low response rates to noise abatement surveys, and sporadic meeting attendance on non-major, non-controversial projects. The State DOT would be required to document requirements for outreach efforts, and where necessary a minimum response

rate, in the State noise policy and apply the requirements uniformly statewide.

Optional Factors

The FHWA is proposing in § 772.11(e)(5) a new optional factor for added flexibility in determining the effectiveness of noise abatement measures. New § 772.11(e)(5)(vii) would provide a new consideration of whether a noise abatement measure would provide some added, incidental benefit to receptors from other environmental or social impacts. For example, historically marginalized communities may have impacts from past highway projects, but may not have received abatement at the time. Considering this optional factor in noise abatement could support environmental justice and community enhancement. In addition, research has shown that some noise walls may have air quality benefits,¹¹ which supports human health. In both cases, a State DOT would include its use of this optional factor in its noise policy and would describe by how much the cost effectiveness criterion of a given mitigation measure would increase when the optional factor is in use. For example, the optional factor could state: "communities that predate the highway", or "low-income communities will be analyzed using \$45,000 per benefitted receptor"; whereas other receptors would only be considered using a "\$40,000 per benefitted receptor" criteria. In addition, this optional factor could be expanded and combined; for example, if a mitigation measure is being evaluated for a low-income community, using the previous example, it could cost up to \$45,000 per benefitted receptor. If the given measure also provides some air quality benefits, it could then be written into the State noise policy that that measure could cost up to \$48,000 per benefitted receptor. In addition, the newly proposed optional factor could be combined with other, existing optional reasonableness factors, too. This additive potential of the optional factors could be used by State DOTs to increase the possibility of providing noise mitigation where it is needed most. The costs and situations in the previous examples are simply for illustrative purposes and should not be taken as guidance as to how much mitigation measures should cost. Actual costs and

⁹ FHWA, Federal-Aid Guidance Non-Federal Matching Requirements (May 2019), available at: https://www.fhwa.dot.gov/legisregs/directives/policy/memofmr_tapered20190515.htm.

¹⁰ FHWA, Noise Policy FAQs—Frequently Asked Questions (May 2012), available at: https://www.fhwa.dot.gov/environment/noise/regulations_and_guidance/faq_nois.cfm.

¹¹ U.S. Environmental Protection Agency, Recommendations for Constructing Roadside Vegetation Barriers to Improve Near-road Air Quality (August 2016), available at: https://www.epa.gov/sites/default/files/2016-08/documents/recommendations_for_constructing_roadside_vegetation_barriers_to_improve_near-road_air_quality.pdf.

increases from using the optional factor will vary and be defined by each State DOT that chooses to use it.

By including this optional factor, States may add flexibility to increase the allowable cost of abatement as defined by cost effectiveness, and not restrict or take away from current requirements or add new requirements. Optional factors could not be used alone to determine effectiveness, and should not inhibit noise abatement that is otherwise considered effective. The FHWA seeks comment on the optional factors, particularly the new optional factor, and whether FHWA should consider any other factors for inclusion in this area.

Date of Public Knowledge

The FHWA proposes to move the definition of the term “date of public knowledge” in current § 772.5 to describe the date for establishing the date of public knowledge in proposed § 772.11(f), and to add Supplemental Environmental Impact Statement (EIS) to the list of environmental documents the approval of which constitutes the date of public knowledge.

Proposed § 772.11(f)(1) and (2) were moved and revised from current § 772.11(c)(2)(vii)(C) to use terminology consistent with the proposed rule for State DOT, environmental document, and technical noise memorandum. Proposed § 772.11(d)(3) clarifies that any lands permitted for noise-sensitive development before the date of public knowledge must be considered for potential impacts and abatement.

In proposed § 772.11(g), FHWA added clarifications that the date of public knowledge would be updated under certain conditions: (1) if it has been more than 5 years since the existing date of public knowledge was established or last updated; or (2) the State DOT finds that a change in highway design or operations results in a change in noise impacts. These clarifications seek to ensure fairness and equitable access to information for the public about upcoming projects and possible changes to the noise environment.

The FHWA is proposing 5 years as the duration because the traffic data used in noise analysis that is older than 5 years introduces higher risk in the analysis of safety, operations, and engineering acceptability, and in turn, affects the accuracy of noise analysis. Within this time period, some areas would see significant change in travel patterns and conditions, which may warrant a reconsideration of whether the technical assumptions that formed the basis of FHWA’s prior approval are still valid. In addition, this timeframe would allow for one Long-Range Transportation Plan

update for most metropolitan planning organizations (MPO). *See* 23 U.S.C. 134(i)(1). Therefore, to account for the project development process (*i.e.*, planning, preliminary design, environmental analysis, final design, right-of-way acquisition, and construction) and to minimize the need to revise an analysis that was started at the end of the MPO modeling cycle, the proposed rule would clarify that the date of public knowledge may need to be updated if the traffic data used in the State DOT’s noise analysis is more than 5 years old.

The second condition is when a project has completed NEPA but it is determined during a NEPA re-evaluation that a change in the proposed highway design or operations would change the noise environment in a way that changes impacts or results in new impacts that were not evaluated in the original categorical exclusion (CE) or environmental document. When such project design changes occur, FHWA aims to clarify when the date of public knowledge may be reset, when impacts must be reconsidered, and when new land use developments must be included in the updated analyses and considered for traffic noise impacts and abatement. The FHWA is considering defining a value for a design change that results in noise impacts to be within the range of 1.5 to 3 dB. The FHWA requests comment on the value within that range to consider a change in highway design or operations that result in traffic noise impacts.

Under both conditions, the entire noise analysis area would be eligible for screening to determine the likelihood that the noise level has changed from what was analyzed in the original NEPA document, in order to determine whether a full reanalysis is necessary. Any new noise-sensitive development and lands permitted for noise-sensitive development between the previously established and updated date of public knowledge for the project must be considered for potential impacts and abatement. The updated Date of Public Knowledge would be established based on the most recent NEPA approval for the highway project, environmental reevaluation, or a supplemental NEPA review and approval.

The FHWA seeks comments on the proposed changes to the date of public knowledge.

Related to the analysis of noise abatement, FHWA is also seeking comments on the following two items in § 772.19 and table 1 of this NPRM.

1. Request for Comments on Analysis of Non-Barrier Abatement

The current regulation focused provisions on barrier abatement. Proposed § 772.19 would include more flexibilities to consider non-barrier abatement measures. Examples may include measures that require ongoing maintenance or replacement, such as quiet pavements, measures on private property, such as insulation, or measures subject to reanalysis and revision, such as speed restrictions. In order to assess the effectiveness of non-barrier abatement measures, FHWA is seeking comment on ways that non-barrier abatement can be evaluated for eligibility.

2. Request for Comments on Abatement Process for Extremely Noise Sensitive Land Uses

Activity Category A lands are very noise sensitive, and preserving their serenity and quietness is essential (*e.g.*, the Tomb of the Unknown Soldier at the Arlington National Cemetery). The current regulation has a lower impact criteria for these land uses; however, they are evaluated for abatement using the same process as other, less sensitive activities and land uses. The FHWA is seeking comment on whether Activity Category A lands in table 1 should have a different process for considering noise abatement, and how this process should be implemented. This process should ensure that noise abatement would be more likely because of the exceedingly noise sensitive nature of this land use category.

Section 772.13 Construction Noise

Proposed § 772.13 includes the requirements of existing § 772.19, renumbered as § 772.13(b) with new provisions concerning quantitative analysis of certain construction projects in § 772.13(a) and clarification that it would be optional to analyze construction for Type III projects in § 772.13(c).

Construction noise can be disruptive to human activities. When construction noise continues for a long time at a single location, it can create long-term impacts by disrupting sleep, concentration at work or school, or increasing stress to adjacent receptors who may have no recourse to avoid or minimize such noise impacts. Calculation of construction noise levels is usually not necessary for highway traffic noise analyses. The decision to develop a detailed construction noise analysis usually results from a combination of factors including the scale and scope of the project along with

public concern about construction noise. The FHWA is proposing, in § 772.13(a), to clarify when quantitative analysis should be conducted on certain long-term and/or high impact construction projects and thus encourage the use of construction noise abatement techniques on these projects. The FHWA provides resources for these analyses in the form of the Roadway Construction Noise Model, and the Construction Noise Handbook located on our website (https://www.fhwa.dot.gov/environment/noise/construction_noise/). The FHWA affirms that State DOTs should continue to consider construction noise qualitatively for most projects, but proposes to clarify that a State DOT should consider construction noise in a quantitative analysis where severe highway construction noise impacts are likely to occur.

The FHWA also seeks comment on how to better consider abatement options for long-term construction projects. State DOTs may incorporate low-cost, easy-to-implement measures into project plans and specifications (e.g., work-hour limits, equipment muffler requirements, location of haul roads, elimination of “tail gate banging”, ambient sensitive back-up alarms, community rapport, and complaint mechanisms). Additional ideas for abatement techniques are described in FHWA Construction Noise Handbook. Under the proposed rule, States and contractors would continue to have the option to formulate and implement their own ideas too.

Finally, FHWA proposes in § 772.13(c) that for Type III projects, a State DOT may choose to perform the analyses required for Type I and II projects under § 772.13(b).

Section 772.15 Documentation and Reporting

The FHWA proposes to consolidate all of the documentation and reporting requirements in a new section, § 772.15 Documentation and Reporting. These requirements appear in various sections of the existing regulation, mostly under § 772.11 Analysis of Noise Abatement, as well as under § 772.9 Analysis of Traffic Noise Impacts and § 772.13 Construction Noise. This new section would contain all information and requirements related to how a noise analysis is documented and what information a State is required to keep on noise abatement measures for the triennial noise abatement inventory.

The FHWA proposes § 772.15(a) and (b) to clarify documentation requirements for technical noise memos

that are considered current state of the practice.

The FHWA proposes several revisions to current § 772.13(g) for clarity, and to move the provision to proposed § 772.15(c).

The FHWA proposes to move current § 772.13(h) to proposed § 772.15(d) and to replace the terms “feasible and reasonable” with “effective” to be consistent with this proposed rule. This provision is consistent with the statute 23 U.S.C. 109(i).

For completeness of the reporting section, FHWA proposes in § 772.15(e) to include the provision in current § 772.19(c) and proposed § 772.13(a)(3) to incorporate construction noise abatement measures in plans and specifications.

The FHWA proposes to reorganize the Abatement Measure Reporting requirements in § 772.15(f), into a list format to clearly identify required information. We also propose adding ‘if applicable’ after certain items in the list for cases where the reported abatement measure is not a barrier (i.e., not a noise wall or a berm). Materials or features typically used for walls or berms are also listed.

The FHWA seeks comments on the reorganization of provisions into a new Documentation and Reporting section.

Section 772.17 Information for Local Officials

The FHWA is proposing minor changes to this section by simplifying the discussion of the requirements to remove repetitious language. This section describes the information a State DOT must provide to local officials within whose jurisdiction a highway project is located.

In § 772.17(a)(2), FHWA proposes to remove mention of “approach” for consistency with proposed changes in § 772.9 and table 1 to part 772 to incorporate approach level into table 1. Instead, a State DOT would base the distance on future noise levels that meet the Noise Impact Criteria for each Activity Category in table 1.

The FHWA proposes to move the provision regarding use of noise contours for land use planning from current § 772.9(c) to proposed § 772.17(c), as it is more relevant to this section.

Section 772.19 Federal Participation

The FHWA proposes to renumber existing § 772.15 as proposed § 772.19 and amend its provisions. The FHWA would like to encourage States to consider the most acoustically and cost-effective noise abatement measures, and to promote the use of new technologies

that could result in lower noise levels and cost savings. The FHWA proposes that State DOTs could use a combination of measures to develop effective noise abatement so long as they are all properly maintained to provide the intended noise reduction. This proposed change could also help advance equity initiatives. For example, if a State DOT is proposing to build a noise wall, but the given benefited community feels that this would divide it or otherwise disconnect it from the surrounding areas, the State DOT could opt to propose quiet pavements instead, so long as the pavement provided the same acoustical benefit as the wall would have, and the State DOT agreed to maintain it to a lifespan equal to that of the wall. Further, through the use of a combination of measures, the State DOT could propose some acoustic benefit from a quiet pavement, and some acoustic benefit from a lower-height, less visually intrusive, wall to achieve the overall noise reduction goals of that State DOT. The FHWA requests comments on this new approach to determine Federal participation.

In proposed § 772.19(b)(3), FHWA proposes to clarify the provision on previous determinations of an abatement measure, as the current regulation uses feasible and reasonable as a basis and the proposed rule uses effective as a basis.

The FHWA also invites comments on whether the list of allowable noise abatement measures should be retained or if other effective measures should be added to the list in proposed § 772.19(c), and why.

The FHWA proposes to add a new § 772.19(d) to explain which measures are not eligible noise abatement, codifying FHWA’s longstanding policy and guidance. Proposed § 772.19(d)(1) would be moved from current § 772.15(c)(1) and the term “landscaping” would be replaced with “vegetation.” The FHWA’s Highway Traffic Noise: Analysis and Abatement Guidance (2011) describes that FHWA does not consider the planting of vegetation to be a highway traffic noise abatement measure. For example, a 200-foot width of dense vegetation can reduce noise by 10 decibels; but it is almost impossible to plant enough vegetation to achieve sufficient noise reductions. The planting of trees and shrubs provides psychological benefits, visual screening, privacy, or aesthetic treatment, but is not highway traffic noise abatement.

Proposed § 772.19(d)(2) and (3) are also from FHWA’s Highway Traffic Noise: Analysis and Abatement

Guidance, which states that FHWA highway traffic noise regulations limit use of Federal funds to reducing traffic noise impacts and providing highway traffic noise abatement benefits. Monetary compensation accomplishes neither of these requirements.

Table 1 to Part 772—Traffic Noise Impact Criteria

The FHWA is proposing multiple changes to table 1. Related changes can also be found in §§ 772.3 and 772.9.

The FHWA proposes to rename table 1 “Traffic Noise Impact Criteria” to better reflect that the noise levels are impact rather than abatement criteria, as further explained in footnote 1 to table 1.

The FHWA proposes to remove the $L_{10}(h)$ noise metric. Currently, States may choose to use either $L_{EQ}(h)$ or $L_{10}(h)$ but not both on a project to determine noise impacts. All States have chosen to use $L_{EQ}(h)$, as identified in their noise policies. The FHWA requests comments on the decision to remove the $L_{10}(h)$ noise metric.

The FHWA is proposing to consolidate the activity categories in table 1 from seven to four categories. Category A would remain the same. New activity category “B” would merge former categories B, C, and E, and include noise-sensitive land uses where people learn, live, play, work, or worship. New activity category “C” would merge former categories F and G, and include sites that are not noise-sensitive, such as noise generating land uses, undeveloped and unpermitted land uses, and vacant and derelict structures. Impact and abatement analysis would not be needed for proposed Activity Category C sites, but the presence of these lands should be disclosed in the environmental document as lands that are not noise sensitive; and sound levels should be reported in accordance with § 772.17. Category D would remain a subset of certain Activity Category B public non-residential land uses where noise-sensitive activities only occur indoors, and which may be eligible for either outdoor or indoor noise abatement. Residential land uses would remain ineligible for consideration of interior noise abatement measures. The FHWA seeks comment on whether to include residential land uses under Activity Category D. Example land uses for each activity description are provided in table 1.

The footnotes were also updated to account for the other changes to table 1. We have added proposed Footnote 2 to make clear that lands that are subject to other agencies’ regulations would be

able to consider impacts and require abatement using different methods than under this regulation. This change was made to clarify existing practice. In addition, FHWA proposes to move the provision in existing § 772.11(c)(2)(i) that requires State DOTs to submit justifications for approval of an Activity Category A designation to footnote 3 to table 1. Proposed Footnote 4 is the same as current Footnote 3. Proposed Footnote 5 clarifies that Activity Category C does not require analysis of noise impacts. The FHWA proposes to move the provision in existing § 772.11(c)(2)(iv) regarding requirements for indoor analysis of Activity Category D to proposed Footnote 6. The FHWA also proposes to move the provisions in existing § 772.11(c)(2)(iii) through (v) that require State DOTs to “adopt a standard practice for analyzing these land use facilities that is consistent and uniformly applied statewide” to footnote 7 to table 1.

As previously described, the values in table 1 are also updated to be 1 dB below current levels by updating the values in table 1 to integrate the most commonly used ‘Approach level’ criteria of 1 dB(A) less than the values in table 1 (per the existing § 772.11(e)). The purpose of this change is to simplify the regulation by not requiring States to take an additional step to apply an approach level. States would retain the option to define lower impact criteria and table 1 would continue to serve as a ceiling. States would continue to retain the same regulatory flexibility. This change is also discussed in § 772.3 Definitions and § 772.9 Analysis of traffic noise impacts. This proposed change would simplify the regulation by removing a requirement for States to choose an approach level, would incorporate that level into the existing table 1, and would retain a State’s flexibility to choose a lower impact level in its State noise policy.

The FHWA is seeking comments on the proposed changes to table 1 pursuant to 23 U.S.C. 109(i) to develop standards for highway noise levels compatible with different land uses.

VI. Regulatory Analyses and Notices

Executive Order 12866 (Regulatory Planning and Review), Executive Order 13563 (Improving Regulation and Regulatory Review), and DOT Policies and Procedures for Rulemaking

The FHWA has considered the impacts of this rulemaking under E.O. 12866 (58 FR 51735, Oct. 4, 1993), Regulatory Planning and Review, as amended by E.O. 14094 (“Modernizing Regulatory Review”), and DOT’s

regulatory policies and procedures. The Office of Information and Regulatory Affairs within the Office of Management and Budget (OMB) has determined that this rulemaking is not a significant regulatory action under section 3(f) of E.O. 12866. Accordingly, OMB has not reviewed it under that E.O.

Based on the estimated economic impacts of this proposed rule as summarized in the next section of this preamble and discussed in detail in the supporting statement on the economic analysis, the proposed rule would not have an annual effect on the economy of \$200 million or more. The FHWA anticipates that the proposed rule would not adversely affect, in a material way, any sector of the economy, productivity, competition, or jobs. In addition, these changes would not interfere with any action taken or planned by another agency and would not materially alter the budgetary impact of any entitlements, grants, user fees, or loan programs. The proposed rule may raise novel legal or policy issues arising out of the President’s priorities.

This section of the NPRM summarizes the estimated costs, cost savings, and acknowledges potential benefits resulting from the proposed rule. Details of the economic analysis are set forth in a supporting statement accessible in the rulemaking docket (FHWA–2019–0036).

The FHWA currently lacks complete data and information needed to quantify all of the costs, cost savings, and benefits from this proposed rule. Cost savings resulting from this proposed rule that can currently be quantified are estimated to be \$2.2 million per year at both 3 percent and 7 percent discount rates, measured in 2019 dollars. The FHWA does not anticipate the proposed rule resulting in any additional quantifiable benefits. The FHWA requests data and information that could inform the economic analysis for this rulemaking, including any estimates of resulting costs, cost savings, and benefits at the final rule stage.

The changes in the proposed rule would result in cost savings because of the streamlining and alignment of various processes between FHWA and State DOTs. The FHWA; however, lacks the data and information on the current time burdens of these processes and the reductions in these burdens that would result from the proposed rule. As discussed in the supporting statement on the economic analysis, FHWA obtained some information by sending a questionnaire to division offices asking about the frequency of different types of construction projects and project-level noise analyses, and about the time burden for FHWA and State DOT

employees for a typical project-level noise analysis and for noise policy approval. Given the information available, FHWA discusses some economic impacts of the proposed changes on a qualitative basis only in the NPRM and requests information from commenters to inform the economic analysis. If useful information is received from this request, FHWA will consider quantifying additional impacts in the economic analysis of the final rule.

The FHWA evaluated the proposed changes to the Applicability section (proposed § 772.5) and determined that these changes would result in cost savings because of the introduction of a project exemption process. For the proposed project exemption process, FHWA evaluated data from division offices and then assumed an annual total of two Type I projects per State would receive an exemption and thus not need to conduct a project-level noise analysis. Multiplying this value of two projects by the total number of States (52, including the District of Columbia and Puerto Rico) resulted in a total annual number of 104 Type I projects that would receive an exemption and thus would not need to conduct a project-level noise analysis.

Next, based on information on the hours needed at the Federal and State levels to complete a project-level noise analysis, FHWA estimated an average cost per project-level noise analysis of \$1,138 for FHWA employees and \$20,335 for State DOT employees. Multiplying this total cost by the estimated number of 104 avoided project-level noise analyses per year results in a total annual cost savings of \$118,387 for FHWA employees and \$2.1 million for State DOT employees. These annual cost savings result in total 10-year cost savings of \$1.2 million for FHWA employees and \$21.1 million for State DOT employees on an undiscounted basis and in 2019 dollars.

The proposed rule also would make changes to the noise policy approval process and proposes three options for these changes. The FHWA assumed that the effort spent by State DOT employees would not be affected by the rule changes, but that there would be reductions in the effort spent by FHWA employees for two of the three proposed options. The first proposed option, which is reflected in the proposed rule, would require FHWA approval of State noise approval policies and would not result in any changes from the status quo in terms of labor by FHWA employees. The second proposed option would allow a State to self-approve its noise policy, and FHWA assumes that

this option would result in a reduction of 100 percent of the labor spent by FHWA employees for this process. The third proposed option would allow a State to choose between self-approving its noise policy or having FHWA conduct the review and approval. The FHWA assumes that this option would result in a reduction of 50 percent of the labor spent by FHWA employees for this process, based on the assumption that half of the States would choose to self-approve their respective noise policies.

The potential cost savings of the three proposed options for changes to the noise policy approval process range from \$0 (for proposed option 1) to \$367,187 (for proposed option 2) in total over the 10-year analysis period. Because FHWA has not identified a preferred option, FHWA does not include any cost savings for changes to the noise policy approval process in the estimated cost savings for this proposed rule. If the final rule reflects proposed option 2 or proposed option 3; however, FHWA would expect cost savings associated with changes to the noise policy approval process.

The proposed changes to § 772.7 on Traffic Noise Prediction would result in cost savings because of the introduction of a project screening process that would reduce the number of noise analyses being conducted. Because the screening process is new, FHWA does not have any data or information that can be used to estimate the percentage of project-level noise analyses likely to be avoided because of project screening. The FHWA requests information on the project screening process and the percentage of projects likely to be screened out because of this process to inform the analysis, and possible quantification, of these cost savings at the final rule stage.

The proposed changes to the Traffic Noise Prediction section are also expected to result in cost savings because of changes that would allow the use of an updated TNM following FHWA's publication of a **Federal Register** notice, rather than upon completion of a longer rulemaking process by revising the reference to a specific model in the Code of Federal Regulations (see existing § 772.9(a)). The FHWA, however, lacks the data and information needed to quantify this cost savings. The FHWA discusses this cost savings only in qualitative terms at the NPRM stage.

The proposed changes to the Analysis of Traffic Noise Impacts section (proposed § 772.9) is expected to result in cost savings to States because of the simplification of Activity Categories and their application to various land uses.

The FHWA, however, lacks the data and information needed to quantify this cost savings at this time. The FHWA requests information on the potential cost savings because of the simplification of Activity Categories to inform the analysis, including possible quantification, of these cost savings at the final rule stage.

The proposed changes to the Analysis of Traffic Noise Impacts section also could result in increased costs to States because they include reducing the substantial maximum noise increase criterion from 15 dB to 10 dB. The part of a project-level noise analysis that is affected by this change is the initial determination of impacts, which is a less time-consuming part of the overall effort than consideration of potential abatement measures. Roughly 50 percent of States already utilize a 10 dB or less substantial noise increase criterion in a State noise policy. This change also only affects new alignments, and data collected from division offices suggests that new alignments are relatively infrequent, with States having less than one new alignment project per year on average. Given these various factors, FHWA believes that any cost associated with this change would be minimal. The FHWA requests information on the potential costs to States because of reducing the substantial maximum noise increase criterion from 15 dB to 10 dB to inform the analysis, and possible quantification, of these cost estimates at the final rule stage.

The proposed change to the Analysis of Traffic Noise Abatement section (proposed § 772.11) would result in cost savings to States by combining the current criteria of reasonableness and feasibility into a single effectiveness criterion. The FHWA, however, lacks data and information on how this proposed change is likely to affect State DOT employee time spent on a project-level noise analysis. The FHWA requests information on the potential cost savings resulting from the combining of the reasonableness and feasibility criteria into a single effectiveness criterion to inform the analysis, and possible quantification, of these expected cost savings at the final rule stage.

The proposed changes to the Construction Noise section provide that a State DOT should conduct quantitative analysis of impacts on any projects where severe highway construction noise impacts are likely to occur because of the projects' scale and scope, or when the public has raised serious concerns about construction noise. These analyses would encourage

the use of construction noise abatement techniques on these projects. The FHWA believes the proposed changes reflect current practice. Therefore, FHWA does not expect any costs or cost savings to result from them. The FHWA requests comments and information about any possible costs or cost savings about the construction noise provision.

The proposed changes to the Information for Local Officials section (proposed § 772.17) are intended to simplify the discussion of the requirements and to remove repetitious language. The FHWA does not expect any costs or cost savings to result from these minor language revisions.

The proposed changes to the Federal Participation section (proposed § 772.19) encourage States to consider the most acoustically and cost-effective noise abatement measures, and to promote the use of new technologies that could result in lower noise levels and cost savings. This section also notes that Federal-aid funds may participate in the costs of noise abatement measures *or a combination of measures* up to the Federal share payable on the Federal-aid highway on which the project is located. The changes in this section could result in cost savings, but FHWA currently lacks the data and information that would be needed to estimate potential cost savings. The FHWA discusses these potential cost savings on a qualitative basis and requests information that may facilitate a quantification of these expected cost savings at the final rule stage.

The proposed changes to Table 1 to Part 772—Traffic Noise Impact Criteria could result in cost savings. Changes include the reduction of Noise Impact Criteria by 1dB(A) below the current levels, thus reducing the need for a State to define an ‘Approach Criteria’ in their Noise Policy, and making this a completely optional task, where it is a requirement under the existing regulation. In addition, table 1 no longer includes the L₁₀ noise metric. This would not result in any changes because no State uses the L₁₀ metric, all States use L_{EQ}. The proposed changes to table 1 also include consolidation of the existing Activity Categories into broader conceptual categories with examples listed. This should allow a State to more easily make a determination of which Activity Category, and impact criteria, applies to any given land use, thus reducing consultation time with FHWA. Other changes to table 1 include renaming the table and adding explanatory footnotes of content that used to be in the body of the rule; no costs or savings are expected from these changes. Given the lack of information

on the cost savings that the changes to table 1 would achieve, FHWA discusses these potential cost savings on a qualitative basis. Again, FHWA requests information that may facilitate a quantification of these cost savings at the final rule stage.

The proposed rule does not result in any currently quantifiable costs or benefits, only cost savings. The proposed rule generates total 10-year cost savings of \$19.1 million or \$15.7 million in 2019 dollars at discount rates of 3 percent or 7 percent, respectively. On an annualized basis, the proposed rule results in \$2.2 million in cost savings at both 3 percent and 7 percent discount rates, again in 2019 dollars. Roughly 95 percent of the cost savings generated by the proposed rule accrue to State DOTs, and the remaining roughly 5 percent accrues to FHWA. Additional details on the estimated cost savings of this proposed rule can be found in the economic analysis.

Regulatory Flexibility Act

In compliance with the Regulatory Flexibility Act (Pub. L. 96–354, 5 U.S.C. 601–612), FHWA has evaluated the effects of this proposed rule on small entities and has determined that the action is not anticipated to have a significant economic impact on a substantial number of small entities. The proposed rule affects only States, and States are not included in the definition of small entity set forth in 5 U.S.C. 601. Therefore, the Regulatory Flexibility Act does not apply, and FHWA certifies that the action will not have a significant economic impact on a substantial number of small entities.

Unfunded Mandates Reform Act of 1995

This proposed rule would not impose unfunded mandates as defined by the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4, 109 Stat. 48, March 22, 1995) as it will not result in the expenditure by State, local, Tribal governments, in the aggregate, or by the private sector, of \$168 million or more in any one year (2 U.S.C. 1532 *et seq.*). In addition, the definition of “Federal Mandate” in the Unfunded Mandates Reform Act excludes financial assistance of the type in which State, local, or Tribal governments have authority to adjust their participation in the program in accordance with changes made in the program by the Federal Government. The Federal-aid highway program permits this type of flexibility.

Executive Order 13132 (Federalism)

This proposed rule has been analyzed in accordance with the principles and criteria contained in E.O. 13132 dated

August 4, 1999, and FHWA has determined that this action would not have a substantial direct effect of sufficient federalism implications on the States. The FHWA has also determined that this action would not preempt any State law or regulation or affect the States’ ability to discharge traditional State government functions.

Paperwork Reduction Act

Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501, *et seq.*), Federal agencies must obtain approval from OMB for each collection of information they conduct, sponsor, or require through regulations. The FHWA has determined that this proposed rule does not contain new collection of information requirements for the purposes of the PRA. The OMB has approved a collection of information for the Noise Barriers Inventory Request (OMB Control No. 2125–0645) referenced in § 772.15(f).

National Environmental Policy Act

The FHWA has analyzed this proposed rule for the purpose of the NEPA of 1969, as amended (42 U.S.C. 4321 *et seq.*), and has determined that this action would not have any effect on the quality of the environment and meets the criteria for the CE at 23 CFR 771.117(c)(20), which applies to the promulgation of rules and regulations. Categorically excluded actions meet the criteria for CEs under the Council on Environmental Quality regulations under 23 CFR 771.117(a) and normally do not require any further NEPA approvals by FHWA. The FHWA does not anticipate any adverse impacts from this proposed rule.

Executive Order 13175 (Tribal Consultation)

The FHWA has analyzed this proposed rule under E.O. 13175, dated November 6, 2000, and believes that the action would not have substantial direct effects on one or more Indian Tribes; would not impose substantial direct compliance costs on Indian Tribal governments; and would not preempt Tribal laws. Therefore, a Tribal summary impact statement is not required.

Executive Order 12898 (Environmental Justice)

The E.O. 12898 requires that each Federal Agency make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minorities

and low-income populations. The FHWA has determined that this proposed rule does not raise any environmental justice issues.

Regulation Identification Number

A RIN is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. The RIN number contained in the heading of this document can be used to cross-reference this action with the Unified Agenda.

Rulemaking Summary, 5 U.S.C. 553(b)(4)

As required by 5 U.S.C. 553(b)(4), a summary of this rulemaking can be found in the Abstract section of the Department's Unified Agenda entry for this rulemaking at [<https://www.reginfo.gov/public/do/eAgendaViewRule?pubId=202310&RIN=2125-AF78>].

List of Subjects in 23 CFR Part 772

Grant programs—transportation, Highways and roads, Noise control, Reporting and recordkeeping requirements.

Kristin R. White,

Acting Administrator, Federal Highway Administration.

In consideration of the foregoing, FHWA proposes to revise 23 CFR part 772 to read as follows:

PART 772—PROCEDURES FOR ABATEMENT OF HIGHWAY TRAFFIC NOISE AND CONSTRUCTION NOISE

Sec.

772.1 Purpose.

772.3 Definitions.

772.5 Applicability.

772.7 Traffic noise prediction.

772.9 Analysis of traffic noise impacts.

772.11 Analysis of traffic noise abatement.

772.13 Construction noise.

772.15 Documentation and reporting.

772.17 Information for local officials.

772.19 Federal participation.

Table 1 to Part 772—Traffic Noise Impact Criteria

Authority: 23 U.S.C. 109(h) and (i); 42 U.S.C. 4331 and 4332; sec. 339(b), Pub. L. 104–59, 109 Stat. 568, 605; 49 CFR 1.48(b).

§ 772.1 Purpose.

(a) To provide highway traffic and construction noise standards to help protect the public's health, welfare, and livability in the planning, design, construction, and operation of highways pursuant to title 23 of the U.S. Code.

(b) The highway traffic noise prediction requirements, noise analyses, noise impact and abatement criteria,

and requirements for informing local officials in this part constitute the noise standards mandated by 23 U.S.C. 109(i). All highway projects which are developed in conformance with this part shall be deemed to be in accordance with FHWA noise standards.

§ 772.3 Definitions.

Benefitted receptor. The recipient of an abatement measure that receives a noise reduction at or above the noise reduction requirement.

Common noise environment. A group of receptors within the same Activity Category in table 1 to this part that are exposed to similar noise sources and levels; traffic volumes, traffic mix, and speed; and topographic features. Generally, common noise environments occur between two secondary noise sources, such as interchanges, intersections, and crossroads.

Cost average. Arithmetic average cost of abatement among benefitted receptors for an entire project.

Design year. The future year used to estimate the probable traffic volume for which a highway is designed.

Exempt project. A Federal or Federal-aid highway project that meets the classifications of a Type I project but is expected to have no noise impact and is thus exempt from traffic noise and abatement analysis.

Existing noise levels. The worst noise hour resulting from the combination of natural and mechanical sources and human activity usually present in a particular area.

Impacted Receptor. A receptor that has a traffic noise impact.

LEQ. The equivalent steady-state sound level in a stated period of time that contains the same acoustic energy as the time-varying sound level during the same time period. $LEQ(h)$ is the hourly value of LEQ .

Noise analysis area. The area within and beyond the project limits that has Type I project characteristics and that requires a noise analysis. The noise analysis area shall completely encompass the area where alterations and construction will occur, and shall also include any area beyond the construction limits where design year traffic may contribute to noise impacts from the project.

Noise barrier. A physical obstruction that is constructed between the highway noise source and the noise sensitive receptor(s) that lowers the noise level, including standalone noise walls, noise berms (earth or other material), and combination berm/wall systems.

Noise Impact Criteria. The values in table 1 to this part or lower values as specified in a State noise policy.

Noise policy. The State-specific document or documents containing the State DOT's approach to noise analyses in compliance with this part, including by describing statewide processes for project-level noise analysis, and defining any State-specific options available in this part.

Noise reduction requirement. Any measure, or combination of measures, that mitigates noise impacts to receptors by reducing design year noise levels by 5 to 10 dB(A) as defined in the State DOT's noise policy.

Permitted. A definite commitment to develop land with an approved specific design of land use activities as evidenced by the issuance of a building permit, or the equivalent in cases where a building permit is not applicable to that type of development.

Property owner. An individual or group of individuals that holds a title, deed, or other legal documentation of ownership of a property or a residence.

Receiver. A representative location of a noise sensitive area(s) in traffic or construction noise models, for any of the land uses listed in table 1 to this part. A receiver may represent multiple receptors if they share a common noise environment.

Receptor. A discrete, real-world location of a noise sensitive area(s), for any of the land uses listed in table 1 to this part.

Recipient. A recipient means an entity that receives a Federal award directly or via a pass-through entity from the Federal Highway Administration. The award can be apportioned or discretionary funding, or an approval action. For the purposes of the part, recipients do not include federally recognized Tribes.

Residence. A dwelling unit, which is either a single-family structure or each dwelling unit in a multifamily structure.

State Department of Transportation.

A department or agency maintained in conformity with 23 U.S.C. 302 and charged under State law with the responsibility for highway construction (as defined in 23 U.S.C. 101); and that is authorized by the laws of the State to make final decisions in all matters relating to, and to enter into, all contracts and agreements for projects and activities to fulfill the duties imposed by title 23 of the U.S. Code, this title, and other applicable Federal laws and regulations.

Statement of likelihood. A statement provided in the Categorical Exclusion (CE), the Finding of No Significant Impact (FONSI), the Record of Decision

(ROD), or the Supplemental Environmental Impact Statement (EIS) based on the noise impact and abatement analysis completed at the time the environmental document is being approved.

Substantial noise increase. An increase in noise levels of between 5 and 10 dB(A), as specified in the State DOT's noise policy, in the design year over the existing noise level.

Traffic noise impacts. Design year build condition noise levels that meet or exceed the Noise Impact Criteria listed in table 1 to this part; and/or design year build condition noise levels that create a substantial noise increase over existing noise levels.

Type I project. A Federal or Federal-aid highway project likely to cause traffic noise impacts during regular operation of the facility in the design year.

Type II project. A Federal or Federal-aid highway project for retrofit noise abatement on an existing highway in the absence of an associated highway project, when such a project makes use of apportioned funding sources from FHWA. Projects utilizing discretionary grant funds are not considered Type II projects.

Type III project. A Federal or Federal-aid highway project that does not meet the classifications of a Type I or Type II project. A Type III project is not likely to change the noise environment.

§ 772.5 Applicability.

(a) This part applies to all Federal or Federal-aid Highway Projects authorized under title 23 of the U.S. Code. Therefore, this part applies to:

(1) Any highway project or multimodal project that requires FHWA approval regardless of funding sources, or is funded with Federal-aid highway funds; and

(2) All Type I projects, unless this part specifically indicates that a section only applies to Type II or Type III projects.

(b) A Type I project includes:

(1) The construction of a roadway on a new location.

(2) The substantial physical alteration of an existing roadway, including:

(i) *Substantial horizontal alteration.* A project that halves the distance between the traffic noise source and the closest receptor between the existing condition to the future build condition.

(ii) *Substantial vertical alteration.* A project that removes shielding, thereby exposing the line-of-sight between the receptor and the traffic noise source. This is done by either altering the vertical alignment of the highway or by altering the topography between the highway traffic noise source and the receptor.

(iii) *Substantial abatement alteration.* A project that results in the alteration of the existing highway surface, through the installation of a different pavement surface, or of the existing right-of-way, through the installation of a noise barrier, for the purpose of providing noise abatement to existing communities along existing roadways; when such projects are funded by discretionary grants under title 23 of the U.S. Code or administered as if Federal-aid projects under 23 U.S.C. chapter 1.

(3) A substantial change in the operations of an existing roadway because of the project, including:

(i) The addition of a through-traffic lane(s). This includes the addition of a through-traffic lane that functions as a High Occupancy Toll (HOV) lane, High-Occupancy Toll (HOT) lane, bus lane, or truck climbing lane.

(ii) The addition of an auxiliary lane.

(iii) The addition or relocation of interchange lanes or ramps added to a quadrant to complete an existing partial interchange.

(iv) Restriping existing pavement for the purpose of adding a through-traffic lane or an auxiliary lane.

(v) The addition of a new or substantial alteration of a weigh station, rest area, ride-share lot or toll plaza. A substantial alteration may include increased capacity for overnight parking, or relocation of parking facilities closer to noise sensitive land uses.

(4) Other projects which may cause a traffic noise impact during regular operation.

(c) Type I projects that are not likely to change the noise environment during regular operation of the facility in the design year may be exempted from analysis.

(1) The following projects are exempted Type I projects:

(i) The addition of, or conversion to, an all-electronic toll plaza where vehicles do not stop or accelerate away.

(ii) An auxiliary lane when it is a turn lane or less than 2,500 feet in length, and thus does not function as a through lane.

(iii) The addition of a through traffic lane when:

(A) Design speed limit is 35 mph or less; and

(B) Vehicular restrictions that would cause the volume of traffic using these lanes to be much lower than the main lanes, including autos-only, bus-only, no trucks allowed.

(iv) A substantial vertical alteration when such alteration results in a newly blocked line of sight between the roadway and the receptor, such as moving a roadway into a cut.

(2) Any project that would otherwise qualify as exempt, which could involve unusual circumstances, is a Type I project.

(3) The recipient, in its discretion, may choose to determine impacts and consider abatement for any project that would otherwise qualify as exempt.

(d) The development and implementation of Type II projects are not mandatory requirements of 23 U.S.C. 109(i).

(1) For a Type II project to be eligible for Federal-aid funding, the State DOT must develop and implement a Type II program in accordance with § 772.17(b). Participation in the Type II program is optional.

(2) If a State DOT chooses to participate in a Type II program, the State DOT shall develop a priority system, based on a variety of factors, to rank the projects in the program. This priority system shall be submitted to and approved by FHWA before the State DOT is allowed to use Federal-aid funds for a project in the program. The State DOT shall reanalyze the priority system on a regular interval, not to exceed 5 years.

(e) For a Type III project, a recipient is not required to complete a noise analysis or consider abatement measures.

(f) The State DOT shall develop a noise policy in conformance with this part within 6 months of [EFFECTIVE DATE OF FINAL RULE]. The State DOT shall implement the approved noise policy upon approval or within 12 months of [EFFECTIVE DATE OF FINAL RULE], whichever comes first, and shall apply the policy uniformly and consistently statewide.

(1) Non-State DOT recipients and all subrecipients carrying out a project funded by a discretionary grant under title 23 of the U.S. Code, or administered as if a Federal-aid project under 23 U.S.C. chapter 1, must use their State DOT's FHWA-approved noise policy for highway traffic and construction noise analysis to comply with the requirements of this part. Multi-State regional recipients will apply the State DOT noise policy that corresponds with the roadway's location, this may result in two or more policies applying to a single project if it crosses multiple State borders.

(2) [Reserved]

(g) The State DOT noise policy must define and include the following criteria:

(1) Noise Impact Criteria in table 1 to this part or lower values that would be applied consistently statewide. State whether the State DOT will use the values in table 1 to this part to

determine the presence of noise impacts, or if they will use lower values. If using lower values, define these.

(2) Substantial noise increase criterion between 5 and 10 dB(A). Noise levels above the defined threshold are a noise impact.

(3) The noise model and tools used for noise analysis and whether they are consistent with and conform to the requirements listed in § 772.7.

(4) Method to calculate and place non-residential receptors and definition of worst noise hour.

(5) The procedure on the rounding of results.

(6) Evaluation criteria for abatement options, including what constitutes effective abatement, and the basis for determination, described under § 772.11(e).

(7) Procedures for providing project information to local officials.

(8) If the State participates in a Type II program, the factors for a priority system.

(9) Methods for considering construction noise impacts and abatement.

(h) Projects for which traffic noise prediction activities are initiated by [1 YEAR AFTER EFFECTIVE DATE OF FINAL RULE], or initiated after approval of the State's noise policy, whichever occurs first, shall be developed in accordance with this part. The State DOT may also choose to apply this part to any project at any stage after approval of the State's noise policy.

§ 772.7 Traffic noise prediction.

(a) Any analysis required by this part must use the latest version of FHWA Traffic Noise Model (TNM); or any other model determined by FHWA to be consistent with the methodology of TNM.

(1) FHWA will announce the availability of a new or updated version of the TNM by publishing a **Federal Register** notice, which will also specify a grace period to facilitate the transition to its use.

(2) Projects for which traffic noise prediction activities have been initiated under the previous version of the model can be completed under the previous version.

(3) Except as provided in paragraph (a)(2) of this section, a recipient must use the latest version of TNM on any new analysis as described in § 772.11 beginning after the last day of the grace period specified in a **Federal Register** notice announcing the availability of that version.

(b) A recipient shall use average pavement type in TNM for future noise level prediction unless recipient

substantiates the use of a different pavement type and obtains FHWA approval.

(c) In predicting noise levels and assessing noise impacts, a recipient shall use the following traffic characteristics that would yield the worst traffic noise impact:

(1) For Type I projects, the worst traffic-noise hour for the design year.

(2) For Type II projects, the worst noise hour, as defined in § 772.3 for existing noise levels.

(d) State DOTs shall define and include a statewide method for calculating and placing receptors in non-residential land uses in their noise policy. For residential land uses, each single-family structure and each dwelling unit in a multifamily structure shall be counted as one receptor when determining impacted and benefitted receptors.

(e) A recipient may screen projects to determine the likelihood of traffic noise impacts. If traffic noise screening is used, the following provisions apply.

(1) TNM, or any other model or tool determined by FHWA as compliant with the methodology of TNM for screening purposes, shall be used for traffic noise screening to determine the likelihood of traffic noise impacts. A screening tool that produces the same results as TNM for the same model inputs within 0.1 dB will be considered compliant.

(2) A recipient shall conduct the screening analysis on the entire noise analysis area for the project. The same model or tool used to determine the existing condition shall also be used to analyze the design year condition(s).

(3) A screening analysis shall include the following parameters, if applicable:

- (i) Existing noise level;
- (ii) Facility type;
- (iii) Length of facility;
- (iv) Number of lanes in each travel direction;
- (v) Lane width;
- (vi) Roadway design capacity;
- (vii) Vehicle fleet mix;
- (viii) Speed;
- (ix) Roadway grade;
- (x) Type of ground between roadway and receiver;
- (xi) Land (urban/suburban/rural) areas;
- (xii) Noise Impact Criteria Activity Category; and
- (xiii) Distance of nearest receiver from the roadway.

(4) The screening analysis may also include additional appropriate parameters.

(5) Type I projects with complex attributes are not appropriate for screening analysis and the recipient shall apply the provisions in § 772.9. Complex attributes include:

(i) The construction of a roadway on a new location;

(ii) Ground elevation changes because of hills, valleys, and other undulations greater than 3 feet that do not correlate to the grade change in the roadway;

(iii) Large areas of trees that fully obscure the line of sight between the roadway and the source;

(iv) Intervening buildings, barriers, or other substantial structures;

(v) Intervening ground with multiple ground types (e.g., water, pavement, grass, etc.); or

(vi) Where the deviation between any roadway segment and a straight-line approximation of the roadway is greater than 25 degrees.

(6) Detailed traffic noise analysis as described in § 772.9 is not required if both of the following screening conditions are satisfied:

(i) If the result of screening is at least 5 dB less than the Noise Impact Criteria in table 1 to this part for the appropriate activity category; and

(ii) If the result of screening does not exceed the substantial noise increase criteria determined in the State DOT noise policy.

§ 772.9 Analysis of traffic noise impacts.

The recipient shall determine and analyze expected traffic noise impacts for all Type I and II projects.

(a) The analysis of traffic noise impacts shall include:

(1) Identification of the noise analysis area to determine all traffic noise impacts.

(2) Identification of existing land uses and activities that may be affected by noise from the highway, including undeveloped land that is determined to be permitted.

(3) Validation of the noise model with field measurement of noise levels using an ANSI Type I or Type II integrating sound level meter. The model is validated if existing highway traffic noise level and predicted highway traffic noise level for the existing condition are within ± 3 dB(A).

(b) A recipient shall complete a traffic noise analysis for each alternative under detailed study and each Activity Category listed in table 1 to this part that is present in the noise analysis area.

(1) For projects on new alignments, determine existing noise levels by field measurements, and predict design year traffic noise levels using an FHWA-approved noise model.

(2) For projects on existing alignments, predict existing and design year traffic noise levels using an FHWA-approved noise model.

(c) In determining traffic noise impacts, a recipient shall give primary

consideration to exterior areas where frequent human use occurs.

(1) For Type I projects, traffic noise impacts shall be determined for the design year for the build alternative. Traffic noise impacts shall be determined by analyzing whether there is a substantial noise increase, or noise levels in exceedance of the Noise Impact Criteria in table 1 to this part.

(2) For Type II projects, traffic noise impacts shall be determined from current year conditions.

§ 772.11 Analysis of traffic noise abatement.

(a) When traffic noise impacts are identified, noise abatement measures that reduce traffic noise impacts shall be considered and evaluated for effectiveness.

(1) In abating traffic noise impacts, a recipient shall give primary consideration to exterior areas where frequent human use occurs.

(2) With the exception of noise insulation, the recipient shall maintain the noise abatement measure in perpetuity.

(b) Any existing noise abatement measure that is affected, up to and including removal, because of a new Type I, II, or III project shall be replaced to provide noise abatement equal to or better than what was present before, unless:

(1) The public no longer desires such abatement according to paragraph (d)(4) of this section; or

(2) The land use has changed to a non-sensitive activity, as defined in table 1 to this part, Activity Category C.

(c) Each State DOT shall develop, and describe in its noise policy, what constitutes effective abatement under paragraph (e) of this section.

(d) The analysis of traffic noise abatement shall include the recipient's determination of the effectiveness of implementing the abatement measure(s).

(e) All four required factors described in this paragraph for effective noise abatement shall be met in order for a noise abatement measure to be deemed effective. Effectiveness includes:

(1) *Engineering effectiveness.* The recipient shall make a determination that it is possible to design, construct, and maintain the abatement measure. Factors to consider include safety, barrier height, topography, drainage, utilities, maintenance of the abatement measure, and access to adjacent properties.

(2) *Acoustic effectiveness.* When noise abatement measure(s) are being considered, a recipient shall achieve a noise reduction requirement of at least 5 to 10 dB(A), as defined in its State

noise policy. The State DOT shall explain the basis for the determination of its noise reduction requirement in its noise policy. Receptors that achieve this reduction are considered benefitted. The State DOT shall define whether this reduction must be achieved by a simple majority of impacted receptors, for two or more impacted receptors, or a combination of these two criteria, and explain the basis for this determination in its noise policy.

(3) *Cost effectiveness.* Each State DOT shall determine, and obtain FHWA approval for, the allowable cost or equivalent quantity of abatement by determining a baseline cost effectiveness value. The State DOT may determine a separate baseline cost effectiveness value for each type of abatement measure. The State DOT shall reanalyze the baseline cost effectiveness value on a regular interval, not to exceed 5 years.

(i) A State DOT has the option of justifying, for FHWA approval, different cost effectiveness values for particular geographic areas within the State, however, the State DOT must use the same cost effectiveness/construction cost ratio statewide.

(ii) A recipient has the option to cost average noise abatement among common noise environments if no single common noise environment exceeds two times the State DOT's cost effectiveness criteria and collectively all common noise environments being averaged do not exceed the State DOT's baseline cost effectiveness value.

(iii) Partial funding of a noise abatement measure by a third party is not allowed on a Federal or Federal-aid Type I or Type II project if the funding is required for the measures to be considered cost effective, except donation of utility relocation services by a non-receptor utility and of real property by a non-receptor third party, needed to construct a noise abatement measure, are acceptable. Funding of the entire cost of a noise abatement measure by any third party is allowed on a Federal or Federal-aid Type I or Type II project regardless of the measure's cost effectiveness. Discretionary grants under title 23 of the U.S. Code are not considered third party funding sources. Third party donation of the cost of functional enhancements, such as absorptive treatment and access doors, or of aesthetic enhancements, to a noise abatement measure already determined effective is acceptable.

(4) *Consideration of the viewpoints of the property owners and residents of the benefitted receptors.* The recipient shall solicit the viewpoints of all of the benefitted receptors and document a

decision on either desiring or not desiring the noise abatement measure. The recipient shall consider tenants or renters equally when analyzing noise abatement. Only the residents and property owners at benefitted receptors can make a determination on desirability of noise abatement on Federal highway right-of-way. A simple majority of respondents must desire the abatement for it to be constructed.

(i) The State DOT shall not require a minimum response rate as to whether to construct an abatement measure, unless there are two or more outreach efforts to directly contact the benefitted receptors and obtain their viewpoints.

(ii) The State DOT shall document requirements for outreach efforts, and where necessary a minimum response rate, in the State noise policy and apply the requirements uniformly statewide.

(5) *Optional factors.* A State DOT can also include optional factors in its noise policy and apply them to projects. The following optional factors can only be used to increase the allowable cost of abatement as defined in paragraph (e)(3) of this section:

(i) Date of development.

(ii) Length of time receptors have been exposed to highway traffic noise impacts.

(iii) Exposure to higher absolute highway traffic noise levels.

(iv) Changes between existing and future build conditions.

(v) Percentage of mixed zoning development.

(vi) Use of noise compatible planning concepts by the local government.

(vii) Whether the abatement provides additional environmental or social benefits.

(f) The date of public knowledge provides local officials and the community an official notice that this project is approved and under active development. It is first established on the date of approval of the CE, FONSI, ROD, or Supplemental EIS, as described in part 771 of this chapter.

(1) If undeveloped land is not permitted for development by the date of public knowledge, the recipient shall determine noise levels in accordance with § 772.7 and document the results in the project's environmental document and technical noise memorandum.

(2) Federal participation in noise abatement measures will not be considered for lands that are not permitted by the date of public knowledge.

(3) Any lands permitted for noise-sensitive development before the date of public knowledge must be considered for potential impacts from the project,

and if such impacts occur, must be considered for noise abatement.

(g) The date of public knowledge will be updated when project-based assumptions or data become out-of-date. As such, it will be reset under the following conditions:

(1) If more than 5 years has elapsed since the date of public knowledge was established or last updated and the project has not initiated construction; or

(2) If a recipient identifies a design or operational change that results in a change in noise impacts to a receptor during a reevaluation pursuant to § 772.129 of this chapter.

(h) If the date of public knowledge is reset in accordance with paragraph (g) of this section, then all noise-sensitive development in the noise analysis area, including noise-sensitive development that was built or permitted since the date of public knowledge was previously established, must be evaluated for noise impacts and abatement in accordance with this part.

§ 772.13 Construction noise.

(a) For any project where severe highway construction noise impacts are likely to occur because of the scale and scope of the project, or when the public has expressed serious concern about construction noise, the recipient should conduct quantitative analysis of impacts as early in the project development process as the information is available.

(b) For all Type I and II projects, a recipient shall:

(1) Identify land uses or activities that may be affected by noise from construction of the project. The identification is to be performed during the project development studies.

(2) Determine the specific monitoring and mitigation measures that are needed to minimize or eliminate adverse construction noise impacts to the community. This determination shall include a weighing of the social, economic, and environmental benefits and adverse effects of the abatement measures.

(3) Incorporate the needed abatement measures in the plans and specifications.

(c) For Type III projects, a recipient may choose to perform analyses as described in paragraph (b) of this section.

§ 772.15 Documentation and reporting.

(a) The recipient shall document in the technical noise memorandum the noise levels for the existing and design year build conditions for all activity categories described in table 1 to this part, consistent with § 772.9.

(b) The technical noise memorandum, including for design-build projects,

shall document all considered and proposed noise abatement measures for inclusion in the project's environmental document. Final design of design-build noise abatement measures shall be based on the preliminary noise abatement design developed in the technical noise memo. Noise abatement measures shall be considered, developed, and constructed in accordance with this standard and in conformance with the provisions of § 636.109 of this chapter.

(c) Before adoption of a CE, FONSI, or ROD, the environmental document shall include a Statement of Likelihood regarding noise impacts and abatement. For the NEPA reviews, this analysis shall be completed to the extent that design information on the alternative(s) under study in the environmental document is available at the time the environmental document is completed.

(1) The Statement of Likelihood shall identify:

(i) All locations where noise impacts are predicted to occur.

(ii) All locations with noise abatement that is preliminarily effective, including a physical description of the abatement being proposed.

(iii) All locations with impacts that have no effective noise abatement alternative.

(2) The Statement of Likelihood shall also indicate that the determination of effective traffic noise abatement in accordance with § 772.11 may change because of changes in the project design after approval of the environmental document; and that the final determination on the construction of the abatement measure(s) is made during the completion of the project's final design and public involvement processes.

(d) FHWA and recipients will not approve project plans and specifications unless all environmental commitments for effective traffic noise abatement, determined in accordance with § 772.11, are incorporated into the plans and specifications to reduce the noise impact on existing activities, developed lands, or undeveloped lands for which development is permitted.

(e) Recipients shall also incorporate any selected construction noise abatement measures in the plans and specifications.

(f) Each State DOT shall maintain an inventory of all constructed noise abatement measures, including those built by other recipients in its borders. These other recipients shall submit their information to their State DOT at the end of construction for their project. FHWA will collect this information from the State DOT in accordance with

OMB's Information Collection requirements. The inventory shall include the following parameters:

(1) Location (State, county, city, route).

(2) Type of abatement.

(3) Year of construction.

(4) Cost (overall cost, unit cost per/sq. ft.).

(5) Average height (if applicable).

(6) Total length (if applicable).

(7) Total area (if applicable).

(8) Material(s) used.

(i) For noise walls, these are typically: precast concrete, block, cast in place concrete, brick, metal, wood, fiberglass, plastic (transparent, opaque, other), or combination of two or more materials.

(ii) For berms, these are typically: earth, rubble, and/or leftover construction materials.

(9) Features (for noise walls, these are typically: absorptive or reflective surface texture; or features such as overlaps, or maintenance access doorways).

(10) Foundation (For noise barriers, these are typically: ground mounted or on structure).

(11) Average insertion loss/noise reduction as reported by the model in the noise analysis.

(12) Land use(s) and activity category(ies) protected.

(13) Project type (Type I, Type II, and optional project types such as State-funded, county-funded, tollway/turnpike-funded, other, or unknown).

§ 772.17 Information for local officials.

(a) To minimize future traffic noise impacts on currently undeveloped lands of Type I projects, a recipient shall inform local officials within whose jurisdiction the highway project is located, of:

(1) Noise compatible planning concepts;

(2) The distance from the edge of the nearest travel lane of the highway improvement to the point at which future noise levels meet the Noise Impact Criteria for each Activity Category in table 1 to this part, for undeveloped lands or properties within the project limits; and

(3) Non-eligibility for Federal-aid participation of a Type II project as described in § 772.19(b).

(b) If a State DOT chooses to participate in a Type II noise program, the State DOT shall have a statewide outreach program to inform local officials and the public of the items in paragraphs (a)(1) through (3) of this section.

(c) FHWA TNM noise contours, or any other model or tool determined by FHWA as compliant with the

methodology of FHWA TNM, may be used for land use planning to comply with paragraphs (a)(1) through (3) of this section.

§ 772.19 Federal participation.

(a) *Type I and Type II projects.* Title 23 of the U.S. Code funds may be used for noise abatement measures when:

(1) Traffic noise impacts have been identified; and

(2) Abatement measures have been determined to be effective pursuant to § 772.11(e).

(b) *Type II projects.* (1) No funds made available out of the Highway Trust Fund may be used to construct Type II noise barriers, as defined by this part if such noise barriers were not part of a project approved by FHWA before November 28, 1995.

(2) Title 23 of the U.S. Code funds are available for Type II projects along lands that were developed or were under substantial construction before approval of the acquisition of the rights-of-ways for, or construction of, the existing highway.

(3) FHWA will not approve a noise abatement measure for a location where

a previous determination of such a measure was:

(i) Not “feasible and reasonable” for a Type I project prior to the effective date of this part.

(ii) Not “effective” for a Type I project under this part.

(c) *Eligible noise abatement measures.* Federal-aid funds may participate in the costs of noise abatement measures or a combination of measures up to the Federal share payable on the Federal-aid highway on which the project is located, and based on other applicable program requirements. The measures or combination of measures which may be incorporated into a Type I or Type II project to reduce traffic noise impacts include, but are not limited to:

(1) Construction of noise barriers, including acquisition of property rights, either within or outside the highway right-of-way.

(2) Traffic management measures including, but not limited to, traffic control devices and signing for prohibition of certain vehicle types, time-use restrictions for certain vehicle types, modified speed limits, and exclusive lane designations.

(3) Alteration of horizontal and vertical alignments.

(4) Acquisition of real property or interests therein (predominantly unimproved property) to serve as a buffer zone to preempt development which would be adversely impacted by traffic noise. This measure may be included in Type I projects only.

(5) Noise insulation of Activity Category D land use facilities listed in table 1 to this part. Post-installation maintenance and operational costs for noise insulation are not eligible for Federal-aid funding.

(d) *Ineligible noise abatement measures.* Federal-aid funds may not participate in the costs of the following measures:

(1) Modifying the vegetation in an area of land alone.

(2) Payment or compensation for a highway traffic noise impact through the purchase of a noise easement from a property owner.

(3) Monetary compensation to a property owner in lieu of noise abatement.

TABLE 1 TO PART 772—TRAFFIC NOISE IMPACT CRITERIA
[Hourly A-weighted sound level decibels (dB(A))]

Activity category	Activity criteria (L _{EQ} (h)) ¹	Evaluation location	Activity description ²
A ³	56	Exterior	Lands on which serenity and quiet are of extraordinary significance and serve an important public need and where the preservation of those qualities is essential if the area is to continue to serve its intended purpose.
B ^{4,7}	66	Exterior	Noise-sensitive land uses where people learn, live, play, work, or worship, and where reduced noise levels are necessary for the land use to serve its intended purpose. Examples include but are not limited to: active sport areas, amphitheaters, auditoriums, campgrounds, cemeteries, day care centers, hospitals, hotels, libraries, medical facilities, motels, offices, parks, picnic areas, places of worship, playgrounds, public meeting rooms, public or nonprofit institutional structures, radio studios, recording studios, recreation areas, residential areas, section 4(f) sites, schools, television studios, trails, and trail crossings.
C ⁵ .....	.....	.....	Non-noise sensitive land uses: noise generating land uses, undeveloped and unpermitted land uses, or vacant and derelict structures. Examples of non-noise sensitive land uses include agriculture, airports, bus yards, emergency services, industrial, logging, maintenance facilities, manufacturing, mining, rail yards, retail facilities, shipyards, utilities (water resources, water treatment, electrical), and warehousing.
D ^{6,7}	51	Interior	A subset of certain Activity Category B public, non-residential land uses where noise sensitive activities occur only indoors. Examples include but are not limited to: auditoriums, day care centers, hospitals, libraries, medical facilities, places of worship, public meeting rooms, public or nonprofit institutional structures, radio studios, recording studios, schools, and television studios.

¹ The L_{EQ}(h) Activity Criteria values are for impact determination only, and are not design standards for noise abatement measures.

² Any of these land uses and Activities may be subject to other laws or rules (such as section 7 of the Endangered Species Act, section 106 of the National Historic Preservation Act, or section 4(f) (23 CFR part 774)); impact and abatement analysis for these specific land uses and activities will be conducted according to applicable regulations, if requested by the oversight agency responsible for implementing the statutory requirements.

³ Highway agencies shall submit justifications to FHWA on a case-by-case basis for approval of an Activity Category A designation.

⁴ Includes undeveloped lands permitted for Activity Category B.

⁵ No analysis of noise impacts is required for Activity Category C.

⁶ A State DOT shall conduct an indoor analysis after a determination is made that exterior abatement measures will not be effective for non-residential land uses in Activity Category B. In non-residential land uses where no exterior activities are impacted by traffic noise, or where the exterior activities are far from or physically shielded from the roadway such that there is no impact on exterior activities, the State DOT shall use Activity Category D as the basis of determining noise impacts in lieu of Activity Category B.

⁷ For Activity Categories B and D, each State DOT shall adopt a standard practice for analyzing these land use facilities that is documented in its noise policy and is applied consistently and uniformly statewide.

[FR Doc. 2024-23751 Filed 10-17-24; 8:45 am]

BILLING CODE 4910-22-P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 301

[REG-120137-19]

RIN 1545-BP66

Update of Regulations Regarding Payment of Tax by Commercially Acceptable Means; Hearing

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Proposed rule; public hearing

SUMMARY: This document provides a notice of public hearing on the proposed rule (REG-120137-19) that was published in the **Federal Register** on Tuesday, July 2, 2024. The proposed regulations relate to the payment of tax by commercially acceptable means and reflect changes to the law made by the Taxpayer First Act that would allow the IRS to directly accept payments of tax by credit or debit card, without having to connect taxpayers to third-party payment processors.

DATES: The public hearing is scheduled to be held on December 6, 2024, at 10 a.m. Eastern Time (ET). The IRS must receive speakers' outlines of the topics to be discussed at the public hearing by November 6, 2024. If no outlines are received by November 6, 2024, the public hearing will be cancelled.

ADDRESSES: The public hearing is being held in the Auditorium, at the Internal Revenue Service Building, 1111 Constitution Avenue NW, Washington, DC. Due to security procedures, visitors must enter at the Constitution Avenue entrance. In addition, all visitors must present a valid photo identification to enter the building. Because of access restrictions, visitors will not be admitted beyond the immediate entrance area more than 30 minutes before the hearing starts. Participants may alternatively testify or attend the hearing by telephone.

Send an outline of topic submissions electronically via the Federal

eRulemaking Portal at www.regulations.gov (indicate IRS and REG-120137-19). Send paper submissions to CC:PA:01:PR (REG-120137-19), Room 5205, Internal Revenue Service, P.O. Box 7604, Ben Franklin Station, Washington, DC 20044.

FOR FURTHER INFORMATION CONTACT:

Concerning the proposed regulations, Crystal Jackson-Kaloz at (202) 317-5191 (not a toll-free number); concerning the submission of requests to testify, the hearing, the access code to attend the hearing by phone, or to be placed on the building access list to attend the public hearing, contact the Publications and Regulations Section at (202) 317-6901 (not a toll-free number), or by email at publichearings@irs.gov (preferred).

SUPPLEMENTARY INFORMATION: The subject of the public hearing is the notice of proposed rulemaking (REG-120137-19) that was published in the **Federal Register** on Tuesday, July 2, 2024 (89 FR 54746).

The rules of 26 CFR 601.601(a)(3) apply to the hearing. Persons who wish to present oral comments at the hearing must submit an outline of the topics to be discussed and the time to be devoted to each topic by November 6, 2024.

A period of 10 minutes will be allotted to each person for making comments. An agenda showing the scheduling of the speakers will be prepared after the deadline for receiving outlines has passed. Copies of the agenda will be available free of charge at the hearing and via the Federal eRulemaking Portal (<https://www.Regulations.gov>) under the title of Supporting & Related Material. If no outline of the topics to be discussed at the hearing is received by November 6, 2024, the public hearing will be cancelled. If the public hearing is cancelled, a notification of cancellation of the public hearing will be published in the **Federal Register**.

Individuals who want to testify in person at the public hearing must send an email to publichearings@irs.gov to have your legal name added to the building access list. The subject line of the email must contain the regulation number REG-120137-19 and the language "TESTIFY In Person." For

example, the subject line may say: Request to TESTIFY In Person at Hearing for REG-120137-19.

Individuals who want to testify by telephone at the public hearing must send an email to publichearings@irs.gov to receive the telephone number and access code for the hearing. The subject line of the email must contain the regulation number REG-120137-19 and the language "TESTIFY Telephonically." For example, the subject line may say: Request to TESTIFY Telephonically at Hearing for REG-120137-19.

Individuals who want to attend the public hearing in person without testifying must also send an email to publichearings@irs.gov to have your legal name added to the building access list. The subject line of the email must contain the regulation number REG-120137-19 and the language "ATTEND In Person." For example, the subject line may say: Request to ATTEND In Person for REG-120137-19. Requests to attend the public hearing must be received by 5 p.m. ET on November 29, 2024. The hearing will be made accessible to people with disabilities. Requests for special assistance during the hearing must be received by 5 p.m. ET on November 27, 2024.

Individuals who want to attend the public hearing by telephone without testifying must also send an email to publichearings@irs.gov to receive the telephone number and access code for the hearing. The subject line of the email must contain the regulation number REG-120137-19 and the language "ATTEND Hearing Telephonically." For example, the subject line may say: Request to ATTEND Hearing Telephonically for REG-120137-19. Requests to attend the public hearing must be received by 5 p.m. ET on November 29, 2024.

Any questions regarding speaking at or attending the public hearing may also be emailed to publichearings@irs.gov.

Regina L. Johnson,

Federal Register Liaison, Publications and Regulations Section, Associate Chief Counsel, (Procedure and Administration).

[FR Doc. 2024-23972 Filed 10-17-24; 8:45 am]

BILLING CODE 4830-01-P

Notices

Federal Register
Vol. 89, No. 202
Friday, October 18, 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.

UNITED STATES AFRICAN
DEVELOPMENT FOUNDATION

Public Quarterly Meeting of the Board
of Directors

AGENCY: United States African
Development Foundation.

ACTION: Notice of meeting.

SUMMARY: The U.S. African
Development Foundation (USADF) will
hold its quarterly meeting of the Board
of Directors to discuss the agency’s
programs and administration. This
meeting will occur at the USADF office.

DATES: The meeting date is Tuesday,
October 29, 2024, 9 a.m. to 12:00 noon.

ADDRESSES: The meeting location is
USADF, 1400 I St. NW, Suite 1000,
Washington, DC 20005.

FOR FURTHER INFORMATION CONTACT:
Kerline Perry, (202) 233–8805.

(Authority: Pub. L. 96–533; 22 U.S.C. 290h)

Dated: October 10, 2024.

Wendy Carver,
Business Manager.

[FR Doc. 2024–24128 Filed 10–17–24; 8:45 am]

BILLING CODE 6117–01–P

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

Agency Information Collection
Activities: Longitudinal Study of SNAP
Households AKA The Study of
Household Insights and Nutritional
Experiences (SHINE)

AGENCY: Food and Nutrition Service
(FNS), USDA.

ACTION: Notice.

SUMMARY: In accordance with the
Paperwork Reduction Act of 1995, this
notice invites the general public and
other public agencies to comment on
this proposed information collection.
This new collection will provide the

U.S. Department of Agriculture, Food
and Nutrition Service (FNS) key
information from a large representative
sample of SNAP households to enable
FNS to examine how SNAP households
change through time.

DATES: Written comments must be
received on or before December 17,
2024.

ADDRESSES: Comments may be sent to:
Michael Burke, Food and Nutrition
Service, U.S. Department of Agriculture,
1320 Braddock Place, 5th Floor,
Alexandria, VA 22314. Comments may
also be submitted via email to
michael.burke@fns.usda.gov. Comments
will also be accepted through the
Federal eRulemaking Portal. Go to
<http://www.regulations.gov>, and follow
the online instructions for submitting
comments electronically.

All responses to this notice will be
summarized and included in the request
for Office of Management and Budget
approval. All comments will be a matter
of public record.

FOR FURTHER INFORMATION CONTACT:
Requests for additional information or
copies of this information collection
should be directed to Michael Burke at
703–305–4369.

SUPPLEMENTARY INFORMATION: Comments
are invited on: (a) Whether the proposed
collection of information is necessary
for the proper performance of the
functions of the agency, including
whether the information shall have
practical utility; (b) the accuracy of the
agency’s estimate of the burden of the
proposed collection of information,
including the validity of the
methodology and assumptions that were
used; (c) ways to enhance the quality,
utility, and clarity of the information to
be collected; and (d) ways to minimize
the burden of the collection of
information on those who are to
respond, including use of appropriate
automated, electronic, mechanical, or
other technological collection
techniques or other forms of information
technology.

Title: Longitudinal Study of SNAP
Households AKA The Study of
Household Insights and Nutritional
Experiences (SHINE).

Form Number: N/A.

OMB Number: 0584–NEW.

Expiration Date: Not Yet Determined.

Type of Request: New collection.

Abstract: This is a new information
collection request. The Supplemental

Nutrition Assistance Program (SNAP)
provides monthly benefits to low-
income households to reduce food
insecurity and improve health and well-
being. SNAP policies and benefit
calculations change over time in
response to economic factors, such as
inflation, high unemployment, and
changes in Federal budget priorities. To
understand SNAP’s effectiveness at
helping participants maintain their
food-purchasing power following such
changes, the Food and Nutrition Service
(FNS) requires accurate and timely data
about SNAP households. The sample
must be large enough to produce
reliable conclusions and detailed
enough to examine policy changes
affecting only subpopulations of SNAP
participants. The Food and Nutrition
Act of 2008, as amended through Public
Law 116–94, enacted December 20,
2019, provides the legislative authority
for FNS to administer SNAP. Section 17
of the Act authorizes FNS to conduct
research to help improve the
administration and effectiveness of
SNAP.

The proposed study—Longitudinal
Study of SNAP Households AKA The
Study of Household Insights and
Nutritional Experiences (SHINE)—will
conduct a longitudinal survey among a
nationally representative sample of
SNAP households. The study will also
field a dietary recall assessment
interview among a subset of households.
These data will enable FNS to conduct
detailed analyses of SNAP participants’
characteristics over time and observe
how they respond to Federal, State, and
local policy and economic changes.
With these data, FNS will be able to
examine how participating SNAP
households fared before and after
potential economic shocks or policy
changes, reducing reliance on
comparisons of changes for broad
groups of participants.

SHINE overcomes the limitations of
the data FNS currently uses to examine
SNAP policies and effects on
households. FNS’ currently available
data sources typically lack the detail
required for in-depth study, do not
include a representative sample, or do
not include the same households over
time. This study addresses these issues
by collecting key information for a large
representative sample of SNAP
households through time, drawn from
State SNAP administrative data.

Specifically, the study's objective is to produce:

1. A longitudinal data collection framework that completely and accurately documents the approach to ensuring an enduring and robust annual data collection
2. Descriptive statistics on a wide range of sociodemographic and economic characteristics of households
3. Descriptive statistics on other key household characteristics
4. Cross-tabulations between key sociodemographic, economic, and other key characteristics of households, and identification of statistically significant differences
5. Descriptive statistics on the dietary quality of a randomly selected adult household member in a subsample of households
6. Cross-tabulations between key sociodemographic and economic characteristics and markers of dietary quality
7. Public and restricted-use data sets and documentation that allow FNS to reproduce analysis results and public-use data sets that will promote use of the data by the research community

At the first wave of data collection, the 35-minute longitudinal survey will be conducted among a representative sample of 9,000 SNAP participants. The survey will employ a multistage sampling approach, first identifying States, and then counties within those States, from which to draw the sample. Within selected counties, the study will use States' SNAP data to draw a random sample of households, producing a nationally representative sample for key subgroups (households with children, households with a person who is age 60 or older, and households without an older adult but with a person with a disability), as well as the full SNAP population. During the first wave, FNS will also field a dietary intake instrument among approximately 25 percent of households that complete the survey.

Affected Public: Respondent groups identified include: (a) Individuals/Households (county residents in the selected counties); (b) State, Local and Tribal Government (State/County SNAP agencies).

Estimated Number of Respondents: The total estimated number of respondents is 19,489. The number of respondents includes: 19,464 SNAP participants (47% of whom will complete interviews) and 25 State SNAP agency directors or other State agency staff. The total estimated number of non-respondents is 4,871 and includes

4,866 SNAP participants (who will be contacted to complete surveys) and 5 State SNAP agency or other State agency staff.

Estimated Number of Responses per Respondent: Across all respondents, the average number of responses is 11.87. Respondents include SNAP participants, members of SNAP households, and State SNAP agency directors or other State agency staff.

Sampled SNAP participants will be asked to participate in a household survey. SNAP participants will receive several notifications about the survey, including an invitation letter, emails or text messages, and reminder letters. Participants who choose to complete the survey will complete a 35-minute web or phone survey. After completing the survey, a subset of cases will receive an invitation to participate in a dietary recall interview. A random member of the household will be selected and invited to participate in this second interview. Dietary recall interview respondents may receive a mailed invitation and text and email reminder notifications.

State SNAP agency staff will provide administrative data to the study team quarterly.

Estimated Total Annual Responses: 317,923 (231,423 respondents and 86,500 nonrespondents).

Estimated Time per Response: The estimated time of response varies from a few minutes to over an hour, depending on respondent group, but averages 0.051 hours (or about 3 minutes) for all respondents as shown in the table below.

Estimated Total Annual Burden on Respondents: 1,281,441 minutes (21,357.35 hours). See the table below for estimated total annual burden for each type of respondent.

Tameka Owens,

Acting Administrator and Assistant Administrator, Food and Nutrition Service.

[FR Doc. 2024-24160 Filed 10-17-24; 8:45 am]

BILLING CODE 3410-30-P

DEPARTMENT OF AGRICULTURE

Rural Business-Cooperative Service

[Docket #: RBS-24-Business-0014]

Notice of Solicitation of Applications for the Rural Business Development Grant Programs for Fiscal Year 2025

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) invites the submission of applications for grants under the Rural Business Development Grant (RBDG) Program for fiscal year (FY) 2025, subject to the availability of funding. This notice is being issued prior to passage of a FY 2025 Appropriations Act in order to allow applicants sufficient time to leverage financing, prepare and submit their applications, and give the Agency time to process applications within FY 2025. Based on FY 2024 appropriated funding, the Agency estimates that approximately \$30 million will be available for FY 2025. Successful applications will be selected by the Agency for funding and subsequently awarded to the extent that funding may ultimately be made available through appropriations. All applicants are responsible for any expenses incurred in developing their applications.

DATES: Complete applications may be submitted in paper or electronic format and must be received by 4:30 p.m. local time on February 28, 2025, in the USDARD State Office for the State where the project is located. A list of the USDA RD State Offices can be found at: www.rd.usda.gov/about-rd/state-offices.

ADDRESSES: This funding announcement will also be announced on www.Grants.gov. Applications must be submitted to the USDA RD State Office for the State where the project is located. For projects involving multiple states, the application must be filed in the RD State Office where the Applicant is located. Applicants are encouraged to contact their respective RD State Office for an email contact to submit an electronic application prior to the submission deadline date. A list of the USDA RD State Office contacts can be found at: www.rd.usda.gov/about-rd/state-offices.

FOR FURTHER INFORMATION CONTACT: Cindy Mason at cindy.mason@usda.gov, Program Management Division, Rural Business-Cooperative Service, USDA, 1400 Independence Avenue SW, Mail Stop 3226, Room 5160-South, Washington, DC 20250-3226, or call (202) 720-1400. For further information on submitting program applications under this notice, please contact the USDA RD State Office in the State where the applicant's headquarters is located. A list of RD State Office contacts is provided at the following link: www.rd.usda.gov/about-rd/state-offices.

SUPPLEMENTARY INFORMATION:

Overview

Federal Agency Name: Rural Business-Cooperative Service.

Funding Opportunity Title: Rural Business Development Grant Program.

Announcement Type: Notice of Solicitation Announcement (NOSA).

Funding Opportunity Number: RDBCP–RBDG–2025.

Assistance Listing: 10.351.

Dates: Complete applications may be submitted in paper or electronic format and must be received by 4:30 p.m. local time on February 28, 2025, in the USDA RD State Office for the State where the project is located. A list of the USDA RD State Offices can be found at: www.rd.usda.gov/about-rd/state-offices.

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.
- *Advancing Racial Justice, Place-Based Equity, and Opportunity.* Ensure all rural residents have equitable access to RD programs and benefits from RD funded projects.
- *Addressing Climate Change and Environmental Justice.* Reduce climate pollution and increase resilience to the impacts of climate change through economic support to rural communities.

A. Program Description

1. *Purpose of the Program.* The purpose of the RBDG Program is to promote economic development and job creation projects through the awarding of grant funds to eligible entities. Applications will compete in two separate categories, business opportunity grants and business enterprise grants, for use in funding various business and community projects that serve rural areas.

Business opportunity projects must be in compliance with eligible uses as stated in 7 CFR 4280.417(a)(1) that include the establishment of business support centers or providing funds for job training and leadership development in rural areas. Business opportunity projects must be consistent with any tribal, local and area-wide strategic plans for community and economic development, coordinated with other economic development activities in the project area, and consistent with any RD State Strategic Plan.

Business enterprise projects must be in compliance with eligible uses as

stated in 7 CFR 4280.417(a)(2) and are to be used to finance or develop small and emerging businesses in rural areas. Enterprise grant purposes include projects for the acquisition and development of land, access streets and roads, the conversion or modernization of buildings, capitalization of revolving loan funds and the purchase of machinery and equipment for businesses located in a rural area.

2. Statutory and Regulatory Authority.

(a) *RBDG Program:* The RBDG Program is authorized under 310B(c) of the Consolidated Farm and Rural Development Act, as amended, 7 U.S.C. 1932(c) (www.govinfo.gov/link/uscode/7/1932) and implemented by 7 CFR part 4280, subpart E (www.ecfr.gov/current/title-7/part-4280/subpart-E). Assistance provided under the RBDG Program will be made to eligible entities and will be used for funding various business opportunity projects and business enterprise projects, as applicable, that serve Rural Areas. All applicants must indicate if the application is for enterprise or opportunity type funds.

(b) *Set-Aside Funding:* The Consolidated Appropriations Act, 2024 (Pub. L. 118–42), designated funding for Federally-Recognized Native American Tribes, Rural Empowerment Zone/Enterprise Communities/Rural Economic Area Partnerships, projects in Persistent Poverty Counties (as discussed below), Native American Persistent Poverty areas and for Strategic Economic and Community Development (SECD) projects in FY 2024.

Set-aside funding may or may not be made available through appropriations in FY 2025 where continued emphasis is given to financial assistance for projects located in these areas. For funding made available in FY 2024, eligible applicants for the Native American and Rural Empowerment Zone/Enterprise Communities/Rural Economic Area Partnership set-aside funds were required to demonstrate that at least 75 percent of the benefits of an approved grant would assist beneficiaries in the designated areas. For funding made available in FY 2024, eligible applicants for the Persistent Poverty Counties, Native American Persistent Poverty areas, and the SECD set-aside funds were required to demonstrate that 100 percent of the benefits of an approved grant would assist beneficiaries in the designated areas. The completed application deadline for these set-aside funds, if available, is consistent with the RBDG application deadline date of February 28, 2025. Applicants for set-aside funds must indicate that they are applying for

set-aside funds and may not submit a duplicate application for regular RBDG funds. In addition, the applications for set aside must also indicate if the application is for enterprise or opportunity type funds. If funding for an anticipated set-aside program is not appropriated in FY 2025, or if any eligible applications for set-aside funding are not funded due to insufficient funds, such applications will be allowed to compete for available FY 2025 regular RBDG funds in the State where the project is located.

(c) *Persistent Poverty Funding:* The Consolidated Appropriations Act, 2024 (Pub. L. 118–42) provided designated funding for projects in Persistent Poverty Counties. “Persistent Poverty Counties” as defined in Section 736 is “any county that has had 20 percent or more of its population living in poverty over the past 30 years, as measured by the 1990 and 2000 decennial censuses, and 2007–2011 American Community Survey 5-year average, or any territory or possession of the United States”. Section 736 expanded the eligible population in Persistent Poverty Counties to include any county seat of such a Persistent Poverty County that had a population that did not exceed the authorized population limit by more than 10 percent, expanding the current 50,000 population limit to 55,000 for only county seats located in Persistent Poverty Counties. Therefore, beneficiaries of technical assistance services located in county seats of Persistent Poverty Counties with populations up to 55,000 (per the 2020 Census) were deemed eligible. Comparable statutory provisions may or may not be included in the appropriations act for FY 2025.

3. *Definitions.* The definitions applicable to this notice are published at 7 CFR 4280.403 (www.ecfr.gov/current/title-7/section-4280.403).

4. *Application of Awards.* Awards under the RBDG Program will be made on a competitive basis using specific selection criteria contained in 7 CFR part 4280, subpart E (www.ecfr.gov/current/title-7/part-4280/subpart-E). The Agency will review, evaluate, and score applications received in response to this notice based on the provisions found in 7 CFR part 4280, subpart E (www.ecfr.gov/current/title-7/part-4280/subpart-E), and as indicated in this notice. The Agency advises all interested parties that the applicant bears the full burden of preparing and submitting an application in response to this notice whether or not funding is appropriated for this program in FY 2025.

B. Federal Award Information

Type of Awards: Grants.

Fiscal Year Funds: FY 2025.

Available Funds: Dependent upon FY 2025 appropriations. Funding is anticipated to be approximately \$30 million based on FY 2024 amounts. RBCS may, at its discretion, increase the total level of funding available in this funding round (or in any category in this funding round) from any available source provided the awards meet the requirements of the statute which made the funding available to the Agency.

Award Amounts: The RBDG program does not have a minimum or maximum amount. Applicants should note that in accordance with 7 CFR 4280.435(i) applications requesting smaller grant requests will receive more priority points.

Anticipated Award Dates: Set-Aside awards, if applicable: May 31, 2025. Regular awards: August 31, 2025.

Performance Period: The period of time in which the grantee must initiate and complete the project is June 1, 2025, through September 30, 2027. However, as indicated in 7 CFR 4280.421, to be considered for funding, the project must reasonably be expected to be completed within one full year after it has begun.

Renewal or Supplemental Awards: None.

Type of Financial Assistance

Instrument: Financial Assistance Agreement.

C. Eligibility Information

1. *Eligible Applicants.* Grants may be made to a Public Body/Government Entity, an Indian Tribe, or a Nonprofit entity primarily serving rural areas. In accordance with 7 CFR 4280.416(d) ([www.ecfr.gov/current/title-7/section-4280.416#p-4280.416\(d\)](http://www.ecfr.gov/current/title-7/section-4280.416#p-4280.416(d))), applicants that are not delinquent on any Federal debt or not otherwise disqualified from participation in these Programs are eligible to apply. The Agency will check the System for Award Management (SAM) to determine if the applicant has been debarred or suspended at the time of application and prior to the awarding of grant funds.

2. *Cost Sharing or Matching.* There are no cost sharing or matching requirements associated with this grant. Matching funds are not required for eligibility purposes; however, additional priority points may be awarded for leveraging per 7 CFR 4280.435(a).

3. *Other.* Grant funds may be used for projects identified in 7 CFR 4280.417(a) (www.ecfr.gov/current/title-7/section-4280.417) as either a business opportunity type grant or a business enterprise type grant.

D. Application and Submission Information

1. *Address to Request Application Package.* Entities wishing to apply for financial assistance should contact the USDA RD State Office provided in the **ADDRESSES** section of this notice to obtain copies of the application package.

2. *Content and Form of Application Submission.*

(a) The applicant documentation and forms needed for a complete application are located in 7 CFR part 4280, subpart E (www.ecfr.gov/current/title-7/part-4280/subpart-E), a copy of which will be provided to any interested applicant making a request to a USDA RD State Office for the State where the project is located. A list of the USDA RD State Offices can be found at: www.rd.usda.gov/about-rd/state-offices.

(b) The Agency requires information to make an eligibility determination through applications that must include the items identified in 7 CFR 4280.427 (www.ecfr.gov/current/title-7/section-4280.427). The written narrative outlined in 7 CFR 4280.427(d) should include the following for Other Information:

(1) Please note that no assistance or funding can be provided to hemp producers or processors unless they have a valid license issued from an approved State, Tribal or Federal plan as per Section 10113 of the Agriculture Improvement Act of 2018, Public Law 115-334 (www.govinfo.gov/app/details/PLAW-115publ334). Verification of valid hemp licenses will occur at the time of award; and

(2) Any additional information the Agency may request to assist in making a grant award determination.

Each selection priority criterion outlined in 7 CFR 4280.435 (www.ecfr.gov/current/title-7/section-4280.435) must be addressed in the application. Failure to address any of the criterion will result in a zero-point score for that criterion and will impact the overall evaluation of the application.

(c) The application must be submitted in one package. The single package should be well organized and include a table of contents, if appropriate. There are no specific limitations on number of pages, font size and type face, margins, paper size, and the sequence or assembly requirements other than those described in 7 CFR part 4280, subpart E (www.ecfr.gov/current/title-7/part-4280/subpart-E).

(d) An original copy of the application must be filed with the RD State Office for the State where the project is located. For projects involving multiple

states, the application must be filed in the RD State Office where the Applicant is located.

(e) The component pieces of this application require original signatures on the original application. Any form that requires an original signature but is signed electronically in the application submission must be signed in ink by the authorized person prior to the disbursement of funds.

(f) RBDG grants must conform with the environmental policies and procedures of 7 CFR part 1970 (www.ecfr.gov/current/title-7/part-1970).

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

(a) At the time of application, each applicant must have an active registration in SAM before submitting its application in accordance with 2 CFR part 25 (www.ecfr.gov/current/title-2/subtitle-A/chapter-1/part-25). In order 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 (www.ecfr.gov/current/title-2/subtitle-A/chapter-1/part-25/subpart-A/section-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.*

(a) Application Technical Assistance Deadline Date. Prior to official submission of grant applications, applicants may request technical assistance or other application guidance from the Agency, as long as such requests are made prior to February 10, 2025. Technical assistance is not meant to be an analysis or assessment of the quality of the materials submitted, a

substitute for agency review of completed applications, nor a determination of eligibility.

(b) **Application Deadline Date.** Applications (paper or electronic format) must be submitted to the appropriate RD State Office no later than 4:30 p.m. (local time) on February 28, 2025. If completed applications are not received by the deadline date, the application will neither be reviewed nor considered for funding under any circumstances.

The Agency will not solicit or consider scoring or eligibility information that is submitted after the application deadline. The Agency reserves the right to contact applicants to seek clarification information on materials contained in the submitted application.

5. **Intergovernmental Review.** Executive Order (E.O.) 12372, "Intergovernmental Review of Federal Programs," applies to this program. This E.O. requires that Federal agencies provide opportunities for consultation on proposed assistance with State and local governments. Many states have established a Single Point of Contact (SPOC) to facilitate this consultation. For a list of States that maintain a SPOC, please see the White House website: www.whitehouse.gov/omb/management/office-federal-financial-management/. If your State has a SPOC, you may submit a copy of the application directly for review. Any comments obtained through the SPOC must be provided to your State Office for consideration as part of your application. If your state has not established a SPOC, you may submit your application directly to the Agency. Applications from Federally recognized Indian Tribes are not subject to this requirement.

6. **Funding Restrictions.**

(a) Indirect costs will be permitted in accordance with applicable law and in accordance with 2 CFR part 200 (www.ecfr.gov/current/title-2/part-200). Pre-Federal award costs will only be permitted with prior written approval by the Agency.

(b) In accordance with 7 CFR 4280.421 (www.ecfr.gov/current/title-7/section-4280.421), a project must reasonably be expected to be completed within one (1) full year after it has begun.

7. **Other Submission Requirements.**

Applicants may submit applications in hard copy or electronic format as previously indicated in the Application and Submission Information section of this notice. If the applicant wishes to hand deliver its application, the addresses for these deliveries are

located in the **ADDRESSES** section of this notice.

E. **Application Review Information**

1. **Criteria.**

(a) The Agency will review each application for assistance in accordance with the priorities established in 7 CFR 4280.435. The Agency will assign each application a priority rating and will select applications for funding based on the priority ratings and the total funds available to the program. Failure to address any one of the criteria by the application deadline will result in the application being determined ineligible, and the application will not be considered for funding.

(b) The Agency will use the criteria in 7 CFR 4280.435 and this notice to score applications for purposes identified under 7 CFR 4280.417(a)(1) and (2).

(1) **Leveraging.** In addition to the requirements provided in 7 CFR 4280.435(a), and to the extent that an applicant contributes leveraged funds to a project, the application must contain a firm commitment in writing of other funding for the project or points will not be awarded to the application for leveraging.

(2) **Discretionary points.** Either the State Director or Administrator may assign up to 50 discretionary points to an application. Assignment of discretionary points must include a written justification. Permissible justifications are geographic distribution of funds, special Secretary of Agriculture initiatives such as Priority Communities, or a state's strategic goals. Discretionary points may only be assigned to initial grants. However, in the case where two projects have the same score, the State Director may add one point to the project that best fits the State's strategic plan regardless of whether the project is an initial or subsequent grant.

(c) The following are examples of special Secretary of Agriculture initiatives that can support obtaining discretionary points.

(1) Assisting rural communities recover economically through more and better market opportunities and through improved infrastructure. Applicant would receive priority points if the project is located in or is serving a rural community whose economic well-being ranks in the most distressed tier (distress score of 80 or higher) of the Distressed Communities Index using the Distressed Communities Look-Up Map available at www.rd.usda.gov/priority-points.

(2) 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 www.rd.usda.gov/priority-points), an applicant would receive priority points if the project:

- Is located in or serving a community with a score 0.75 or above on the SVI;
- 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.

• Is an application 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 www.rd.usda.gov/priority-points) to determine if your project qualifies.

(3) Reducing climate pollution and increasing resilience to the impacts of climate change through economic support to rural communities. Using the Disadvantaged Community and Energy Community Look-Up Map (available at <https://www.rd.usda.gov/priority-points>), applicants can receive priority points in one of the three ways:

- If the project is located in or serves a *Disadvantaged Community* as defined by the Climate and Economic Justice Screening Tool (CEJST), from the White House Council on Environmental Quality (CEQ), or
- If the project is located in or serves an *Energy Community* as defined by the Inflation Reduction Act (IRA).
- If applicants demonstrate through written narrative how proposed climate-impact projects improve the livelihoods of community residents and meet pollution mitigation or clean energy goals.

The Agency will assign each application a priority rating based on the total score and will select applications for funding based on the priority ratings and the total funds available to the program for opportunity-type projects and enterprise-type projects.

2. **Review and Selection Process.**

The RD State Offices will review applications to determine if they are eligible for assistance based on requirements contained in 7 CFR 4280.416 (www.ecfr.gov/current/title-7/section-4280.416) and 7 CFR 4280.417 ([www.ecfr.gov/current/title-7/section-](http://www.ecfr.gov/current/title-7/section-4280.417)

4280.417). Funding of projects is subject to the availability of funds and Applicant's satisfactory submission of the items required by 7 CFR part 4280, subpart E (www.ecfr.gov/current/title-7/part-4280/subpart-E) and this notice, in addition to any conditions specifically outlined in any issued USDA RD Letter of Conditions if available funds are to be awarded. The agency reserves the right to offer the applicant less than the amount of grant funding requested.

The Agency will score each application based on the information contained in the application and its supporting information. All applications submitted for funding must be in one package and contain sufficient information to permit the Agency to complete a thorough priority rating. Agency employees may not consider any information that is not provided by the applicant in writing for scoring purposes. Applications will not be considered for funding if they do not provide sufficient information to determine eligibility or are missing required elements.

Applications for set-aside funds, if available, will compete at the National Office in their respective categories. Applications for regular RBDG projects will compete at the state level in their respective category, business opportunity grants or business enterprise grants, for funding made available through RD State allocated funds. Applications will be reviewed, prioritized by score, and funded by ranking each project in highest to lowest score order until available funds are exhausted. If funds are exhausted at the state level, each State's highest scoring unfunded business enterprise project will have the opportunity to compete for funding through a final national competition.

The Agency will notify eligible applicants in writing if RBDG funds are not available. The applicant is permitted to respond in writing that they wish their application to be reconsidered in the next FY. The applicant may provide additional updated information to the Agency prior to the next FY's application deadline for their project.

The Agency will notify eligible applicants in writing if set-aside funds are not available. Applications that are eligible for set-aside funds but are unfunded due to the unavailability of funds will be allowed to compete for available FY 2025 regular RBDG funds in the State where the project is located. For projects involving multiple states, the application will be returned to the RD State Office where the Applicant is located and will compete for funds in that State. The Agency will notify

eligible applicants in writing if their application will not be funded in FY 2025 due to insufficient funds in the set-aside and regular RBDG programs.

F. Federal Award Administration Information

1. Federal Award Notices.

Successful applicants will receive notification for funding from the USDA RD State Office. Applicants must comply with all applicable statutes and regulations before the grant award can be approved and funded. If an application is withdrawn by the applicant, it can be resubmitted later and will be evaluated as a new application in the period submitted.

2. Administrative and National Policy Requirements.

(a) Additional Requirements.

(1) Additional requirements that apply to grantees selected for this Program can be found in 7 CFR part 4280, subpart E (www.ecfr.gov/current/title-7/part-4280/subpart-E), and in the Grants and Agreements regulations of the Department of Agriculture codified in 2 CFR parts 25, 170, 180, 200, 400, 415, 417, 418, 421, and successor regulations to these parts.

(2) All awards are subject to USDA grant regulations at 2 CFR part 400 (www.ecfr.gov/current/title-2/part-400) which incorporates the Office of Management and Budget (OMB) regulations at 2 CFR part 200 (www.ecfr.gov/current/title-2/part-200).

(3) All successful applicants will be notified by letter which will include a Letter of Conditions and a Letter of Intent to Meet Conditions. This letter is not an authorization to begin performance, but it is a notification that grant funds may be awarded subject to the applicant meeting certain specified conditions. The grant will be considered officially awarded when all conditions in the Letter of Conditions have been met and the Agency obligates the funding for the project. If the applicant wishes to consider beginning their project performance prior to the grant being officially closed, all pre-award costs must be approved in writing and in advance by the Agency.

(4) All recipients of Federal financial assistance are required to report information about first-tier sub-awards and executive compensation (see 2 CFR part 170 (<https://www.ecfr.gov/current/title-2/part-170>)). The applicant will be required to have the necessary processes and systems in place to comply with the Federal Funding Accountability and Transparency Act of 2006 (Pub. L. 109–282—Federal Funding Accountability and Transparency Act of 2006—Content Details—(govinfo.gov) reporting

requirements (see 2 CFR 170.200(b) ([https://www.ecfr.gov/current/title-2/section-170.200#p-170.200\(b\)](https://www.ecfr.gov/current/title-2/section-170.200#p-170.200(b)))), unless the recipient is exempt under 2 CFR 170.110(b) ([https://www.ecfr.gov/current/title-2/section-170.110#p-170.110\(b\)](https://www.ecfr.gov/current/title-2/section-170.110#p-170.110(b)))).

(5) The following additional requirements apply to grantees selected for these programs:

(i) Form RD 4280–2 “Rural Business-Cooperative Service Financial Assistance Agreement.”

(ii) Letter of Conditions.

(iii) Form RD 1940–1, “Request for Obligation of Funds.”

(iv) Form RD 1942–46, “Letter of Intent to Meet Conditions.”

(v) SF LLL, “Disclosure of Lobbying Activities,” if applicable.

(vi) Grantees will use Form SF 270, “Request for Advance or Reimbursement” when requesting grant funds from the Agency.

(b) *Build America, Buy America*. 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 Infrastructure Investment and Jobs Act (IIJA) (Pub. L. 117–58). Any requests for waiver of these requirements must be submitted pursuant to USDA's guidance available online at <https://www.usda.gov/ocfo/federal-financial-assistance-policy/USDABuyAmericaWaiver>.

(c) *Geospatial Information*. 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 www.usda.gov/directives/dr-3465-001 and www.usda.gov/directives/dm-3465-001.

3. Reporting.

(a) A Financial Status Report and a Project Performance Activity Report will be required of all grantees on a quarterly basis until initial funds are expended and yearly thereafter, if applicable, based on the Federal FY. Grantees must continuously monitor performance to ensure that time schedules are being met, projected work by time periods is being accomplished, and other performance objectives are being achieved. Grantees must submit an original of each report to the Agency no later than 30 days after the end of the

quarter. The grantee will complete the project within the total time available to it in accordance with the Scope of Work and any necessary modifications thereof prepared by the grantee and approved by the Agency. A final Project Performance Report will be required with the final Financial Status Report. The final report may serve as the last quarterly report. The final report must provide complete information regarding the jobs created and supported as a result of the RBDG grant, if applicable. The Project Performance Reports must include, but not be limited to, the following:

(1) A comparison of actual accomplishments to the objectives established for that period.

(2) Problems, delays, or adverse conditions, if any, which have affected or will affect attainment of overall project objectives, prevent meeting time schedules or objectives, or preclude the attainment of particular project work elements during established time periods. This disclosure shall be accompanied by a statement of the action taken or planned to resolve the situation.

(3) Objectives and timetable established for the next reporting period.

(4) Any special reporting requirements, such as jobs supported and created, businesses assisted, or economic development which results in improvements in median household incomes, and any other specific requirements, will be placed in the reporting section of the Letter of Conditions.

(5) Within 90 days after the conclusion of the project, the grantee will provide a final Project Evaluation Report. The last quarterly payment will be withheld until the final report is received and approved by the Agency. Even though the grantee may request reimbursement on a monthly basis, the last 3 months of reimbursements will be withheld until the final Project Evaluation, Project Performance, and Financial Status Reports are received and approved by the Agency.

(b) In addition to any reports required by 2 CFR part 200 (www.ecfr.gov/current/title-2/part-200) and 2 CFR chapter IV (www.ecfr.gov/current/title-2/subtitle-B/chapter-IV), the grantee must provide reports as required by 7 CFR part 4280, subpart E (www.ecfr.gov/current/title-7/part-4280/subpart-E).

G. Federal Awarding Agency Contact(s)

For general questions about this announcement, please contact your USDA RD State Office provided in the **ADDRESSES** section of this notice.

H. Other Information

1. *Paperwork Reduction Act.* In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35), 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 0570-0070.

2. *National Environmental Policy Act.* All recipients under this notice are subject to the requirements of 7 CFR part 1970. RBCS will review each grant application to determine its compliance with 7 CFR part 1970. The applicant may be asked to provide additional information or documentation to assist RBCS with this determination.

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) 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. *Nondiscrimination Statement.* In accordance with Federal civil rights laws and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Mission Areas, agencies, staff offices, employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

Program information may be made available in languages other than English. Persons with disabilities who require alternative means of communication to obtain program information (e.g., Braille, large print, audiotape, American Sign Language) should contact the responsible Mission Area, agency, staff office or the 711 Relay Service.

To file a program discrimination complaint, a complainant should complete a Form AD-3027, USDA Program Discrimination Complaint Form, which can be obtained online at 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:

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

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

(3) *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. 2024-20344 Filed 10-17-24; 8:45 am]

BILLING CODE 3410-XY-P

DEPARTMENT OF AGRICULTURE

Rural Utilities Service

[Docket #: RUS-23-ELECTRIC-0017]

Central Electric Power Cooperative, Inc.; Notice of Availability of a Final Environmental Impact Statement

AGENCY: Rural Utilities Service, USDA.

ACTION: Notice of availability of a final environmental impact statement.

SUMMARY: Notice is hereby given that the Rural Utilities Service (RUS) has prepared a Final Environmental Impact Statement (EIS) for Central Electric Power Cooperative's (the Applicant/Central Electric) proposed McClellanville 115-kilovolt (kV) Transmission Project (Project) in South Carolina, to meet RUS's responsibilities under National Environmental Policy Act (NEPA) and their implementing regulations related to providing financial assistance to Central Electric for its share in constructing the proposed transmission line and associated infrastructure. The U.S. Forest Service, Francis Marion National Forest, and the U.S. Army Corps of Engineers are cooperating agencies in the preparation of the EIS. The Final EIS analyzes the environmental impacts of constructing, operating, and maintaining a new 23.3-mile, 115-kV transmission line along the Jamestown corridor (Proposed Action), and two other alternatives, that includes the Jamestown Alternative (a variation of the Proposed Action) and the Charity Alternative. It also addresses comments received during the comment period for the Supplemental Draft EIS, which was prepared in 2019. As part of its broad environmental review process, RUS must consider the effect of the Project on historic properties in accordance with the National Historic Preservation

Act (section 106) and its implementing regulation, "Protection of Historic Properties". This Notice of Availability also serves as a notice of proposed wetland and floodplain actions.

DATES: Written comments on this Final EIS will be accepted for 45 days following publication of the Environmental Protection Agency's environmental impact statement notice of receipt in the **Federal Register**. Notices of Availability of the Final EIS will also be published in local newspapers. After a 45-day comment period on the Final EIS, RUS may prepare a Record of Decision. The environmental compliance and permitting process is expected to conclude in 2025.

ADDRESSES: The Final EIS and other Project-related information are available at the following RUS website: <https://www.rd.usda.gov/resources/environmental-studies/impact-statement/mcclellanville-115kv-transmission-line-berkeley-charleston-and-georgetown-counties-sc>. Comments can be submitted by email at: mcclellanvilleeis@usda.gov or by mail to: WSP USA, Subject: McClellanville Transmission Line Project, 1308 Patton Ave., Asheville, NC 28806, during the comment period.

All comments submitted during the comment period will become part of the public record. Comments submitted after the comment period will not be considered by the agency. Before including your address, telephone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. All comments will be reviewed and included in the Record of Decision.

FOR FURTHER INFORMATION CONTACT: To download electronic copies of the Final EIS or previous NEPA analyses and documents, go to: <https://www.rd.usda.gov/resources/environmental-studies/impact-statement/mcclellanville-115kv-transmission-line-berkeley-charleston-and-georgetown-counties-sc>.

For information specific to this notice contact Suzanne Kopich, Environmental Protection Specialist, Rural Utilities Service, Rural Development, telephone 202-961-8514. Electronic comments may be submitted at mcclellanvilleeis@usda.gov during the open comment period.

SUPPLEMENTARY INFORMATION: RUS is serving as the lead federal agency for the preparation of this EIS. The United States Forest Service (USFS) and U.S.

Army Corps of Engineers (USACE), Charleston District, are cooperating agencies. Because the proposed transmission line would cross the Francis Marion National Forest (FMNF), USFS has responsibility to decide whether to issue a Special Use Permit (SUP) to Central Electric for authorization of the Project on National Forest System lands. USACE has primary responsibility to issue permits for work in, over, or otherwise affecting navigable waters of the United States and to authorize the discharge of dredged or fill material into jurisdictional wetlands.

The purpose of the proposed Project is to address system capacity, system reliability, human safety, and power quality issues resulting from the current use of the aging distribution line supplying electricity to Berkeley Electric, supplying the McClellanville area. Central Electric is a not-for-profit electric generation and transmission cooperative made up of twenty (20) retail electric cooperatives in South Carolina that provide wholesale power to its member-owners, including Berkeley Electric Incorporated. Organized in 1948, Central Electric designs and builds transmission lines that connect the state's bulk transmission system (the coordinated and integrated Central Electric/South Carolina Public Service Authority [Santee Cooper] system) and the member-cooperative system substations. The 20 electric cooperatives own Central Electric and are self-regulated for rates and follow state and federal construction standards. South Carolina Code of State Regulations, chapter 103-304, Public Service Commission, Territory and Certificates, states in part, that no electrical utility supplying electric service to the public shall hereafter begin the construction or operation of any electric facilities, or of any extension thereof, without first obtaining from the commission a certificate that public convenience and necessity requires or will require such construction or operation. The regulation further states that the regulation shall not be construed to require any such electrical utility to secure a certificate for any extension within a municipality or district within which it has heretofore lawfully commenced operations, or for an extension within or to territory already served by it, necessary in the ordinary course of its business, or for an extension into territory contiguous to that already occupied by it and not receiving similar service from another electrical utility. This proposed project

is considered an extension of service within an area Central Electric currently serves. Additionally, certificates of Environmental Compatibility and Public Convenience and Necessity are issued by the commission for transmission projects that are 125 kV or more. Central Electric's proposed transmission line is 115 kV, and therefore, no certificate is required from the commission for construction of the proposed transmission line.

The Board of Trustees, made up of members from each of the 20 electric cooperatives, identified the need to address system capacity, system reliability, and power quality issues resulting from the current use of the aging distribution line supplying electricity to Berkeley Electric. Currently, around 1,000 residents in the McClellanville area rely on an existing 40-mile-long distribution circuit that suffers from poor reliability and power quality, and limitations from:

(1) a Winter Weather Operating Agreement that forces Berkeley Electric to switch operations to comply with system amperage limits, while putting residents at an elevated risk for outages and interrupted service; and

(2) an outdated distribution network rather than higher efficiency, more reliable transmission line service.

Berkeley Electric and Dominion (two of the 20 electric cooperatives) entered into a Winter Weather Operating Agreement in 2017 to provide reliable electric service to Berkeley Electric customers in the McClellanville area during periods of peak demand and to prevent system overload. The Winter Weather Operating Agreement indicated that Berkeley Electric load had grown to the point that in order to protect overload of Dominion facilities, Dominion must switch their feed from Berkeley Electric, forcing Berkeley Electric to source an alternate resource in real time to maintain service. When temperatures are forecast to fall below 23 degrees Fahrenheit north of the Mount Pleasant and McClellanville areas, or if electrical demand is expected to exceed 175 amps per phase, Berkeley Electric will be dispatched to switch load off the metering point and over to the Berkeley Electric Commonwealth substation. It is during these critical periods that the Berkeley Electric customers in the McClellanville area are most vulnerable and at the greatest risk of failure to receive service. Although the Winter Weather Operating Agreement was developed to secure the greatest amount of reliable electrical service during periods of the greatest demand, it subjects the Berkeley Electric customers in the McClellanville area to

the greatest risk for outages and interrupted services during critical periods.

These factors result in substandard electric service in the McClellanville area that cannot accommodate existing load demand or future load growth. To improve the inadequate service to this area, Central Electric has been pursuing a new transmission service point in McClellanville since 1999.

A Draft EIS for the Project was prepared in 2014 and made available for public review and comment. The 2014 Draft EIS evaluated six (6) potential transmission corridors to the proposed McClellanville substation, all of which originated from the Belle Isle Substation in Georgetown, SC, and followed roughly along U.S. Highway 17 and crossed the Santee River near the highway bridge. In 2017, an independent engineering study was completed to assess the merit of the proposed alternatives based on need, impact, and cost, which supplemented previous corridor-siting studies that included an Alternatives Evaluation Study and a Macro-Corridor Study. These and other project documents can be found on the RUS project website at <https://www.rd.usda.gov/resources/environmental-studies/impact-statement/mcclellanville-115kv-transmission-line-berkeley-charleston-and-georgetown-counties-sc>.

Independent studies of system reliability indicate that a new, 115-kV transmission line and associated substation is the best solution to serve the long-term needs of the McClellanville area. RUS has performed a two-stage alternatives development and screening process for the proposed Project. Stage 1 considered alternative technologies; Stage 2 considered alternative locations for the Project.

RUS, in coordination with the Applicant, analyzed a range of technological alternatives to determine if they would be appropriate to meet the Project purpose and need. The analyzed alternatives included:

- (1) installing onsite generation at the proposed McClellanville Substation and energy storage;
- (2) rebuilding the existing distribution line system;
- (3) promoting and improving energy efficiency and conservation, and distributed renewables generation; and
- (4) providing battery storage in McClellanville.

The evaluated alternatives were discussed within the documents listed below, which are located at <https://www.rd.usda.gov/resources/environmental-studies/impact-statement/mcclellanville-115kv->

transmission-line-berkeley-charleston-and-georgetown-counties-sc. These evaluated alternatives were not considered as reasonable alternatives for meeting the purpose and need for the Project and were not carried forward for detailed analysis.

- Revised Macro-Corridor Study Report, 2010;
- McClellanville Power Supply Alternatives Evaluation Study, 2005;
- Independent Engineering Study, 2017;
- McClellanville Battery Energy Storage Study, 2020; and
- Supplemental Analysis on Private Lands, 2024

RUS prepared a Supplemental Draft EIS in 2019, largely based on public comments opposed to the transmission line crossing the Santee River, and to comply with updates to RUS' environmental policies and procedures. The Supplemental Draft EIS (SDEIS) evaluated two (2) new alternative corridors (Jamestown and Charity) and two of the originally proposed Belle Isle corridors (Options B and C); it also evaluated the No Action alternative. Public comments received during the public review and comment period on the SDEIS strongly opposed the Belle Isle corridors due to the presence of sensitive ecological and cultural resources, therefore the two Belle Isle corridors are presented early in the Final EIS but are eliminated as alternatives further considered in the analysis. The Jamestown corridor (Proposed Action), Jamestown alternative and Charity alternative have been carried through in the Final EIS and the Jamestown corridor was identified as the preferred corridor because of its combination of overall length, the amount that parallels existing Right of Ways (ROW) and the ability to minimize effects on residences, sensitive habitats, conservation lands, and cultural and historic resources. Approximately fifty-eight percent of the 23.3-mile Jamestown corridor would cross National Forest System lands on the FMNF and the 31 mile Charity corridor would cross roughly seventy-two percent of those lands. A preliminary 75-foot ROW within the 600-foot corridor was identified and analyzed for this EIS. The 75-foot ROW is the maximum ROW width for Project construction and operations and maintenance (O&M). However, the final ROW width could be less in places where it overlaps existing road and utility ROWs. The final ROW would be located based on site-specific engineering, and environmental and cultural resource surveys.

RUS has carefully studied public health and safety, environmental impacts, and engineering aspects of the proposed project. RUS used input provided by government agencies, private organizations, and the public in the preparation of the Final EIS. RUS has considered all comments received on the Draft EIS and revised the Final EIS accordingly. Following the 45-day comment period for the Final EIS, RUS may prepare a Record of Decision (ROD). A Notice announcing the availability of the ROD will be published in the **Federal Register** and in local newspapers. Additionally, letters and emails will be sent to stakeholders.

The Final EIS serves as a detailed written record of the environmental analysis completed for the proposed Project and is intended to provide Agency officials with sufficient information to make a decision regarding the significance of the environmental impacts of its potential federal action. The proposed Project is subject to the jurisdiction of the USFS, and the FMNF Forest Supervisor will use the Final EIS to make decisions related to requirements for issuing a SUP to Central Electric. Publication of this Final EIS is not a decision on the Applicant's loan application and therefore not an approval of the expenditure of federal funds. Based on the analysis disclosed in this Final EIS, the RUS decision-maker will determine whether to provide financing assistance for the Project and, if issued, any Project-specific conditions established as part of the loan.

This Notice of Availability also serves as a notice of proposed wetland and floodplain actions. The proposed Project would involve unavoidable impacts to wetlands and floodplains. The proposed Project was planned to avoid and minimize impacts to wetlands and waterways to the extent practicable during the site selection and design phase of the Project. Appropriate sediment and erosion controls and best management practices would be implemented at all wetland/upland and streambank boundaries. Impacts to wetlands would be permitted in accordance with USACE and state requirements. The timing of construction would integrate time of year restrictions and protections for sensitive resources and follow permit conditions (e.g., time-of-year restrictions for T&E species).

In accordance with section 106 of the National Historic Preservation Act and its implementing regulation, "Protection of Historic Properties" (36 CFR part 800) and as part of its broad environmental review process, RUS must take into

account the effect of the proposed project on historic properties. In coordinating section 106 compliance, the RUS is preparing a project specific Programmatic Agreement (PA) to govern the remaining section 106 process. The cultural resource analysis is a resource that the public may be interested in commenting on during this comment period. The draft PA is an appendix to the Final EIS. Any final action by RUS related to the proposed project will be subject to, and contingent upon, compliance with all relevant Federal, State and local environmental laws and regulations, and completion of the environmental review requirements as prescribed in the RUS Environmental Policies and Procedures (7 CFR part 1970).

Andrew Berke,

Administrator, Rural Utilities Service, U.S. Department of Agriculture.

[FR Doc. 2024-23821 Filed 10-17-24; 8:45 am]

BILLING CODE 3410-15-P

DEPARTMENT OF COMMERCE

Census Bureau

National Advisory Committee

AGENCY: Census Bureau, Department of Commerce.

ACTION: Notice of public virtual meeting.

SUMMARY: The Census Bureau is giving notice of a virtual meeting of the National Advisory Committee on Racial, Ethnic and Other Populations (NAC). The Committee will address policy, research, and technical issues relating to a full range of Census Bureau programs and activities, including the decennial census, demographic and economic statistical programs, field operations, and information technology. Last minute changes to the schedule are possible, which could prevent giving advance public notice of schedule adjustments.

DATES: The virtual meeting will be held on:

- Thursday, November 7, 2024, from 8:30 a.m. to 5:30 p.m. ET.
- Friday, November 8, 2024 from 8:30 a.m. to 2:30 p.m. ET.

ADDRESSES: Please visit the Census Advisory Committee website at <https://www.census.gov/about/cac/nac/meetings/2024-11-meeting.html>, for the NAC meeting information, including the agenda, and how to view the meeting.

FOR FURTHER INFORMATION CONTACT: Shana Banks, Advisory Committee Branch Chief, Office of Program, Performance and Stakeholder

Integration (PPSI), shana.j.banks@census.gov, Department of Commerce, Census Bureau, telephone 301-763-3815. For TTY callers, please use the Federal Relay Service at 1-800-877-8339.

SUPPLEMENTARY INFORMATION: The NAC provides technical expertise to address Census Bureau program needs and objectives. The members of the NAC are appointed by the Director of the Census Bureau. The NAC has been established in accordance with the Federal Advisory Committee Act (5 U.S.C. 1001 et seq.).

All meetings are open to the public. Public comments will be accepted in written form via email to shana.j.banks@census.gov, (subject line "2024 NAC Fall Virtual Meeting Public Comment"). A brief period will be set aside during the virtual meeting to read public comments received by noon ET, Wednesday, November 6, 2024. All public comments received will be posted to the website listed in the **ADDRESSES** section.

Robert L. Santos, Director, Census Bureau, approved the publication of this notice in the **Federal Register**.

Dated: October 11, 2024.

Shannon Wink,

Program Analyst, Policy Coordination Office, U.S. Census Bureau.

[FR Doc. 2024-24127 Filed 10-17-24; 8:45 am]

BILLING CODE 3510-07-P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B-54-2024]

Foreign-Trade Zone (FTZ) 143, Notification of Proposed Production Activity; Robert Bosch Semiconductor LLC; (Silicon Carbide Wafers); Roseville, California

The Sacramento-Yolo Port District, grantee of FTZ 143, submitted a notification of proposed production activity to the FTZ Board (the Board) on behalf of Robert Bosch Semiconductor LLC (Bosch) for Bosch's facility in Roseville, California within FTZ 143. The notification conforming to the requirements of the Board's regulations (15 CFR 400.22) was received on September 30, 2024.

Pursuant to 15 CFR 400.14(b), FTZ production activity would be limited to the specific foreign-status material(s)/ component(s) and specific finished product(s) described in the submitted notification (summarized below) and subsequently authorized by the Board. The benefits that may stem from

conducting production activity under FTZ procedures are explained in the background section of the Board’s website—accessible via www.trade.gov/ftz.

The proposed finished product is metal-oxide-semiconductor field-effect transistors (MOSFET) (duty-free).

The proposed foreign-status component is silicon carbide (SiC) wafers (duty-free). The request indicates that SiC wafers are subject to duties under section 301 of the Trade Act of 1974 (section 301), depending on the country of origin. The applicable section 301 decisions require subject merchandise to be admitted to FTZs in privileged foreign status (19 CFR 146.41).

Public comment is invited from interested parties. Submissions shall be addressed to the Board’s Executive Secretary and sent to: ftz@trade.gov. The closing period for their receipt is November 27, 2024.

A copy of the notification will be available for public inspection in the “Online FTZ Information System” section of the Board’s website.

For further information, contact Christopher Wedderburn at Chris.Wedderburn@trade.gov.

Dated: October 15, 2024.

Elizabeth Whiteman,
Executive Secretary.

[FR Doc. 2024–24136 Filed 10–17–24; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–580–891]

Carbon and Alloy Steel Wire Rod From the Republic of Korea: Final Results of Antidumping Duty Administrative Review; 2022–2023

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

SUMMARY: The U.S. Department of Commerce (Commerce) determines that carbon and alloy steel wire rod (wire rod) from the Republic of Korea (Korea) were sold in the United States at less than normal value during the period of review (POR), May 1, 2022, through April 30, 2023.

DATES: Applicable October 18, 2024.

FOR FURTHER INFORMATION CONTACT: Lingjun Wang, AD/CVD Operations, Office VII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue

NW, Washington, DC 20230; telephone: (202) 482–2316.

SUPPLEMENTARY INFORMATION:

Background

On June 5, 2024, Commerce published the *Preliminary Results* of this administrative review in accordance with sections 751(a)(1) and 777(i)(1) of the Tariff Act of 1930, as amended (the Act).¹ POSCO/POSCO International Corporation (PIC) is the sole producer and exporter that is subject to this administrative review.

In July 2024, POSCO requested a public hearing and subsequently withdrew its request.² POSCO also filed a case brief.³ No other interested party submitted a case or rebuttal brief. On July 22, 2024, Commerce tolled certain deadlines in this administrative proceeding by seven days.⁴ The deadline for the final results is now October 10, 2024. For a summary of the events that occurred since the *Preliminary Results*, see the Issues and Decision Memorandum.⁵ The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance’s Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <https://access.trade.gov>. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at <https://access.trade.gov/public/FRNoticesListLayout.aspx>. Commerce conducted this review in accordance with section 751(a) of the Act.

Scope of the Order⁶

The scope of the *Order* includes certain hot-rolled products of carbon steel and alloy steel, in coils, of

¹ See *Carbon and Alloy Steel Wire Rod from the Republic of Korea: Preliminary Results of Antidumping Duty Administrative Review; 2022–2023*, 89 FR 48145 (June 5, 2024) (*Preliminary Results*), and accompanying Preliminary Decision Memorandum (PDM).

² See POSCO’s Letters, “Request for Public Hearing,” dated July 5, 2024, and “Withdrawal of Request for Public Hearing,” dated July 30, 2024.

³ See POSCO’s Letter, “POSCO’s Case Brief,” dated July 15, 2024.

⁴ See Memorandum, “Tolling of Deadlines for Antidumping and Countervailing Duty Proceedings,” dated July 22, 2024.

⁵ Memorandum, “Issues and Decision Memorandum for the Final Results of the Administrative Review of Carbon and Alloy Steel Wire Rod from the Republic of Korea; 2022–2023,” dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

⁶ See *Carbon and Alloy Steel Wire Rod from Italy, the Republic of Korea, Spain, the Republic of Turkey, and the United Kingdom: Antidumping Duty Orders and Amended Final Affirmative Antidumping Duty Determinations for Spain and the Republic of Turkey*, 83 FR 23417 (May 21, 2018) (*Order*).

approximately round cross section, less than 19.00 mm in actual solid cross-sectional diameter. For a complete description of the scope of the *Order*, see the Issues and Decision Memorandum.⁷

Changes Since the Preliminary Results

For reasons explained in the Issues and Decision Memorandum, we changed the time periods for the Cohen’s *d* test, and corrected an error in the adjustment calculation for the indirect selling expense ratio.⁸ For a more detailed discussion of the changes, see the Issues and Decision Memorandum.⁹

Final Results of the Review

We determine that the following estimated weighted-average dumping margin exists for the period May 1, 2022, through April 30, 2023:

Producer/exporter	Weighted-average dumping margin (percent)
POSCO/POSCO International Corporation ¹⁰	0.85

Disclosure

We intend to disclose to interested parties the corrected margin calculation program within five days of the publication date of this notice, in accordance with 19 CFR 351.224(b).

Assessment Rates

Pursuant to section 751(a)(2)(C) of the Act and 19 CFR 351.212(b)(1), Commerce has determined, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries of subject merchandise in accordance with the final results of this review.¹¹ Because

⁷ See Issues and Decision Memorandum.

⁸ See Memorandum, “Final Calculation Memorandum for POSCO,” dated concurrently with this notice.

⁹ See generally Issues and Decision Memorandum.

¹⁰ In the 2020–2021 administrative review of the *Order*, we found that POSCO and PIC are affiliated and should be treated as a single entity. See *Carbon and Alloy Steel Wire Rod from the Republic of Korea: Preliminary Results of Antidumping Duty Administrative Review; 2020–2021*, 87 FR 33468 (June 2, 2022), and accompanying PDM at 5–10, unchanged in *Carbon and Alloy Steel Wire Rod from the Republic of Korea: Final Results of Antidumping Duty Administrative Review; 2020–2021* (October 4, 2022). In the absence of information demonstrating any changes, we are continuing to treat POSCO and PIC as a single entity for purpose of this administrative review.

¹¹ See *Antidumping Proceeding: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Duty Proceedings; Final Modification*, 77 FR 8101 (February 14, 2012).

POSCO's weighted-average dumping margin is above *de minimis*, we calculated importer-specific *ad valorem* duty assessment rates by dividing the total amount of antidumping duties calculated for the examined sales by the total entered value of the examined sales to that importer.

In accordance with Commerce's practice, for entries of subject merchandise during the POR produced by POSCO for which it did not know its merchandise was destined for the United States, we intend to instruct CBP to liquidate such entries at the all-others rate if there is no company-specific rate for the intermediate company(ies) involved in the transaction.¹²

Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of the final results of this review in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.*, within 90 days of publication).

Cash Deposit Requirements

The following cash deposit requirements will be effective for all shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) the cash deposit rate for POSCO will be the rates established in these final results of the review; (2) for previously-investigated companies not participating in this review, the cash deposit rate will continue to be the company-specific rate published for the most recently completed segment of this proceeding; (3) if the exporter was not covered in this review or the investigation, but the producer was covered, the cash deposit rate will be the rate established in the most recently completed segment of this proceeding for the producer of subject merchandise; and (4) the cash deposit rate for all other producers or exporters will continue to be 41.10 percent, the all-others rate established in the original less-than-fair-value investigation.¹³ These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the presumption that reimbursement of antidumping duties occurred and the subsequent assessment of doubled antidumping duties.

Administrative Protective Order (APO)

This notice also serves as the only reminder to parties subject to an 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, and 19 CFR 351.213(h) and 351.221(b)(5).

Dated: October 10, 2024.

Scot Fullerton,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Issues and Decision Memorandum

- I. Summary
- II. Background
- III. Scope of the Order
- IV. Changes Since the *Preliminary Results*
- V. Discussion of the Issues
 - Comment 1: Time Periods for the Cohen's *d* Test
 - Comment 2: Whether To Grant a Constructed Export Price Offset
 - Comment 3: Whether To Make Cost Adjustment for Inputs Sourced From Affiliated Suppliers
 - Comment 4: Whether To Reverse Adjustments to POSCO's Indirect Selling Expense Ratios or Correct an Error in the Adjustment Calculation
- VI. Recommendation

[FR Doc. 2024-24089 Filed 10-17-24; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

[C-489-834]

Large Diameter Welded Pipe From the Republic of Türkiye: 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 countervailable subsidies were provided to producers and exporters of large diameter welded pipe (welded pipe) from the Republic of Türkiye (Türkiye) during the period of review (POR) January 1, 2022, through December 31, 2022.

DATES: Applicable October 18, 2024.

FOR FURTHER INFORMATION CONTACT: Ajay K. Menon, 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) 482-0208.

SUPPLEMENTARY INFORMATION:

Background

On June 6, 2024, Commerce published the *Preliminary Results* of this administrative review.¹ 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 11, 2024. For a description of the events that occurred since the *Preliminary Results*, see the Issues and Decision Memorandum.³

Scope of the Order⁴

The merchandise covered by this Order is welded pipe from Türkiye. For a complete description of the scope of this Order, see the Issues and Decision Memorandum.

¹ See *Large Diameter Welded Pipe from the Republic of Türkiye: Preliminary Results and Rescission, in Part, of Countervailing Duty Administrative Review; 2022*, 89 FR 48379 (June 6, 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 Memorandum, "Issues and Decision Memorandum for the Final Results of the 2022 Countervailing Duty Administrative Review of Large Diameter Welded Pipe from the Republic of Türkiye," dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

⁴ See *Large Diameter Welded Pipe from the Republic of Turkey: Countervailing Duty Order*, 84 FR 18771 (May 2, 2019) (*Order*).

¹² See *Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties*, 68 FR 23954 (May 6, 2003).

¹³ See *Order*, 83 FR at 23419.

Analysis of Comments Received

All issues raised in HDM Çelik Boru Sanayi Ve Ticaret A.S.’s (HDM Celik’s) case brief are addressed in the Issues and Decision Memorandum accompanying this notice. A list of the issues addressed is attached as an appendix to this notice. The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance’s Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <https://access.trade.gov>. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at <https://access.trade.gov/public/FRNoticesListLayout.aspx>.

Methodology

Commerce conducted this review in accordance with section 751(a)(1)(A) of the Act. For each of the subsidy programs found countervailable, we find that there is a subsidy, *i.e.*, a government-provided financial contribution that gives rise to a benefit to the recipient, and that the subsidy is specific.⁵ For a description of the methodology underlying all of Commerce’s conclusions, *see* the Issues and Decision Memorandum.

Final Results of Review

We determine that, for the period January 1, 2022, through December 31, 2022, the following total net countervailable subsidy rates exist:

Producer/exporter	Subsidy rate (percent <i>ad valorem</i>)
Çimtaş Boru Imalatari Ticaret Ltd	2.18
HDM Çelik Boru Sanayi Ve Ticaret A.S. ⁶	6.31

Disclosure

Normally, Commerce discloses to interested parties the calculations

⁵ See sections 771(5)(B) and (D) of the Act regarding financial contribution; section 771(5)(E) of the Act regarding benefit; and section 771(5A) of the Act regarding specificity.

⁶ Commerce initiated this review on both HDM Çelik and HDM Spiral Kaynaklı Çelik Boru A.S. (HDM Spiral). *See Initiation Notice*, 88 FR at 44273. However, in the LTFV investigation, we found that HDM Çelik acquired HDM Spiral on October 31, 2017, and HDM Spiral ceased to exist. *See Large Diameter Welded Pipe from the Republic of Turkey: Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination*, 83 FR 43646, 43647 (August 27, 2018), unchanged in *Large Diameter Welded Pipe from the Republic of Turkey: Final Determination of Sales at Less Than Fair Value*, 84 FR 6362 (February 27, 2019).

performed in connection with the final results of review within five days of 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 we did not make any changes to the calculations in the *Preliminary Results*, there are no calculations to disclose.

Assessment Rate

Pursuant to section 751(a)(2)(C) of the Act and 19 CFR 351.212(b)(2), Commerce has determined, and U.S. Customs and Border Protection (CBP) shall assess, countervailing duties on all appropriate entries of subject merchandise in accordance with the final results of this review, for the above-listed companies at the applicable *ad valorem* assessment rates listed. 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 Rates

In accordance with section 751(a)(1) of the Act, Commerce intends to instruct CBP to collect cash deposits of estimated countervailing duties in the amounts shown for the companies listed above for shipments of the subject merchandise entered, or withdrawn from warehouse for consumption on or after the date of publication of the final results of this administrative review. For all non-reviewed firms, we will instruct CBP to continue to collect cash deposits of estimated countervailing duties at the most recent company-specific or all-others rate applicable to the company, as appropriate. These cash deposits, effective upon the publication of the final results of this review, shall remain in effect until further notice.

Administrative Protective Order

This notice also serves as a final reminder to parties subject to administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return/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

These final results are issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.221(b)(5).

Dated: October 10, 2024.

Scot Fullerton,
Acting Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Issues and Decision Memorandum

- I. Summary
 - II. Background
 - III. Scope of the Order
 - IV. Subsidies Valuation
 - V. Analysis of Programs
 - VI. Discussion of the Issues
 - Comment 1: Whether Commerce Should Revise HDM Çelik’s Sales Denominator
 - Comment 2: Whether Commerce Should Revise its Calculation of the Benefit for the Rediscount Program for HDM Celik
 - Comment 3: Whether Commerce Should Revise its Calculation of the Benefit for the Hot-Rolled Steel (HRS) for Less Than Adequate Remuneration (LTAR) Program for HDM Celik
 - VII. Recommendation
- [FR Doc. 2024–24090 Filed 10–17–24; 8:45 am]
BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XE388]

Mid-Atlantic Fishery Management Council (MAFMC); Public Meeting

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

ACTION: Notice; public meeting.

SUMMARY: The Mid-Atlantic Fishery Management Council’s (Council) Ecosystem and Ocean Planning (EOP) Committee and Advisory Panel (AP) will hold a joint meeting. See **SUPPLEMENTARY INFORMATION** for agenda details.

DATES: The meeting will be held on Monday, November 4, 2024, from 1 p.m. through 4 p.m. and Tuesday, November 5, 2024, from 9 a.m. through 12 p.m.

ADDRESSES: The meeting will take place over webinar with a telephone-only connection option. Details on how to connect to the meeting will be available at: <https://www.mafmc.org>.

Council address: Mid-Atlantic Fishery Management Council, 800 N State

Street, Suite 201, Dover, DE 19901; telephone: (302) 674–2331; website: <https://www.mafmc.org>.

FOR FURTHER INFORMATION CONTACT: Christopher M. Moore, Ph.D., Executive Director, Mid-Atlantic Fishery Management Council, telephone: (302) 526–5255.

SUPPLEMENTARY INFORMATION: During this meeting, the EOP Committee and AP will review a completed draft of the Council's Ecosystem Approach to Fisheries Management (EAFM) risk assessment report. In 2023, the Council conducted a comprehensive review of the risk assessment and recommended a number of changes and updates to be included in a revised EAFM risk assessment. The draft report has been updated to reflect the approved changes to the risk assessment, incorporates the latest data and scientific information, and recent feedback from the EOP Committee and AP on an earlier draft. The EOP Committee and AP will provide any additional feedback before the 2024 EAFM risk assessment report is finalized and presented to the Council in December.

A detailed agenda and background documents will be made available on the Council's website (<https://www.mafmc.org>) prior to the meeting.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aid should be directed to Shelley Spedden, (302) 526–5251, at least 5 days prior to the meeting date.

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

Dated: October 15, 2024.

Alyssa Weigers,

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

[FR Doc. 2024–24152 Filed 10–17–24; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Reporting of Sea Turtle Incidental Takes in Virginia Chesapeake Bay Pound Net Operations

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 August 7, 2024 during a 60-day comment period. This notice allows for an additional 30 days for public comments.

Agency: National Oceanic and Atmospheric Administration (NOAA), Commerce.

Title: Reporting of Sea Turtle Incidental Takes in Virginia Chesapeake Bay Pound Net Operations.

OMB Control Number: 0648–0470.

Form Number(s): None.

Type of Request: Regular submission (extension of a current information collection).

Number of Respondents: 33.

Average Hours per Response: 10 minutes.

Total Annual Burden Hours: 167 hours.

Needs and Uses: This is a request for renewal of an approved information collection.

Since 2002, the National Oceanic and Atmospheric Administration's (NOAA) National Marine Fisheries Service (NMFS) has promulgated several rules restricting the use of large mesh and stringer pound net leaders in certain Virginia Chesapeake Bay waters during the late spring/early summer each year. On June 17, 2002, an interim final rule was published (67 FR 41196) restricting leader use, which also required year-round reporting of sea turtle takes. In 2004, NMFS issued a final rule further restricting pound net leader use in Virginia (69 FR 24997). The 2004 rule retained the reporting requirement from the 2002 rule. These regulations (modifications to 50 CFR parts 222 and 223) were implemented as a result of high sea turtle strandings each spring in Virginia and the documented take of sea turtles in pound net leaders. On March 31, 2018, a revised Biological Opinion on NMFS gear regulations in the Virginia pound net fishery was completed pursuant to section 7 of the Endangered Species Act of 1973, as amended (ESA). An Incidental Take Statement was included in this Biological Opinion, exempting the incidental take of a certain number of loggerhead, Kemp's ridley, green and leatherback sea turtles in pound net operations.

A non-discretionary term and condition of the Incidental Take Statement involved the reporting to NMFS of live or dead sea turtles taken in pound net operations (reflected in 50 CFR 223.206). The collection of this information on the incidental take of sea turtles in the Virginia pound net fishery is necessary to ensure sea turtles are being conserved and protected, as mandated by the ESA. Documenting the accurate occurrence of sea turtle incidental take in pound net operations will help to determine if additional regulatory actions or management measures are necessary to protect sea turtles caught in pound net operations. This information will help NMFS better assess the Virginia pound net fishery and its impacts (or lack thereof) on sea turtle populations in the Virginia Chesapeake Bay. The collection of this information is also imperative to ensure that the Incidental Take Statement is not being exceeded, the anticipated take levels are appropriate, and the effects analysis in the Biological Opinion is accurate. Further, reporting the take of live, injured sea turtles caught in pound net gear will ensure these turtles are transferred immediately to a stranding and rehabilitation center for appropriate medical treatment.

Affected Public: Individuals or households.

Frequency: Reporting occurs when sea turtles are encountered in Virginia pound net gear, which could occur occasionally from May through November.

Respondent's Obligation: Mandatory.

Legal Authority: Endangered Species Act.

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

Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function and entering either the title of the collection or the OMB Control Number 0648–0470.

Sheleen Dumas,

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

[FR Doc. 2024–24162 Filed 10–17–24; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****[RTID 0648–XE377]****North Pacific Fishery Management Council; Public Meeting**

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

ACTION: Notice of web conference.

SUMMARY: The North Pacific Fishery Management Council (Council) Bering Sea Aleutian Islands Crab Plan Team (BSAI CPT) will meet November 5, 2024.

DATES: The meeting will be held on Tuesday, November 5, 2024, from 9 a.m. to 12 p.m., AK time.

ADDRESSES: The meeting will be a web conference. Join online through the link at <https://meetings.npfmc.org/Meeting/Details/3062>.

Council address: North Pacific Fishery Management Council, 1007 West 3rd Ave., Suite 400, Anchorage, AK 99501–2252; telephone: (907) 271–2809. Instructions for attending the meeting via video conference are given under **SUPPLEMENTARY INFORMATION**, below.

FOR FURTHER INFORMATION CONTACT:

Anita Kroska, Council staff; phone: (907) 271–2809; email: anita.kroska@noaa.gov. For technical support, please contact our admin Council staff, email: npfmc.admin@noaa.gov.

SUPPLEMENTARY INFORMATION:**Agenda**

Tuesday, November 5, 2024

The agenda will include Norton Sound Red King crab (NSRKC) assessment updates and final specifications, and any other business. The agenda is subject to change, and the latest version will be posted at <https://meetings.npfmc.org/Meeting/Details/3062> prior to the meeting, along with meeting materials.

Connection Information

You can attend the meeting online using a computer, tablet, or smart phone, or by phone only. Connection information will be posted online at <https://meetings.npfmc.org/Meeting/Details/3062>.

Public Comment

Public comment letters will be accepted and should be submitted electronically to <https://>

meetings.npfmc.org/Meeting/Details/3062.

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

Dated: October 15, 2024.

Alyssa Weigers,

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

[FR Doc. 2024–24155 Filed 10–17–24; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****[RTID 0648–XE385]****Pacific Fishery Management Council; Public Meeting**

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

ACTION: Notice of a public online meeting.

SUMMARY: The Ecosystem-Based Management Subcommittee (SSC ES) of the Pacific Fishery Management Council's (Pacific Council) Scientific and Statistical Committee (SSC) will convene an online meeting to review new forage indicators in the California Current Integrated Ecosystem Assessment Team's Ecosystem Status Report. This review may potentially inform future annual reports to the Pacific Council on the state of the California Current Ecosystem. The SSC ES meeting is open to the public.

DATES: The SSC ES meeting will be held Tuesday, November 5, 2024, from 8:30 a.m. until 12 p.m. (Pacific Time) or until business for the day has been completed.

ADDRESSES: This meeting will be conducted as an online meeting. Specific meeting information, including the agenda and directions on how to join the meeting and system requirements, will be provided in the announcement on the Pacific Council's website (see <https://www.pcouncil.org>). You may send an email to Kris Kleinschmidt (kris.kleinschmidt@noaa.gov) or contact him at (503) 820–2412 for technical assistance.

Council address: Pacific Fishery Management Council, 7700 NE Ambassador Place, Suite 101, Portland, OR 97220.

FOR FURTHER INFORMATION CONTACT:

Marlene A. Bellman, Staff Officer, Pacific Council; telephone: (503) 820–2414, email: marlene.bellman@noaa.gov.

SUPPLEMENTARY INFORMATION: The purpose of the SSC ES meeting is to review the approach to estimate krill abundance and the development of a Dungeness crab megalopae abundance index, per guidance from the Pacific Council in March 2024.

No management actions will be decided by the meeting participants. The participants' role will be the development of recommendations and reports for consideration by the SSC and the Pacific Council at a future Council meeting. The Pacific Council and SSC are scheduled to consider the California Current Ecosystem Status Report at their March 2025 meeting in Vancouver, WA.

Although non-emergency issues not contained in the meeting agenda may be discussed, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under Section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the intent of the workshop participants to take final action to address the emergency.

Special Accommodations

Requests for sign language interpretation or other auxiliary aids should be directed to Kris Kleinschmidt (kris.kleinschmidt@noaa.gov; (503) 820–2412) at least 10 days prior to the meeting date.

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

Dated: October 15, 2024.

Alyssa Weigers,

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

[FR Doc. 2024–24151 Filed 10–17–24; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****[RTID 0648–XE384]****Pacific Fishery Management Council; Public Meeting**

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

ACTION: Notice of public meetings.

SUMMARY: The Pacific Fishery Management Council's (Pacific Council) Coastal Pelagic Species Advisory Subpanel (CPSAS) and Coastal Pelagic

Species Management Team (CPSMT) will hold public meetings.

DATES: The CPSAS meeting will be held Monday, November 4, 2024, from 1 p.m. to 5 p.m., Pacific Time or until business for the day has been completed. The CPSMT meeting will be held Tuesday, November 5, 2024, from 9 a.m. to 1 p.m., Pacific Time or until business for the day has been completed.

ADDRESSES: These meetings will be held online. Specific meeting information, including directions on how to join the meeting and system requirements will be provided in the meeting announcement on the Pacific Council's website (see <https://www.pcouncil.org>). You may send an email to Mr. Kris Kleinschmidt (kris.kleinschmidt@noaa.gov) or contact him at (503) 820-2412 for technical assistance.

Council address: Pacific Fishery Management Council, 7700 NE Ambassador Place, Suite 101, Portland, OR 97220-1384.

FOR FURTHER INFORMATION CONTACT: Katrina Bernaus, Staff Officer, Pacific Council; telephone: (503) 820-2420.

SUPPLEMENTARY INFORMATION: The primary purpose of the CPSMT and CPSAS online meetings are to discuss and develop work products and recommendations for the Pacific Council's November 2024 meeting. The meetings will cover CPS and cross fishery management plan agenda items. The meeting agendas will be available on the Pacific Council's website in advance of the meetings. No management actions will be decided by the CPSMT or CPSAS. CPSMT and CPSAS recommendations will be considered by the Pacific Council at their November Council meeting.

Although non-emergency issues not contained in the meeting agenda may be discussed, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically listed in this document and any issues arising after publication of this document that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the intent to take final action to address the emergency.

Special Accommodations

Requests for sign language interpretation or other auxiliary aids should be directed to Mr. Kris Kleinschmidt (kris.kleinschmidt@noaa.gov; (503) 820-2412) at least 10 days prior to the meeting date.

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

Dated: October 15, 2024.

Alyssa Weigers,

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

[FR Doc. 2024-24156 Filed 10-17-24; 8:45 am]

BILLING CODE 3510-22-P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Additions and Deletions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Additions to and deletions from the Procurement List.

SUMMARY: This action adds product(s) to the Procurement List that will be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities and deletes product(s) from the Procurement List previously furnished by such agencies.

DATES: *Date added to and deleted from the Procurement List:* November 17, 2024.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, 355 E Street SW, Suite 325, Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT: For further information or to submit comments contact: Michael R. Jurkowski, Telephone: (703) 489-1322, or email CMTEFedReg@AbilityOne.gov.

SUPPLEMENTARY INFORMATION:

Additions

On 9/13/2024, the Committee for Purchase From People Who Are Blind or Severely Disabled (operating as the U.S. AbilityOne Commission) published an initial notice of proposed additions to the Procurement List. (89 FR 74928). This final notice is published pursuant to 41 U.S.C. 8503(a)(2) and 41 CFR 51-2.3. The Committee has determined that the product listed below is suitable for procurement by the Federal Government and has added this product to the Procurement List as a mandatory purchase for Federal entities. In accordance with 41 CFR 51-5.2, the Committee has authorized the qualified nonprofit agencies described with the product as the authorized source of supply.

After consideration of the material presented to it concerning capability of qualified nonprofit agencies to provide the product(s) and impact of the additions on the current or most recent

contractors, the Committee has determined that the product(s) and service(s) listed below are suitable for procurement by the Federal Government under 41 U.S.C. 8501-8506 and 41 CFR 51-2.4.

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the product(s) to the Government.

2. The action will result in authorizing small entities to furnish the product(s) and service(s) to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 8501-8506) in connection with the product(s) proposed for addition to the Procurement List.

End of Certification

Accordingly, the following product(s) are added to the Procurement List:

Product(s)

NSN(s)—Product Name(s):

8520-01-490-7365—Advanced Instant Hand Sanitizer, Green Certified Gel, 12 fl oz, Pump Bottle

Authorized Source of Supply: Travis Association for the Blind, Austin, TX

Contracting Activity: FEDERAL ACQUISITION SERVICE, GSA/FSS GREATER SOUTHWEST ACQUISITI

Mandatory For: Total Government Requirement

Distribution: A-List

Deletions

On 9/13/2024 (89 FR 74928), the Committee for Purchase From People Who Are Blind or Severely Disabled published notice of proposed deletions from the Procurement List. This notice is published pursuant to 41 U.S.C. 8503(a)(2) and 41 CFR 51-2.3.

After consideration of the relevant matter presented, the Committee has determined that the product(s) listed below are no longer suitable for procurement by the Federal Government under 41 U.S.C. 8501-8506 and 41 CFR 51-2.4.

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in additional reporting, recordkeeping or other compliance requirements for small entities.

2. The action may result in authorizing small entities to furnish the product(s) to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 8501–8506) in connection with the product(s) deleted from the Procurement List.

End of Certification

Accordingly, the following product(s) are deleted from the Procurement List:

Product(s)

NSN(s)—Product Name(s):

8010–01–505–1968—Enamel, Aerosol, Interior/Exterior, Gloss White
Authorized Source of Supply: The Lighthouse for the Blind, St. Louis, MO
Contracting Activity: DLA TROOP SUPPORT, PHILADELPHIA, PA

NSN(s)—Product Name(s):

3030–00–844–4456—Belt, V-shaped, EPDM Rubber, HC50 Cross Section, Notched/A2 Cog, Neoprene, 38.3"
3030–01–271–3754—Belt, V-shaped, Micro, EPDM Rubber, 8 Ribs, 68"
3030–01–293–8544—Belt, V-shaped, Micro, EPDM Rubber, 8 Ribs, 60.59"
3030–01–387–5679—Belt, V-shaped, EPDM Rubber, HC41 Cross Section, Notched/A2 Cog, Neoprene, 30.58"
Authorized Source of Supply: Northeastern Association of the Blind at Albany, Inc., Albany, NY
Contracting Activity: DLA LAND AND MARITIME, COLUMBUS, OH

Michael R. Jurkowski,

Director, Business Operations.

[FR Doc. 2024–24082 Filed 10–17–24; 8:45 am]

BILLING CODE 6353–01–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Proposed Deletions

AGENCY: Committee For Purchase From People Who Are Blind or Severely Disabled.

ACTION: Proposed Deletions from the Procurement List.

SUMMARY: The Committee is proposing to delete product(s) from the Procurement List that were furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

DATES: *Comments must be received on or before:* November 17, 2024.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely

Disabled, 355 E Street SW, Suite 325, Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT: For further information or to submit comments contact: Michael R. Jurkowski, Telephone: (703) 489–1322, or email CMTEFedReg@AbilityOne.gov.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 8503 (a)(2) and 41 CFR 51–2.3. Its purpose is to provide interested persons an opportunity to submit comments on the proposed actions.

Deletions

The following product(s) are proposed for deletion from the Procurement List:

Product(s)

NSN(s)—Product Name(s):

2540–01–314–7834—Cushion, Seat, Vehicular, 14.5" x 18"
Authorized Source of Supply: Lions Services, Inc., Charlotte, NC
Contracting Activity: DLA LAND AND MARITIME, COLUMBUS, OH

NSN(s)—Product Name(s):

7110–00–823–7675—Conference Table, 72" x 34" x 29½", Seats 8, Walnut Laminate
7110–00–958–0780—Conference Table, 60" x 30" x 29½", Seats 6, Walnut Laminate
7110–00–902–3052—Conference Table—120" x 48" x 29½", Seats 12, Walnut Laminate
7110–00–903–3061—Conference Table—96" x 38" x 29½", Seats 10, Walnut Laminate
Authorized Source of Supply: Knox County Association for Remarkable Citizens, Inc., Vincennes, IN
Contracting Activity: GSA/FAS FURNITURE SYSTEMS MGT DIV, PHILADELPHIA, PA

Michael R. Jurkowski,

Director, Business Operations.

[FR Doc. 2024–24086 Filed 10–17–24; 8:45 am]

BILLING CODE 6353–01–P

COMMODITY FUTURES TRADING COMMISSION

Sunshine Act Meetings

TIME AND DATE: 9 a.m. EDT, Friday, September 25, 2024.

PLACE: Virtual meeting.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

Enforcement matters. In the event that the time, date, or location of this meeting changes, an announcement of the change, along with the new time, date, and/or place of the meeting will be posted on the Commission's website at <https://www.cftc.gov/>.

CONTACT PERSON FOR MORE INFORMATION: Christopher Kirkpatrick, 202–418–5964.

Authority: 5 U.S.C. 552b.

Dated: October 16, 2024.

Robert Sidman,

Deputy Secretary of the Commission.

[FR Doc. 2024–24314 Filed 10–16–24; 4:15 pm]

BILLING CODE 6351–01–P

CONSUMER FINANCIAL PROTECTION BUREAU

Supervisory Highlights: Special Edition Auto Finance

AGENCY: Consumer Financial Protection Bureau.

ACTION: Supervisory highlights.

SUMMARY: The Consumer Financial Protection Bureau (CFPB) is issuing its thirty fifth edition of *Supervisory Highlights*.

DATES: The findings in this edition of *Supervisory Highlights* cover select examinations related to auto-finance that were generally completed from November 1, 2023, to August 30, 2024.

FOR FURTHER INFORMATION CONTACT: Jaclyn Sellers, Senior Counsel, at (202) 435–7449. If you require this document in an alternative electronic format, please contact CFPB_Accessibility@cfpb.gov.

SUPPLEMENTARY INFORMATION:

1. Introduction

This edition of *Supervisory Highlights* focuses on the Consumer Financial Protection Bureau's (CFPB's) work to put the brakes on wrongdoing in the auto-finance market. The impact of this market on American families is significant. Auto loan debt exceeds all other household-debt categories except for home mortgages. As of the second quarter of 2024, Americans owe \$1.616 trillion in auto loan debt.¹

The auto-finance market enables people to buy vehicles necessary for important life functions, such as driving to work, school, and medical appointments. But when auto-finance companies violate the law it can have serious consequences for families, from having to pay money they do not owe to losing their vehicle.

This *Supervisory Highlights* issue covers significant findings across all aspects of consumers' experiences with the auto-finance market. It reports on consumers being lured in through deceptive advertising about available loan terms and failing to receive accurate and complete disclosures at origination, having their payments misapplied or incorrect information

¹ Federal Reserve Bank of New York, *Household Debt and Credit Report (Q2 2024)*, <https://www.newyorkfed.org/microeconomics/hhdc.html>.

about their payment history reported to credit reporting companies (CRCs), and finding their car had been repossessed, though they had made their payments as promised.

This issue also highlights a trend of significant violations related to the handling of add-on products, also known as optional or ancillary products. Consumers generally finance these add-on products at loan origination, with the product premium paid upfront and then included in the amount financed. Auto-finance companies profit from these products through the original cost, the finance costs over the life of the loan, and, in some cases, from the failure to ensure refunds when consumers can no longer use the products. Although add-on products may benefit some consumers, examiners have identified unfair, deceptive, and abusive acts or practices throughout the lifecycle of add-on products. From auto loan originators including add-on products without consumers' consent, to servicers failing to allow consumers to cancel the products during the initial cancellation period, failing to provide the benefit of the product, or failing to ensure consumers receive refunds when the loan terminates early, add-on product administration represents a significant risk to consumers that the CFPB will continue to monitor.

The auto-finance market is subject to various laws and regulations the CFPB enforces. Under the Consumer Financial Protection Act (CFPA), all covered persons or service providers are prohibited from committing unfair, deceptive, or abusive acts or practices. Examiners' findings of unfair, deceptive, and abusive acts or practices in auto-finance reviews are included in this issue of *Supervisory Highlights*.

The findings in this edition of *Supervisory Highlights* cover select examinations related to auto-finance that were generally completed between November 1, 2023, and August 30, 2024.

To maintain the anonymity of the supervised institutions discussed in *Supervisory Highlights*, references to institutions generally are in the plural and the related findings may pertain to one or more institutions.² We invite readers with questions or comments about *Supervisory Highlights* to contact us at CFPB_Supervision@cfpb.gov.

2. Supervisory Observations

2.1 Origination Disclosures

Examiners identified two issues with auto-finance companies' disclosures at origination. Specifically, examiners identified issues with how auto-finance companies marketed annual percentage rates (APRs) and how they disclosed prepayment penalties.

2.1.1 Misleading "as low as" ARP Marketing

Examiners found that subprime auto loan originators engaged in deceptive acts or practices. A representation, omission, act, or practice is deceptive when (1) the representation, omission, act, or practice misleads or is likely to mislead the consumer; (2) the consumer's interpretation of the representation, omission, act, or practice is reasonable under the circumstances; and (3) the misleading representation, omission, act, or practice is material.³

Examiners found that subprime loan originators engaged in deceptive acts or practices through service providers when the service providers mailed prescreened advertisements marketing rates "as low as" specified APR rates to consumers who in fact had no reasonable chance of qualifying for or being offered rates at or near that level. The lowest interest rate offered to consumers by the servicers was more than twice the advertised rate. These marketing materials were likely to mislead borrowers. Borrowers would be reasonable to interpret the "as low as" rate as a rate for which they had a reasonable chance of qualifying or being offered since the advertisements indicated the recipients had been prescreened based on information in their credit reports. And the prominent "as low as" rate was material to the prospective borrowers' decision whether to pursue the offer.

In response to these findings, the auto loan companies were directed to: (i) cease the deceptive practice, whether by the originators directly or through their service providers, of advertising specified "as low as" rates to consumers who in fact have no reasonable chance of qualifying for or being offered rates at or near that level; (ii) revise policies and procedures to ensure service providers offer prescreened marketing advertisements that include financing terms that are not misleading and are consistent with the type of financing terms the companies' borrowers have a

reasonable chance of obtaining; and (iii) ensure against originating consumer contracts through service providers that advertise and market rates not offered by the companies.

2.1.2 Inaccurate Disclosures About Prepayment Penalties

The origination of automobile loans is governed by the Truth in Lending Act (TILA) as implemented by Regulation Z.⁴ Examiners found that auto-loan originators violated section 1026.17(c)(1) of Regulation Z because their disclosures did not accurately reflect the terms of the prepayment penalty. Section 1026.17(c)(1) states that the disclosures shall reflect the terms of the legal obligation between the parties. The TILA disclosure stated "Prepayment—if you pay early, you may have to pay a penalty." In contrast, the associated retail installment sales contract stated that there was no finance charge if the loan is paid early.

In response to these findings, the entities modified their disclosures to come into compliance with Regulation Z.

2.2 Repossession Activities

To secure an auto loan, lenders require borrowers to give creditors a security interest in the vehicle. If a borrower defaults, a creditor may exercise its contractual rights to repossess the secured vehicle. The magnitude of repossessions is significant, with the number of repossessions in 2024 estimated to reach 1.6 million.⁵ Servicers collect and process auto loan or lease payments from borrowers and are either creditors or act on behalf of creditors. Generally, servicers do not immediately repossess a vehicle upon default and instead attempt to contact consumers before repossession, usually by phone or mail. Servicers may give consumers in default the opportunity to avoid repossession by catching up on past-due payments or making promises to pay. Servicers generally use service providers to conduct repossessions. While some repossessions are unavoidable, Supervision pays particular attention to servicers' repossession of automobiles. Loan holders and servicers are responsible for ensuring that their repossession-related practices, and the

⁴ 12 CFR part 1026.

⁵ Cox Automotive, *Q2 Manheim used vehicle value index call* (July 9, 2024), <https://www.coxautoinc.com/wp-content/uploads/2024/07/July-9-Q2-2024-Manheim-Used-Vehicle-Value-Index-Call-Presentation.pdf>.

² If a supervisory matter is referred to the Office of Enforcement, Enforcement may cite additional violations based on these facts or uncover additional information that could impact the conclusion as to what violations may exist.

³ Whether an act or practice is deceptive is informed by decades of precedent including that involving section 5 of the Federal Trade Commission Act. See CFPB Exam Manual at UDAAP 5.

practices of their service providers, do not violate the law.⁶

2.2.1 Wrongful Repossession

Examiners found that servicers engaged in unfair acts or practices. An act or practice is unfair when it causes or is likely to cause substantial injury to consumers; the injury is not reasonably avoidable by consumers; and the injury is not outweighed by countervailing benefits to consumers or to competition.⁷

Examiners found that servicers engaged in unfair acts or practices when they erroneously repossessed consumers' vehicles (a) when their representatives or service providers failed to cancel orders to repossess vehicles, or act on those cancellations, when consumers had made payments or obtained extensions that should have prevented repossessions; and (b) when consumers had requested, or the servicer had approved, a COVID-19 related loan deferment or loan modification, consumers had otherwise made timely payments, or consumers made arrangements to pay an amount sufficient to cancel the repossession.

These practices cause or are likely to cause substantial injury because they create a substantial risk that consumers will be erroneously deprived of their vehicles. Borrowers who are deprived of their vehicles are likely to suffer injury in the form of inability to travel to work and resulting lost wages and by inability to use their vehicles for other critical daily needs. Consumers could not reasonably avoid the injury because borrowers had no control over the servicers' repossession practices, including errors relating to payment processing, repossession orders, repossession holds, and their COVID-19 related deferment practices. The injury was not outweighed by any countervailing benefits to consumers or competition.

In response to these findings, the servicers were directed to cease repossessing vehicles and failing to promptly return vehicles when consumers have made timely payments or payment arrangements or have obtained a loan modification sufficient to prevent repossessions. Some servicers also have implemented policies and procedures to ensure that they do not repossess vehicles when consumers have made payments or obtained

extensions sufficient to prevent repossessions.

2.2.2 Repossessing Third Parties' Vehicles Without a Recorded Lien

Examiners found that servicers engaged in unfair acts or practices when they failed to record liens and then repossessed vehicles without a valid lien. When assigning vehicles for repossession, servicers did not verify that they had a valid lien. As a result, they repossessed vehicles from consumers who did not have any prior affiliation with the servicers. Servicers had no right to repossess these vehicles because they did not have a valid lien and, by repossessing them, they caused substantial injury in the form of lost wages, the costs of arranging alternative transportation, or being deprived of the ability to meet other important needs. Consumers could not reasonably foresee that their vehicle would be repossessed by servicers with which they did not have any prior relationship or affiliation. The injury to consumers was not outweighed by countervailing benefits to consumers or competition, including the cost of implementing controls to prevent wrongful repossessions.

In response to these findings, servicers implemented policies and procedures to ensure that they recorded liens for all vehicles and repossessed vehicles only when they had recorded a lien.

2.3 Servicing Practices

Examiners identified two issues related to general servicing practices. First, servicers failed to adhere to their disclosed payment-allocation methodology for post-maturity loans. Second, servicers failed to timely provide consumers with title after loan payoff.

2.3.1 Improper Payment Allocation

Examiners found that servicers engaged in both a deceptive and unfair act or practice by applying borrowers' auto-loan payments to post-maturity loans in a different order than that disclosed to consumers on their websites, which resulted in borrowers having to pay late fees. The websites disclosed a particular payment allocation order with no indications that the disclosed order did not apply to post-maturity loans. For post-maturity loans, the servicers applied payments in a different order than that disclosed on the websites. The websites stated that payments would be applied to the current payment due, including both interest and principal, before outstanding late charges. The servicers,

however, applied payments on post-maturity loans first to the most recent payment due, then to other charges (such as late fees), and then to other payments due. Examiners found that the payment allocation order the servicers used for such payments resulted in the principal balance not being paid off on schedule, and that the servicers then assessed late fees.

The representation on the websites was likely to mislead consumers with post-maturity loans because it was a false statement, and there was no indication that the disclosed order did not apply to post-maturity loans. Consumers may reasonably take the websites at face value regarding the payment-application order. The disclosures are material because consumers may use information about the payment-application order to make decisions about the amount and timing of their payments. Borrowers may use this information to attempt to avoid late fees and ensure that their loans are fully paid off as planned.

This practice was also unfair. It was likely to cause substantial injury because it prevented consumers from submitting payments in a way that could allow them to pay off their principal balances on schedule and avoid late fees. The injury was not reasonably avoidable because consumers had no reason to anticipate that the servicers would apply their payments in a manner that contradicts the information on its website. The injury is not outweighed by any countervailing benefits to consumers or competition.

In response to the findings, servicers revised their policies and procedures to ensure that payments are applied to all loans in the order that is disclosed to consumers and ensured full remediation for all accounts that incurred late fees due to payments being applied in a different order than that disclosed on the website.

2.3.2 Excessive Delay in Providing Title

Examiners found that auto-loan servicers engaged in unfair acts or practices because consumers suffered substantial injury when the servicers failed, through service providers, to timely deliver the titles to vehicles after a loan or lease payoff or when consumers requested the title in connection with transferring vehicle registrations to a different State. Examiners found that the servicers' policies are generally to provide title documentation within two business days but that delivery times significantly exceeded this timeline.

⁶ CFPB, *Bulletin 2022-04: Mitigating Harm from Repossession of Automobiles* (Feb 28, 2022), <https://www.consumerfinance.gov/compliance/supervisory-guidance/cfpb-bulletin-2022-04-mitigating-harm-from-repossession-of-automobiles/>.

⁷ 12 U.S.C. 5531.

Consumers who do not have possession of their vehicle title document suffer harm, most significantly the inability to legally sell their vehicles, the incurrence of additional insurance expenses, and the threat of having their vehicles towed. Consumers had no ability to make the servicers, or the service providers, more quickly process or deliver the titles. And the injury was not outweighed by countervailing benefits to consumers or to competition.

In response to these findings, the servicers were directed to cease delaying the delivery of vehicle titles after a loan payoff, lease buyout, or request to transfer registration to a different state.

2.4 Add-On Products

When consumers purchase an automobile, auto dealers and finance companies typically offer consumers add-on products. These products generally fall into one of two categories, credit products and vehicle products. Credit products will assist with the remaining loan balance owed by the consumer under certain circumstances; these products cease to provide any benefits when the loan is terminated. For example, “guaranteed asset protection” (GAP) products are credit products that are offered to help pay off the loan if the car is totaled or stolen. Vehicle products relate to the vehicle itself; these products may continue to provide benefits after the loan is terminated. For example, consumers may purchase a vehicle service contract to pay for the cost of certain repairs. The add-on products apply only for specific periods, and only under certain circumstances.⁸

Dealers and finance companies often charge consumers all payments for add-on products as a lump sum at origination. Dealers and finance companies generally include the lump sum cost of add-on products as part of the vehicle financing agreement, and consumers typically make payments for these products throughout the loan term. The add-on products often allow consumers to cancel early for a partial refund of the product cost.

Upon early termination, the account generally is eligible for a pro rata refund of the prepaid premiums for the unused portion of the products—often called “unearned” premiums. In the default scenario, the refund amount should be applied to any deficiency balance, and the borrower receives any remaining

refund amount. For early payoffs, the full amount of the refund should go to the borrower.

When the loan terminates early, credit products no longer offer any possible benefit to consumers because coverage is tied to the financed loan, which is paid off. Absent a refund, consumers may wind up paying for services they can no longer use, as the relevant products terminate when the loan terminates. In addition, vehicle products such as service contract coverage terminate upon default, when the borrower no longer possesses the vehicle.

2.4.1 Collecting and Retaining Amounts for Add-On Products Consumers Did Not Agree To Purchase

Examiners found that subprime auto-finance companies engaged in abusive acts or practices. The CFPB prohibits two types of abusive practices. First, materially interfering with the ability of a consumer to understand a term or condition of a product or service is abusive. Second, taking unreasonable advantage of one of the three statutorily specified market imbalances is abusive. Those market imbalances include (1) a consumer’s lack of understanding of the material risks, costs or conditions of a product or service, (2) a consumer’s inability to protect their interests in selecting or using a product or service, or (3) a consumer’s reasonable reliance on a covered person to act in their interests.⁹

Examiners found that subprime auto-finance companies engaged in abusive acts or practices when they collected and retained amounts for optional add-on products that consumers did not agree to purchase. The companies contracted with service providers to market refinance loan options to existing borrowers and prepare origination documents. The companies’ contracts with the service providers included provisions requiring that refinanced loans include a minimum number of so-called “tangible benefits.” The tangible benefits included add-on products, such as an extended service contract or other vehicle protection product, and an optional GAP waiver product. Recorded calls between the service providers and borrowers during which the service providers walked the borrowers through the process of signing the refinanced loan agreement electronically revealed that the service providers had failed to disclose or explain the add-on products that had been included and financed as part of the refinanced loans. The companies

had failed to conduct comprehensive compliance monitoring of the service providers.

By collecting and retaining amounts for add-on products that consumers did not agree to purchase, without policies or procedures to ensure or verify that consumers authorized these purchases, servicers took unreasonable advantage of consumers’ inability to protect their interests in selecting or using a product or service. Consumers who did not know about or consent to being charged for add-on products were not able to protect their interests.

In response to these findings, the entities were directed to cease collecting and retaining amounts for optional products that consumers did not agree to purchase or that they agreed to purchase based on misrepresentations as to products’ voluntary nature or cost. The entities were also directed to engage qualified external consultants to advise, report, and evaluate the entities’ remediation plans to ensure that they captured all consumer harm related to these findings, and to provide remediation to all consumers identified by the external consultants. In addition, the entities were directed to update and revise language in contracts with their service providers to set forth clear expectations about the service providers’ compliance with and consequences for failure to comply with applicable Federal consumer financial laws.

The companies were further directed to enhance their risk-management program to mitigate unwarranted risks to consumers from service providers and to ensure that service providers understand their consumer compliance responsibilities and comply with Federal consumer financial laws. The entities were directed to enhance compliance monitoring and audit practices for all consumer-facing service providers and any staff that facilitate the purchase of optional products to ensure compliance with all applicable Federal consumer financial protection laws.

Finally, the entities were directed to ensure that consumers understand the voluntary nature and cost of optional products and that there are no efforts in place to coerce consumers into buying such products. They were directed to include, as part of compliance monitoring and audit practices, the recording of all calls. They were further directed to conduct second-level reviews of all retail installment contracts prior to funding and to regularly review calls between service providers and consumers where the terms and features of potential auto loans are discussed.

⁸ See generally CFPB, *Supervisory Highlights*, Issue 28 (Fall 2022), *Supervisory Highlights*, Issue 28, Fall 2022 | Consumer Financial Protection Bureau (consumerfinance.gov).

⁹ 12 U.S.C. 5531(d).

2.4.2 Financing of Void Add-On Products on Salvage Vehicles

Certain add-on products, like GAP products, are void, and therefore lack any value to the consumer, if the vehicle has a salvage title, meaning it had loss events recorded on the vehicle's title history (e.g., a record of an accident or damage associated with the vehicle). Before financing a vehicle, servicers may perform a title check to determine whether a vehicle has a salvage title.

Examiners found that auto servicers engaged in abusive acts or practices by taking unreasonable advantage of consumers' lack of understanding of material risks, costs, or conditions by suspending title check procedures for certain originating dealers and then financing GAP products that were void due to loss events recorded on the vehicles' title histories. As a result of not checking title histories, the servicers financed auto loans with GAP products that delivered no benefit to consumers but increased the amounts financed and the monthly payments. Additionally, servicers paid for title checks in some situations but not when financing GAP contracts originated by certain preferred lenders. Failing to conduct title checks in these instances also provided servicers with cost savings. In obtaining these benefits, servicers took unreasonable advantage of consumers' lack of understanding of material risks, costs, or conditions associated with the GAP product. The consumers paid for GAP coverage but did not benefit from the coverage because of the exclusion for salvage vehicles.

In response to these findings, the entities were directed to develop and implement policies and procedures to conduct title history searches to determine the condition of vehicles' eligibility for add-on products.

2.4.3 Failure To Identify Payee of Add-On Products

Examiners found that auto loan originators violated section 1026.18(c)(1)(iii) of Regulation Z because the itemization of the amount financed disclosures failed to identify the payee for optional products purchased by the consumer. Section 1026.18(c)(1)(iii) requires a separate written itemization of amounts financed that includes any amounts paid to other persons by the creditor on the consumer's behalf. The provision also requires the creditor to identify those persons. The entities did not identify (or bought retail installment sales contracts that did not identify) the payee for optional products purchased by the

consumer in the itemization of amount financed.

In response to these findings, the entities changed their practices to come into compliance with this provision of Regulation Z.

2.4.4 Onerous Requirements To Cancel Add-On Products

Examiners found that servicers engaged in abusive acts or practices by requiring consumers to make two in-person visits to a dealership to cancel contracts for add-on products. An act or practice may be abusive when it takes unreasonable advantage of the inability of the consumer to protect the interests of the consumer in selecting or using a consumer financial product or service.¹⁰

Servicers sold and administered add-on products that were included in the financed amount and were cancelable for a pro rata refund. The contract required consumers to visit the dealerships in person to cancel the product. The servicers' practice was to require consumers to make two in-person visits when cancelling the product, one visit to cancel where the servicers required the consumers to speak to the general manager of the dealerships and a second to pick up the refund check.

Servicers took unreasonable advantage of consumers by requiring consumers to make two in-person visits and speak with the general managers of the dealerships to cancel the add-on products. The servicers gained an advantage because they avoided paying a refund when the consumer could not make the two in-person visits and the advantage was unreasonable because the servicers controlled the process and created onerous refund processes involving multiple in-person visits to prevent consumers from exercising their cancellation rights. Consumers were unable to protect their interests because the contracts for the add-on product required cancellation in-person but did not disclose a requirement that consumers make two trips to the dealership. Requiring two separate visits can interfere with consumers' ability to protect their interests because of the excessive time and effort needed to extricate themselves from the contract.

In response to these findings, servicers updated their policies and procedures to be consistent with contractual terms.

2.4.5 Failure To Honor Contractual Cancellation Rights

Examiners found that servicers engaged in abusive acts or practices

when add-on product contracts allowed for cancellation with a pro rata refund within the first year, but the servicers denied consumers' cancellation requests.

Servicers sold and administered add-on products that allowed consumers to cancel the product for a pro rata refund within the first year. Despite the contract allowing for refunds, servicers refused to provide refunds when consumers requested them.

Servicers took unreasonable advantage of consumers by refusing to allow consumers to cancel add-on products when the products were cancellable under the contract. The servicers gained an advantage because they avoided paying refunds and the advantage was unreasonable because the servicers controlled the process and prevented consumers from exercising their contractual cancellation rights. Consumers were unable to protect their interests because even though the contract for the add-on product allowed for cancellation the servicers did not honor the provisions and consumers had no alternative method to obtain refunds.

In response to these findings, servicers updated their policies and procedures to be consistent with contractual terms.

2.4.6 Failure To Ensure Refunds of Unearned Premiums

Examiners found that servicers engaged in unfair acts or practices by failing to ensure consumers received refunds of unearned premiums for add-on products upon early termination of their auto loans in all States, either by ensuring that dealers or administrators provided refunds or by providing the refunds themselves.

This practice caused or was likely to cause substantial injury to borrowers because these products were of no value once borrowers' loans were terminated due to early payoffs, repossession, or total loss (or in the case of some products, such as service contracts, only once the vehicles were repossessed or declared a total loss), and thus borrowers ended up paying for products they could no longer use. This practice results in inflated payoff and deficiency balances. Consumers could not reasonably avoid the injury because the servicers retain substantial control over their refund processes and the calculation of payoff and deficiency balances, and consumers may not understand that they cease to retain any benefit from the products following early termination of their auto loans or that they are eligible for a refund. The injury is not outweighed by any

¹⁰ 12 U.S.C. 5531.

countervailing benefits to consumers or competition.

In response to these findings, servicers implemented processes to ensure consumers receive refunds of unearned premiums for ancillary products in all States, including those that do not mandate such refunds. This applies in instances of default or total loss, and upon early payoff where the products no longer provide benefits at the termination of the loan. Servicers also identified and remediated consumers from all States who did not receive such refunds.

2.4.7 Inaccurate Add-On Products Refund Amounts

Examiners found that servicers engaged in unfair acts or practices by failing to provide the correct refund amount for add-on products after early termination of auto loans.

In certain cases, servicers cancelled consumers' add-on products and provided refunds but miscalculated the refund amount due. This happened when, for example, the servicers used the date of a deficiency notice for making a pro rata calculation instead of the date of the repossession. In other instances, servicers rely upon calculations performed by third parties that were not consistent with the terms of the add-on product contract.

This practice caused substantial injury to consumers because they did not receive refunds to which they were entitled. Consumers cannot reasonably avoid the injury because they do not have control over how servicers calculate the refunds and consumers reasonably relied upon their servicers to correctly calculate the refunds. The injury is not outweighed by countervailing benefits to consumers or competition.

In response to these findings, servicers remediated consumers and implemented revised policies and procedures to ensure accurate calculations.

2.4.8 Delays in Applying Add-On Product Refunds

Examiners found that servicers engaged in unfair acts or practices by failing to timely apply refunds of the unused portion of add-on product premiums to borrowers' accounts. In one matter, for example, refunds were applied an average of 84 days after the post-repossession sale of the vehicle sale, with at least one up to 423 days afterwards; in another matter, the refund delays ranged from 150 days to 664 days. Even if a consumer is ultimately granted a refund, the consumer may be injured by the delay in the interim,

during which the consumer does not have access to funds to which they are entitled.

This practice caused or was likely to cause substantial injury to borrowers because many consumers were unable to access funds to which they were entitled for significant amounts of time. The injury was not reasonably avoidable because the servicers controlled their refund processes. The injury is not outweighed by any countervailing benefits to consumers or competition.

In response to these findings, servicers updated their policies and procedures to ensure consumers receive timely and accurate refunds of unearned premiums for add-on products.

2.4.9 Continuing To Collect Payments When Consumers are Covered by a GAP Product and Miscalculating Refunds

Examiners found that servicers engaged in unfair acts or practices by collecting monthly payments even after they knew the GAP waiver would cover the outstanding balance, and then failing to accurately reimburse consumers who made these payments.

Consumers often purchase GAP waiver agreements at the time they finance the vehicle in an effort to prevent owing a balance on their loan if the vehicle is totaled. After a total loss event, proceeds from auto insurance typically cover only the actual value of the vehicle at the time of loss, which generally is less than the amount financed. The GAP waiver generally waives the amount owed under the retail installment contract or loan as of the date of the total loss, less any unpaid loan payments or similar charges, and less the actual cash value of the collateral as of the date of a total loss. Servicers continued to collect monthly payments from consumers for months after a total loss event despite knowing that these consumers purchased GAP waivers to cover the outstanding balance. The servicers eventually refunded the payments made after the total loss event after the GAP waiver claim was finalized, but miscalculated the amount owed to consumers, resulting in underpayments.

This practice caused substantial injury to consumers in two ways. First, servicers injured consumers because consumers were deprived of the use of funds for the months between the improper payment and the insufficient refund. During this period consumers may be forced to make multiple car payments, one for their totaled vehicle and another for a new vehicle. Second, servicers injured consumers when servicers miscalculated the amount due back to consumers after the GAP waiver

processed, causing insufficient refunds. Consumers could not reasonably avoid the harm because they had no control over servicers' practices. If consumers ceased making these payments servicers would furnish negative credit reporting information. And the injury is not outweighed by countervailing benefits when servicers are aware that the amounts, they are collecting will be waived under the terms of the GAP waiver.

In response to these findings, servicers remediated consumers and implemented new policies and procedures to cease collecting these amounts.

2.5 Furnishing Deficiencies

Auto lenders and servicers that furnish information to CRCs for inclusion in consumer reports (auto furnishers) are subject to requirements under the Fair Credit Reporting Act (FCRA) and its implementing regulation, Regulation V.¹¹ For example, the FCRA and Regulation V require auto furnishers to reasonably investigate disputes and to furnish data subject to the relevant accuracy requirements. In recent reviews, examiners found deficiencies in auto furnishers' compliance with the FCRA accuracy requirements.

2.5.1 Reporting Information With Actual Knowledge of Errors

Section 623(a)(1)(A) of the FCRA prohibits furnishers from furnishing any information relating to a consumer to any CRC if the furnisher "knows or has reasonable cause to believe that the information is inaccurate."¹² However, a furnisher is not subject to this prohibition if it "clearly and conspicuously specifies to the consumer an address for" the submission by consumers of notices that specific information is inaccurate.¹³ The FCRA does not require a furnisher to specify such an address. Though, if a furnisher clearly and conspicuously specifies such an address, the furnisher is instead subject to section 623(a)(1)(B) of the FCRA, which provides that a furnisher violates its duty to furnish accurate information to the extent it furnishes information after it has been notified by the consumer, at the address specified for such notices, that certain information is inaccurate and such information is, in fact, inaccurate.¹⁴

In reviews of auto furnishers, examiners found that furnishers

¹¹ 12 CFR part 1022.

¹² 15 U.S.C. 1681s-2(a)(1)(A).

¹³ 15 U.S.C. 1681s-2(a)(1)(C).

¹⁴ *Id.* (cross-referencing 15 U.S.C. 1681s-2(a)(1)(B)).

furnished information to CRCs while knowing or having reasonable cause to believe such information was inaccurate because the information furnished did not accurately reflect the information in the furnishers' systems and/or conflicted with other information the furnishers reported about consumers' accounts. For example, examiners found that furnishers reported inaccurate information about hundreds, and in some cases thousands, of consumers, including: inaccurate amounts past due for charged-off accounts; inaccurate scheduled monthly payment amounts for paid or otherwise closed accounts with zero balances; outdated payment ratings that corresponded with prior reporting cycles rather than the current reporting cycle; inaccurate dates of first delinquency; and inaccurate actual payment amounts following a payoff or settlement. In some instances, the furnishers' reporting errors were attributed to the furnishers utilizing systems not adequately designed to accurately furnish information about auto loans.

Examiners also found that auto furnishers did not clearly and conspicuously specify to consumers an address for notices relating to inaccurate information, and thus were subject to the stricter prohibition under section 623(a)(1)(A) of the FCRA against furnishing information the furnishers know or have reasonable cause to believe is inaccurate. For example, furnishers disclosed a general-purpose corporate address or other methods of contact on their websites; however, examiners found that the furnishers did not specify to consumers the relevant address for notices relating to inaccurate information.

In response to these findings, auto furnishers are conducting lookbacks and correcting the furnished information for all affected consumers.

2.5.2 Failure To Promptly Update or Correct Inaccurate Information

Furnishers, including auto furnishers, also are subject to section 623(a)(2) of the FCRA, which requires furnishers to promptly correct and update furnished information after determining that such information is incomplete or inaccurate.¹⁵ Examiners are continuing to find that auto furnishers are violating the FCRA duty to promptly correct and update incomplete or inaccurate information when the obligation arises. Specifically, in recent reviews of auto furnishers, examiners found that furnishers continued to furnish information for several months, and in

some cases over a year, after the furnishers determined through monitoring or audit activities that the information was incomplete or inaccurate.

For example, examiners found that furnishers continued to furnish inaccurate amounts past due and balance information relating to certain consumers' charged-off accounts for over a year and a half after identifying the furnished inaccuracies through internal audits. Examiners also found that furnishers continued to furnish inaccurate payment history profiles and/or account statuses for certain accounts for over a year after identifying the inaccuracies through monitoring. Although the furnishers eventually corrected the inaccuracies after significant delay, examiners determined that the auto furnishers' delayed remediation of, including failure to submit prompt corrections to CRCs with respect to, the identified furnishing inaccuracies was inconsistent with the FCRA duty to promptly correct and update furnished information after determining that such information is incomplete or inaccurate.

In response to these findings, auto furnishers are enhancing policies and procedures, including with respect to internal issue management, to ensure they promptly correct or update furnished information after determining it is incomplete or inaccurate.

3. Supervisory Developments

Set forth below are select supervision program developments including advisory opinions, circulars and proposed rules that have been issued since the last regular edition of *Supervisory Highlights*.

3.1.1 CFPB Issues Buy Now Pay Later Product FAQs

On September 17, 2024, the CFPB issued Buy Now Pay Later (BNPL) Product FAQs.¹⁶ The FAQs provide guidance on applying Regulation Z to Pay-in-Four BNPL products, such as how to apply credit card periodic statement requirements to Pay-in-Four BNPL products that are accessed by digital user accounts. These FAQs follow the interpretive rule in May 2024 that the CFPB released to explain how the Truth in Lending Act and Regulation Z apply to BNPL loans.¹⁷

¹⁶ The FAQs are available at: <https://www.consumerfinance.gov/compliance/compliance-resources/consumer-cards-resources/buy-now-pay-later-bnpl-products/buy-now-pay-later-product-faqs/>.

¹⁷ The interpretive rule is available at: [cfpb_bnpl-interpretive-rule_2024-05.pdf](https://www.consumerfinance.gov/rules-policy/final-rules/truth-in-lending-regulation-z-consumer-protections-for-home-sales-financed-under-contracts-for-deed/) (consumerfinance.gov).

The CFPB recognizes that many BNPL lenders are working diligently and in good faith to come into compliance with the interpretive rule. The CFPB issued the FAQs to support this transition.

In addition, the CFPB has stated it does not intend to seek penalties for violations of the rules addressed in the interpretive rule against any BNPL lender while it is transitioning into compliance in a good faith and expeditious manner. We expect that other Federal and State regulators will follow the same path.¹⁸

3.1.2 CFPB Issues an Advisory Opinion—Consumer Protections for Home Sales Financed Under Contracts for Deeds

On August 13, 2024, the CFPB issued an advisory opinion which affirms the current applicability of consumer protections and creditor obligations under TILA and its implementing Regulation Z to transactions in which a consumer purchases a home under a “contract for deed.”¹⁹ When a creditor sells a home to a buyer under a contract for deed, that transaction will generally meet TILA and Regulation Z's definition of credit. Where the transaction is secured by the buyer's dwelling, the buyer will also generally be entitled to the protections associated with residential mortgage loans under TILA.

3.1.3 CFPB Joins Federal Regulators To Propose Rule To Standardize Data Submitted to Federal Financial Agencies

On August 2, 2024, the CFPB joined several other Federal financial regulatory agencies in announcing a proposed rule to establish data standards for certain information collections submitted to financial regulatory agencies.²⁰ The proposal would promote interoperability of financial regulatory data across the agencies through the establishment of data standards for identifiers of legal entities and other common identifiers.

3.1.4 CFPB Warns Against Intimidation of Whistleblowers

On July 24, 2024, the CFPB issued a circular to law enforcement agencies and regulators explaining how

¹⁸ The CFPB blog is available at: <https://www.consumerfinance.gov/about-us/blog/what-buy-now-pay-later-lenders-are-doing-to-be-upfront-with-borrowers>.

¹⁹ The advisory opinion is available at: <https://www.consumerfinance.gov/rules-policy/final-rules/truth-in-lending-regulation-z-consumer-protections-for-home-sales-financed-under-contracts-for-deed/>.

²⁰ The proposed rule is available at: <https://www.consumerfinance.gov/rules-policy/final-rules/truth-in-lending-regulation-z-consumer-protections-for-home-sales-financed-under-contracts-for-deed/>.

¹⁵ 15 U.S.C. 1681s–2(a)(2).

companies may be breaking the law by requiring employees to sign broad nondisclosure agreements that could deter whistleblowing.²¹ The circular explains how, in certain circumstances, imposing sweeping nondisclosure agreements that do not clearly permit communication with law enforcement may intimidate employees from disclosing misconduct or cooperating with investigations. This could impede investigations and potentially violate Federal whistleblower protections.

3.1.5 CFPB Proposes Rule on Earned Wage Access

On July 18, 2024, the CFPB proposed an interpretive rule explaining that many paycheck advance products, sometimes marketed as “earned wage” products, are consumer loans subject to TILA.²² The guidance would ensure that lenders understand their legal obligations to disclose the costs and fees of these credit products to workers.

4. Enforcement Actions

The CFPB’s supervisory activities resulted in and supported the below enforcement actions.

4.1.1 Navient Corporation

On September 12, 2024, the court entered a stipulated final judgment and order against the student loan servicer Navient for its years of failures and lawbreaking.²³ The order permanently bans the company from servicing Federal Direct Loans and forbids the company from directly servicing loans issued under the Federal Family Education Loan Program (FFELP) or acquiring, with limited exceptions, any FFELP loans. These bans largely remove Navient from a market where it, among other illegal actions, steered numerous student loan borrowers into costly repayment options. Navient also illegally deprived student borrowers of opportunities to enroll in more affordable income-driven repayment programs and caused them to pay much

more than they should have. Under the terms of the order, Navient paid a \$20 million penalty and provided \$100 million for redress for harmed borrowers.

4.1.2 TD Bank

On September 11, 2024, the CFPB ordered TD Bank to pay \$7.76 million to tens of thousands of victims of the bank’s illegal actions.²⁴ For years, the bank repeatedly shared inaccurate, negative information about its customers to consumer reporting companies. The information included systemic errors about credit card delinquencies and bankruptcies. In addition to the redress, the CFPB is ordering TD Bank to pay a \$20 million civil money penalty.

4.1.3 Fay Servicing, LLC

On August 21, 2024, the CFPB ordered Fay Servicing to pay a \$2 million penalty for violations of mortgage servicing laws, as well as for violations of a 2017 agency order that addressed its illegal foreclosure practices.²⁵ The company failed to implement the order’s requirements and continued to break the law. Fay Servicing took prohibited foreclosure actions against borrowers requesting mortgage assistance, failed to offer borrowers mortgage assistance options available to them, and overcharged for private mortgage insurance. In addition to the civil money penalty, the CFPB’s order requires Fay Servicing to pay consumer redress of \$3 million and to invest \$2 million to update its servicing technology and compliance management systems. The order also puts compensation limits on Edward Fay, the company’s Chairman of the Board and Chief Executive Officer, if Mr. Fay does not take actions necessary to ensure compliance with the order.

4.1.4 Fifth Third Bank

On July 9, 2024, the CFPB took action against repeat offender Fifth Third Bank for a range of illegal activities that will result in the bank paying \$20 million in penalties in addition to paying redress to approximately 35,000 harmed consumers, including about 1,000 who

had their cars repossessed.²⁶ Specifically, the CFPB has ordered Fifth Third Bank to pay a \$5 million penalty for forcing vehicle insurance onto borrowers who had coverage. The CFPB also filed a proposed court order that would require Fifth Third Bank to pay a \$15 million penalty for opening fake accounts in the names of its customers.²⁷ The proposed court order bans Fifth Third Bank from setting employee sales goals that incentivize fraudulently opening accounts.

Rohit Chopra,

Director, Consumer Financial Protection Bureau.

[FR Doc. 2024–24093 Filed 10–17–24; 8:45 am]

BILLING CODE 4810-AM-P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 23–33]

Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense (DoD).

ACTION: Arms sales notice.

SUMMARY: The DoD is publishing the unclassified text of an arms sales notification.

FOR FURTHER INFORMATION CONTACT:

Pamela Young at (703) 953–6092, pamela.a.young14.civ@mail.mil, or dsca.ncr.rsrcmgmt.list.cns-mbx@mail.mil.

SUPPLEMENTARY INFORMATION: This 36(b)(1) arms sales notification is published to fulfill the requirements of section 155 of Public Law 104–164 dated July 21, 1996. The following is a copy of a letter to the Speaker of the House of Representatives with attached Transmittal 23–33, Policy Justification, and Sensitivity of Technology.

Dated: October 15, 2024.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

²¹ The circular is available at: <https://www.consumerfinance.gov/compliance/circulars/consumer-financial-protection-circular-2024-04/>.

²² The interpretive rule is available at: <https://www.federalregister.gov/documents/2024/07/31/2024-16827/truth-in-lending-regulation-z-consumer-credit-offered-to-borrowers-in-advance-of-expected-receipt-of>.

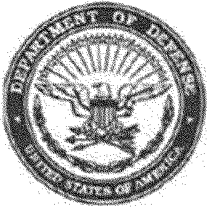
²³ The Proposed Order is available at: <https://www.consumerfinance.gov/enforcement/actions/navient-corporation-navient-solutions-inc-and-pioneer-credit-recovery-inc/>.

²⁴ The Consent Order is available at: <https://www.consumerfinance.gov/enforcement/actions/td-bank-na-furnishing-2024/>.

²⁵ The Consent Orders are available at: <https://www.consumerfinance.gov/enforcement/actions/fay-servicing-llc-2024/>.

²⁶ The Consent Order is available at: <https://www.consumerfinance.gov/enforcement/actions/fifth-third-bank-na-fpi-2024/>.

²⁷ The Opinion and Order is available at: <https://www.consumerfinance.gov/enforcement/actions/fifth-third-bank-national-association/>.



DEFENSE SECURITY COOPERATION AGENCY

2800 Defense Pentagon
Washington, DC 20301-2800

July 7, 2023

The Honorable Kevin McCarthy
Speaker of the House
U.S. House of Representatives
H-209, The Capitol
Washington, DC 20515

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 23-33, concerning the Air Force's proposed Letter(s) of Offer and Acceptance to the Government of Sweden for defense articles and services estimated to cost \$605 million. We will issue a news release to notify the public of this proposed sale upon delivery of this letter to your office.

Sincerely,

James A. Hursch
Director

Enclosures:

1. Transmittal
2. Policy Justification
3. Sensitivity of Technology

Transmittal No. 23-33

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) *Prospective Purchaser:* Government of Sweden

(ii) *Total Estimated Value:*

Major Defense Equipment *	\$530 million
Other	\$75 million
Total	\$605 million

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:*

Major Defense Equipment (MDE):

Up to two hundred fifty (250) AIM-120C-8 Advanced Medium Range Air-to-Air-Missiles (AMRAAM)

Up to six (6) AMRAAM C-8 Guidance Sections

Non-MDE:

Also included are spare AIM-120 control sections and containers; AMRAAM Test Set (ATS) telemetry kits;

encryption devices; munitions support and support equipment; classified software delivery and support; spare parts, consumables, and accessories; repair and return support; transportation support; classified publications and technical documentation; studies and surveys; U.S. Government and contractor technical, engineering, and logistics support services; and other related elements of logistical and program support.

- (iv) *Military Department*: Air Force (SW-D-YAA)
- (v) *Prior Related Cases, if any*: None
- (vi) *Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid*: None known at this time
- (vii) *Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold*: See Attached Annex
- (viii) *Date Report Delivered to Congress*: July 7, 2023

* As defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Government of Sweden—AIM-120C-8 Advanced Medium-Range Air-to-Air Missile (AMRAAM)

The Government of Sweden has requested to buy up to two hundred fifty (250) AIM-120C-8 Advanced Medium Range Air-to-Air Missiles (AMRAAM); and up to six (6) AMRAAM C-8 Guidance Sections. Also included are spare AIM-120 control sections and containers; AMRAAM Test Set (ATS) telemetry kits; encryption devices; munitions support and support equipment; classified software delivery and support; spare parts, consumables, and accessories; repair and return support; transportation support; classified publications and technical documentation; studies and surveys; U.S. Government and contractor technical, engineering and logistics support services; and other related elements of logistical and program support. The estimated total cost is \$605 million.

This proposed sale will support the foreign policy goals and national security objectives of the United States by improving the security of a partner country that is a force for political stability and economic progress in Europe.

The proposed sale will improve Sweden's capability to meet and deter current and future threats in the region by ensuring Sweden has modern, capable air-to-air munitions. This sale will further advance the already high level of Swedish Air Force interoperability with U.S. joint forces and other regional and NATO forces. Sweden will have no difficulty absorbing these articles and services into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The principal contractor will be Raytheon Missiles and Defense, Tucson, AZ. There are no known offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale will not require the assignment of any additional U.S. Government or contractor representatives to Sweden.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 23-33

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

Annex

Item No. vii

(vii) *Sensitivity of Technology*:

1. The AIM-120C-8 Advanced Medium Range Air-to-Air Missile (AMRAAM) is a supersonic, air launched, aerial intercept guided missile featuring digital technology and micro-miniature solid-state electronics. AMRAAM capabilities include look-down/shoot-down, multiple launches against multiple targets, resistance to electronic countermeasures, and interception of high-and low-flying and maneuvering targets. This potential sale will include AMRAAM guidance section and control section spares as well as telemetry test kits.

2. The highest level of classification of defense articles, components, and services included in this potential sale is SECRET.

3. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used to develop countermeasures that might reduce weapon system effectiveness or be used in the development of a system with similar or advanced capabilities.

4. A determination has been made that Sweden can provide substantially the same degree of protection for the sensitive technology being released as the U.S. Government. This sale is necessary in furtherance of the U.S. foreign policy and national security objectives outlined in the Policy Justification.

5. All defense articles and services listed in this transmittal have been authorized for release and export to the Government of Sweden.

[FR Doc. 2024-24121 Filed 10-17-24; 8:45 am]

BILLING CODE 6001-FR-P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD-2024-OS-0007]

Submission for OMB Review; Comment Request

AGENCY: Office of the Under Secretary of Defense for Personnel and Readiness (OUSD(P&R)), Department of Defense (DoD).

ACTION: 30-Day information collection notice.

SUMMARY: The DoD has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act.

DATES: Consideration will be given to all comments received by November 18, 2024.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function.

FOR FURTHER INFORMATION CONTACT: Reginald Lucas, (571) 372-7574, whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Climate Literacy Pulse Check; OMB Control Number 0704-CLPC.

Type of Request: New.
Number of Respondents: 12,000.
Responses per Respondent: 1.
Annual Responses: 12,000.
Average Burden per Response: 10 minutes.

Annual Burden Hours: 2,000.
Needs and Uses: Climate change is one of many threat multipliers to national security, which adds complexity to Department of Defense (DoD) decisions. It is a priority of the DoD to ensure that support to the department's missions takes climate considerations into account, especially how the adverse impacts of a changing climate can complicate and impede DoD missions. This pulse check is intended for DoD personnel who provide various aspects of support to the warfighter—whether in OSD, Defense Agencies, the Joint Staff, combatant commands, and the Services—to understand how climate change affects their work and what education, training, and resources they require to continue executing their

mission in the context of a changing climate.

Affected Public: Federal government.

Frequency: Annually.

Respondent's Obligation: Voluntary.

OMB Desk Officer: Ms. Jasmeet

Seehra.

DoD Clearance Officer: Mr. Reginald Lucas.

Dated: October 15, 2024.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2024-24141 Filed 10-17-24; 8:45 am]

BILLING CODE 6001-FR-P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD-2024-OS-0085]

Submission for OMB Review; Comment Request

AGENCY: Office of the Under Secretary of Defense for Personnel and Readiness (OUSD(P&R)), Department of Defense (DoD).

ACTION: 30-Day information collection notice.

SUMMARY: The DoD has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act.

DATES: Consideration will be given to all comments received by November 18, 2024.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function.

FOR FURTHER INFORMATION CONTACT:

Reginald Lucas, (571) 372-7574, whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: DoD Child Development Program (CDP)—Criminal History; DD Form 2981; OMB Control Number 0704-0516.

Type of Request: Extension.

Number of Respondents: 8,000.

Responses per Respondent: 1.

Annual Responses: 8,000.

Average Burden per Response: 15 minutes.

Annual Burden Hours: 2,000.

Needs and Uses: The information collection requirement is necessary to obtain a self-reported record of criminal history from each employee, contractor, volunteer, family childcare provider, and family childcare adult family member residing in the home. Authority for this collection is granted by 42 United States Code 13041 which requires that the application for individuals who are seeking work for an agency of the Federal Government, facility or program operated by (or through contract with) the Federal Government, contain a question asking whether the individual has ever been arrested for or charged with a crime involving a child, and if so requiring a description of the disposition of the arrest or charge. Individuals who are interested in working for the DoD or for a program operated by or through a contract with the DoD must complete the form prior to working with children under the age of 18 years.

Affected Public: Individuals or households.

Frequency: On occasion.

Respondent's Obligation: Voluntary.

OMB Desk Officer: Ms. Jasmeet Seehra.

DoD Clearance Officer: Mr. Reginald Lucas.

Dated: October 15, 2024.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2024-24149 Filed 10-17-24; 8:45 am]

BILLING CODE 6001-FR-P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD-2024-OS-0070]

Submission for OMB Review; Comment Request

AGENCY: Office of the Under Secretary of Defense for Personnel and Readiness (OUSD (P&R)), Department of Defense (DoD).

ACTION: 30-Day information collection notice.

SUMMARY: The DoD has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act.

DATES: Consideration will be given to all comments received by November 18, 2024.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent

within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function.

FOR FURTHER INFORMATION CONTACT:

Reginald Lucas, (571) 372-7574, whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Defense Travel System; OMB Control Number 0704-0577.

Type of Request: Extension.

Number of Respondents: 1,500.

Responses per Respondent: 1.

Annual Responses: 1,500.

Average Burden per Response: 10 minutes.

Annual Burden Hours: 250 hours.

Needs and uses: The Defense Travel System is the enterprise standard for requesting, authorizing, reserving, and requesting payment for travel within the Department of Defense. Information is collected for the purpose of official travel. The information is used to satisfy reporting requirements and detect fraud and abuse.

Affected Public: Individuals or households.

Frequency: On occasion.

Respondent's Obligation: Voluntary.

OMB Desk Officer: Ms. Jasmeet

Seehra.

DoD Clearance Officer: Mr. Reginald Lucas.

Dated: October 15, 2024.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2024-24145 Filed 10-17-24; 8:45 am]

BILLING CODE 6001-FR-P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 23-49]

Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense (DoD).

ACTION: Arms sales notice.

SUMMARY: The DoD is publishing the unclassified text of an arms sales notification.

FOR FURTHER INFORMATION CONTACT:

Pamela Young at (703) 953-6092, pamela.a.young14.civ@mail.mil, or dsca.ncr.rsrcmgmt.list.cns-mbx@mail.mil.

SUPPLEMENTARY INFORMATION: This 36(b)(1) arms sales notification is

published to fulfill the requirements of section 155 of Public Law 104-164 dated July 21, 1996. The following is a copy of a letter to the Speaker of the

House of Representatives with attached Transmittal 23-49, Policy Justification, and Sensitivity of Technology.

Dated: October 15, 2024.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.



DEFENSE SECURITY COOPERATION AGENCY
2800 Defense Pentagon
Washington, DC 20301-2800

June 29, 2023

The Honorable Kevin McCarthy
Speaker of the House
U.S. House of Representatives
H-209, The Capitol
Washington, DC 20515

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 23-49, concerning the Air Force's proposed Letter(s) of Offer and Acceptance to the Government of the Czech Republic for defense articles and services estimated to cost \$5.62 billion. We will issue a news release to notify the public of this proposed sale upon delivery of this letter to your office.

Sincerely,

James A. Hursch
Director

Enclosures:

1. Transmittal
2. Policy Justification
3. Sensitivity of Technology

Transmittal No. 23-49

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) *Prospective Purchaser:* Government of the Czech Republic

(ii) *Total Estimated Value:*

Major Defense Equipment *	\$3.09 billion
Other	\$2.53 billion
Total	\$5.62 billion

Funding Source: National Funds
(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:*

Major Defense Equipment (MDE):

Twenty-four (24) F-35 Joint Strike Fighter Conventional Take Off and Landing (CTOL) Aircraft

Twenty-five (25) Pratt & Whitney F135-PW-100 Engines (24 installed, 1 spare)

Seventy (70) AIM-120C-8 Advanced

Medium Range Air-to-Air Missiles (AMRAAM)
 Three (3) AIM-120C-8 AMRAAM Guidance Sections
 Eighty-six (86) GBU-53/B Small Diameter Bombs—Increment II (SDB-II) StormBreaker All-Up-Rounds (AUR)
 Two (2) GBU-53 SDB-II Guided Test Vehicles (GTV)
 Three (3) GBU-53 SDB-II Captive Carry Reliability Trainers (CCRT)
 Twelve (12) Mk-84 General Purpose 2,000-lb Bombs or BLU-109 2,000-lb Penetrator Bombs for the GBU-31
 Twelve (12) KMU-556/KMU-557 Joint Direct Attack Munition (JDAM) Tail Kits for the GBU-31
 Fifty (50) AIM-9X Block II/II+ Tactical Sidewinder Missiles
 Ten (10) AIM-9X Block II Tactical Sidewinder Guidance Units
 Eighteen (18) AIM-9X Block II Tactical Sidewinder Captive Air Training Missiles (CATM)
 Four (4) AIM-9X Block II CATM Guidance Units

Non-MDE:

Also included are AIM-120 AMRAAM CATMs, control section spares, and containers; AIM-9 multi-purpose/dummy air training missiles and containers; DSU-41B Active Optical Target Detectors; Joint Direct Attack Munition (JDAM) trainer tail kits; FMU-139 Joint Programmable Fuzes; AN/PYQ-10 Simple Key Loaders (SKL); ALE-70 Radio Frequency Countermeasures (RFCM) Transmitters; Identification Friend or Foe (IFF) equipment; electronic warfare (EW) data and Reprogramming Lab support; impulse cartridges, chaff, and flares; Common Munitions Built-In-Test (BIT)/Reprogramming Equipment (CMBRE); Cartridge Actuated Devices/Propellant Actuated Devices (CAD/PAD); Contractor Logistics Support (CLS); classified software and software development, delivery, and integration support; transportation, ferry, and refueling support; ammunition and weapons components; aircraft and munitions support and support equipment; integration and test support and equipment; aircraft engine Component Improvement Program (CIP) support; secure communications, precision navigation, and cryptographic equipment; spare and repair parts, consumables, accessories, and repair and return support; in-country facilities and construction support; major and minor

modifications, maintenance, and maintenance support; classified and unclassified personnel training and training gear and equipment; classified and unclassified publications and technical documents; studies and surveys; U.S. Government and engineering, technical, and logistics support services; and other related elements of logistical and program support.

(iv) *Military Department*: Air Force (EZ-D-SAB, EZ-D-YAC, EZ-D-YAD); Navy (EZ-P-LCS, EZ-P-AAA)

(v) *Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid*: None known at this time

(vi) *Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold*: See Attached Annex

(vii) *Date Report Delivered to Congress*: June 29, 2023

* As defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Czech Republic—F-35 and Munitions

The Government of the Czech Republic has requested to buy twenty-four (24) F-35 Joint Strike Fighter Conventional Take Off and Landing (CTOL) Aircraft; twenty-five (25) Pratt & Whitney F135-PW-100 Engines (24 installed, 1 spare); seventy (70) AIM-120C-8 Advanced Medium Range Air-to-Air Missiles (AMRAAM); three (3) AIM-120C-8 AMRAAM Guidance Sections; eighty-six (86) GBU-53/B Small Diameter Bombs—Increment II (SDB-II) StormBreaker All-Up-Rounds (AUR); two (2) GBU-53 SDB-II Guided Test Vehicles (GTV); three (3) GBU-53 SDB-II Captive Carry Reliability Trainers (CCRT); twelve (12) Mk-84 General Purpose 2,000-lb Bombs or BLU-109 2,000-lb Penetrator Bombs for the GBU-31; twelve (12) KMU-556/KMU-557 Joint Direct Attack Munition (JDAM) Tail Kits for the GBU-31; fifty (50) AIM-9X Block II/II+ Tactical Sidewinder Missiles; ten (10) AIM-9X Block II Tactical Sidewinder Guidance Units; eighteen (18) AIM-9X Block II Tactical Sidewinder Captive Air Training Missiles (CATM); and four (4) AIM-9X Block II CATM Guidance Units. Also included are AIM-120 AMRAAM CATMs, control section spares, and containers; AIM-9 multi-purpose/dummy air training missiles and containers; DSU-41B Active Optical Target Detectors; Joint Direct Attack Munition (JDAM) trainer tail kits; FMU-139 Joint Programmable Fuzes; AN/PYQ-10 Simple Key Loaders (SKL); ALE-70 Radio Frequency Countermeasures (RFCM) Transmitters;

Identification Friend or Foe (IFF) equipment; electronic warfare (EW) data and Reprogramming Lab support; impulse cartridges, chaff, and flares; Common Munitions Built-In-Test (BIT)/Reprogramming Equipment (CMBRE); Cartridge Actuated Devices/Propellant Actuated Devices (CAD/PAD); Contractor Logistics Support (CLS); classified software and software development, delivery, and integration support; transportation, ferry, and refueling support; ammunition and weapons components; aircraft and munitions support and support equipment; integration and test support and equipment; aircraft engine Component Improvement Program (CIP) support; secure communications, precision navigation, and cryptographic equipment; spare and repair parts, consumables, accessories, and repair and return support; in-country facilities and construction support; major and minor modifications, maintenance, and maintenance support; classified and unclassified personnel training and training gear and equipment; classified and unclassified publications and technical documents; studies and surveys; U.S. Government and engineering, technical, and logistics support services; and other related elements of logistical and program support. The estimated total cost is \$5.62 billion.

This proposed sale will support the foreign policy and national security objectives of the United States by helping to improve the security of a North Atlantic Treaty Organization (NATO) Ally that is a force for political stability and economic progress in Europe.

The proposed sale will improve the Czech Republic's defense capabilities as well as support NATO operations by guarding against modern threats and maintaining a constant presence in the region. The Czech Republic will have no difficulty absorbing these articles and services into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The principal contractors will be Lockheed Martin Aeronautics Company, Fort Worth, TX; Raytheon Missiles and Defense, Tucson, AZ; and The Boeing Company, St. Louis, MO. The purchaser typically requests offsets. Any offset agreement will be defined in negotiations between the purchaser and the contractor.

Implementation of this proposed sale will not require the assignment of any additional U.S. Government or contractor representatives to the Czech Republic.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 23–49

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

Annex

Item No. vii

(vii) *Sensitivity of Technology:*

1. The F–35A Conventional Take Off and Landing (CTOL) aircraft is a single seat, single engine, all-weather, stealth, fifth-generation multirole aircraft. It contains sensitive technology including a low observable airframe/outer mold line, the Pratt and Whitney F135 engine, AN/APG–81 radar, an integrated core processor central computer, a mission systems/electronic warfare suite, a multiple sensor suite, and technical data and documentation and associated software. Sensitive elements of the F–35A are also included in operational flight and maintenance trainers. Sensitive and classified elements of the F–35A CTOL aircraft include hardware, accessories, components, and associated software for the following major subsystems:

a. The Pratt & Whitney F135 engine is a single 40,000-lb thrust class engine designed for the F–35 and assures highly reliable, affordable performance. The engine is designed to be utilized in all F–35 variants, providing unmatched commonality and supportability throughout the worldwide base of F–35 users.

b. The AN/APG–81 Active Electronically Scanned Array (AESA) is a high processing power and high transmission power electronic array capable of detecting air and ground targets from a greater distance than mechanically scanned array radars. It also contains a synthetic aperture radar (SAR), which creates high-resolution ground maps and provides both weather data to the pilot and air and ground tracks to the mission system, the latter of which is used as a component to fuse sensor data by the mission system.

c. The Electro-Optical Targeting System (EOTS) provides long-range detection and tracking, as well as an infrared search and track (IRST) and forward-looking infrared (FLIR) capability for precision tracking, weapons delivery, and bomb damage assessment (BDA). The EOTS replaces multiple separate internal or podded systems typically found on legacy aircraft.

d. The Electro-Optical Distributed Aperture System (EODAS) provides the pilot with full spherical coverage for air-

to-air and air-to-ground threat awareness, day/night vision enhancements, a fire control capability and precision tracking of wingmen and friendly aircraft. The EODAS provides data directly to the pilot's helmet as well as the mission system.

e. The F–35 Electronic Warfare (EW) system is a reprogrammable, integrated system that provides radar warning and electronic support measures (ESM) along with a fully integrated countermeasures (CM) system. The EW system is the primary subsystem used to enhance situational awareness, targeting support, and self-defense through the search, intercept, and location and identification of in-band emitters and to automatically counter infrared (IR) and radio frequency (RF) threats.

f. The F–35 Command, Control, Communications, Computers and Intelligence/Communications, Navigation, and Identification (C4I/CNI) system provides the pilot with unmatched connectivity to flight members, coalition forces, and the battlefield. It is an integrated subsystem designed to provide a broad spectrum of secure, anti-jam voice and data communications, precision radio navigation and landing capability, self-identification, beyond visual range target identification, and connectivity to off-board sources of information. It also includes an inertial navigation and global positioning system (GPS) for precise location information. The functionality is tightly integrated within the mission system to enhance efficiency.

g. The F–35 C4I/CNI system includes two data links: the Multi-Function Advanced Data Link (MADL) and Link-16. The MADL is designed specifically for the F–35 and allows for stealthy communications between F–35s. Link-16 is an advanced command, control, communications, and intelligence (C3I) system incorporating jam-resistant, digital communication links for exchange of near real-time tactical information, including both data and voice, among air, ground, and sea elements. It provides the warfighter key theater functions such as surveillance, identification, air control, weapons engagement coordination, and direction for all services and allied forces. Link-16 equipment allows the F–35 to communicate with legacy aircraft using widely-distributed J-series message protocols.

h. The F–35 Autonomic Logistics Global Sustainment (ALGS) provides a fully integrated logistics management solution. ALGS integrates a number of functional areas, including supply chain management, repair, support

equipment, engine support, and training. The ALGS infrastructure employs a state-of-the-art information system that provides real-time, decision-worthy information for sustainment decisions by flight line personnel. Prognostic health monitoring technology is integrated with the air system and is crucial to predictive maintenance of vital components.

i. The F–35 Autonomic Logistics Information System (ALIS) provides an intelligent information infrastructure that binds all the key concepts of ALGS into an effective support system. ALIS establishes the appropriate interfaces among the F–35, the warfighter, the training system, government information technology (IT) systems, and supporting commercial enterprise systems. Additionally, ALIS provides a comprehensive tool for data collection and analysis, decision support, and action tracking.

j. The F–35 Training System includes several training devices to provide integrated training for pilots and maintainers. The pilot training devices include a Full Mission Simulator (FMS) and Deployable Mission Rehearsal Trainer (DMRT). The maintenance training devices include an Aircraft Systems Maintenance Trainer (ASMT), Ejection System Maintenance Trainer (ESMT), Outer Mold Line (OML) Lab, Flexible Linear Shaped Charge (FLSC) Trainer, F135 Engine Module Trainer, and Weapons Loading Trainer (WLT). The F–35 Training System can be integrated, where both pilots and maintainers learn in the same Integrated Training Center (ITC). Alternatively, the pilots and maintainers can train in separate facilities (Pilot Training Center and Maintenance Training Center).

k. Other subsystems, features, and capabilities include the F–35's low observable air frame, Integrated Core Processor (ICP) Central Computer, Helmet Mounted Display System (HMDS), Pilot Life Support System (LSS), Off-Board Mission Support (OMS) System, and publications and maintenance manuals. The HMDS provides a fully sunlight readable biocular display presentation of aircraft information projected onto the pilot's helmet visor. The use of a night vision camera integrated into the helmet eliminates the need for separate Night Vision Goggles. The Pilot LSS provides a measure of pilot chemical, biological, and radiological protection through use of an On-Board Oxygen Generating System (OBOGS). OBOGS takes the Power and Thermal Management System (PTMS) air and enriches it by removing gases (mainly nitrogen) by adsorption, thereby increasing the

concentration of oxygen in the product gas and supplying breathable air to the pilot. An escape system provides additional protection to the pilot. The OMS provides a mission planning, mission briefing, and a maintenance, intelligence, and tactical debriefing platform for the F-35.

2. The AIM-120C-8 Advanced Medium Range Air-to-Air Missile (AMRAAM) is a supersonic, air-launched, aerial intercept guided missile featuring digital technology and micro-miniature, solid-state electronics. AMRAAM capabilities include look-down/shoot-down, multiple launches against multiple targets, resistance to electronic countermeasures, and interception of high- and low-flying and maneuvering targets. This potential sale will include Captive Air Training Missiles (CATM) as well as AMRAAM guidance sections, propulsion sections, control sections, telemetry systems, and warhead spares.

3. The GBU-53/B Small Diameter Bomb—Increment II (SDB-II) StormBreaker All-Up-Round (AUR) is a 250-lb class precision-guided, semiautonomous, conventional air-to-ground munition used to defeat moving targets from standoff range and capable of operating in adverse weather. The SDB-II has deployable wings and fins and uses Global Positioning System/Inertial Navigation System (GPS/INS) guidance, network-enabled datalink (Link-16 and UHF), and a multi-mode seeker (millimeter wave radar, imaging infrared, semi-active laser) to autonomously search, acquire, track, and defeat a variety of moving or stationary targets, at standoff range or close in, in a variety of attack modes. The SDB-II employs a multi-effects warhead (blast, fragmentation, and shaped-charge) for maximum lethality against armored and soft targets. The SDB-II weapon system consists of the tactical AUR weapon, a 4-piece common carriage system, and mission planning system munitions application program (MAP). This potential sale includes SDB-II Guided Test Vehicles (GTV) and Captive Carry Reliability Trainers (CCRT).

4. Joint Direct Attack Munitions (JDAM) consist of a bomb body paired with a warhead-specific tail kit containing an Inertial Navigation System (INS)/Global Positioning System (GPS) guidance capability that converts unguided free-fall bombs into accurate, adverse weather “smart” munitions. The JDAM weapon can be delivered from modest standoff ranges at high or low altitudes against a variety of land and surface targets during the day or night. The JDAM can receive target

coordinates via preplanned mission data from the delivery aircraft, by onboard aircraft sensors (e.g., FLIR, radar, etc.) during captive carry, or from a third-party source via manual or automated aircrew cockpit entry. This potential sale will include either of the following variants as well as JDAM trainer tail kits.

- a. The GBU-31v1 is a 2,000-lb JDAM, consisting of a KMU-556 tail kit and BLU-117 or Mk-84 bomb body.
- b. The GBU-31v3 is a 2,000-lb JDAM, consisting of a KMU-557 tail kit and BLU-109 bomb body.

5. The AIM-9X Block II and Block II+ Tactical Sidewinder Missiles represent a substantial increase in missile acquisition and kinematics performance over the AIM-9M and replaces the AIM-9X Block I Missile configuration. The missiles include a high off-boresight seeker, enhanced countermeasure rejection capability, a low drag and high angle of attack airframe, and the ability to integrate with a helmet mounted cueing system. The software algorithms are the most sensitive portion of the AIM-9X missile. The software continues to be modified via a System Improvement Program (SIP) to improve counter-countermeasure capabilities. This potential sale will include AIM-9X CATMs, multipurpose/dummy training missiles, guidance and control section spares, containers, and DSU-41B Active Optical Target Detectors (AOTD).

6. The FMU-139 Joint Programmable Fuze (JPF) is a multi-delay, multi-arm, and proximity sensor compatible with general purpose blast, frag, and hardened-target penetrator weapons. The JPF settings are cockpit selectable in flight when used with numerous precision-guided weapons.

7. The AN/PYQ-10 Simple Key Loader is a portable, hand-held device used for securely receiving, storing, and transferring data between compatible cryptographic and communications equipment.

8. The ALE-70 is a radio frequency countermeasure (RFCM) transmitter dispenser system designed to fit into the F-35 Joint Strike Fighter (JSF) aircraft. The ALE-70 consists of the reel and launcher assembly, tow line, T-1687 countermeasure transmitter, and electronic and mechanical subassemblies, along with canisters and explosive cartridges that deploy decoys to provide self-protection against radar guided missiles for aircraft.

9. The Common Munitions Built-In-Test (BIT)/Reprogramming Equipment (CMBRE) is supporting equipment used to interface with weapon systems to

initiate and report BIT results and both upload and download flight software. CMBRE supports multiple munitions platforms with a range of applications that perform preflight checks, conduct periodic maintenance checks, declassify munitions memory, and load Operational Flight Program (OFP) data, munitions mission planning data, and Global Positioning System (GPS) cryptographic keys.

10. The Electronic Warfare Reprogramming Lab is used by U.S. Government engineers in the reprogramming and creation of shareable Mission Data Files for foreign F-35 customers.

11. The highest level of classification of defense articles, components, and services included in this potential sale is SECRET.

12. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used to develop countermeasures that might reduce weapon system effectiveness or be used in the development of a system with similar or advanced capabilities.

13. A determination has been made that the Czech Republic can provide substantially the same degree of protection for the sensitive technology being released as the U.S. Government. This sale is necessary in furtherance of the U.S. foreign policy and national security objectives outlined in the Policy Justification.

14. All defense articles and services listed in this transmittal have been authorized for release and export to the Government of the Czech Republic.

[FR Doc. 2024-24124 Filed 10-17-24; 8:45 am]

BILLING CODE 6001-FR-P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD-2024-OS-0087]

Submission for OMB Review; Comment Request

AGENCY: Office of the Under Secretary of Defense (Comptroller)/Chief Financial Officer, Department of Defense (DoD).

ACTION: 30-Day information collection notice.

SUMMARY: The DoD has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act.

DATES: Consideration will be given to all comments received by November 18, 2024.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function.

FOR FURTHER INFORMATION CONTACT: Reginald Lucas, (571) 372–7574, whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.

SUPPLEMENTARY INFORMATION: *Title; Associated Form; and OMB Number:* Involuntary Allotment Application; DD Form 2653; OMB Control Number 0730–0018.

Type of Request: Extension.

Number of Respondents: 2,783.

Responses per Respondent: 1.

Annual Responses: 2,783.

Average Burden per Response: 30 minutes.

Annual Burden Hours: 1,392.

Needs and Uses: This collection of information is in response to requests for involuntary allotments. Before responding to a request, the responsible government official must have information that identifies both the applicant and the member against whom the involuntary allotment is sought; proves that the request is based on a valid court judgment; shows that the judgment comports with the provision of the Soldiers and Sailors Civil Relief Act (SCRA); and enables

consideration for whether exigencies of military duty caused the absence of the member from a judicial proceeding upon which the judgment is based. Apart from information concerning exigencies of military duty, an applicant for an involuntary allotment must provide required information before a government official can act on the applicant's request. The information from the DD Form 2653 is used by DFAS officials to determine whether an involuntary allotment should be established against the pay of a member of the Armed Forces. The information is used to provide government reviewing officials with necessary information to ensure that both the law and due process considerations are accounted for, including information sufficient for a decision maker to determine that the request is based on a valid judgment and that the SCRA has been complied with.

Affected Public: Individuals or households.

Frequency: On occasion.

Respondent's Obligation: Voluntary.

OMB Desk Officer: Mrs. Jasmeet Seehra.

DoD Clearance Officer: Mr. Reginald Lucas.

Dated: October 15, 2024.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2024–24146 Filed 10–17–24; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 23–21]

Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense (DoD).

ACTION: Arms sales notice.

SUMMARY: The DoD is publishing the unclassified text of an arms sales notification.

FOR FURTHER INFORMATION CONTACT:

Pamela Young at (703) 953–6092, pamela.a.young14.civ@mail.mil, or dsca.ncr.rsrcmgt.list.cns-mbx@mail.mil.

SUPPLEMENTARY INFORMATION: This 36(b)(1) arms sales notification is published to fulfill the requirements of section 155 of Public Law 104–164 dated July 21, 1996. The following is a copy of a letter to the Speaker of the House of Representatives with attached Transmittal 23–21, Policy Justification, and Sensitivity of Technology.

Dated: October 15, 2024.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.



DEFENSE SECURITY COOPERATION AGENCY
 2800 Defense Pentagon
 Washington, DC 20301-2800

June 30, 2023

The Honorable Kevin McCarthy
 Speaker of the House
 U.S. House of Representatives
 H-209, The Capitol
 Washington, DC 20515

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 23-21, concerning the Air Force's proposed Letter(s) of Offer and Acceptance to the Government of Romania for defense articles and services estimated to cost \$105 million. We will issue a news release to notify the public of this proposed sale upon delivery of this letter to your office.

Sincerely,

James A. Hursch
 Director

Enclosures:

1. Transmittal
2. Policy Justification
3. Sensitivity of Technology

Transmittal No. 23-21

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) *Prospective Purchaser:* Government of Romania

(ii) *Total Estimated Value:*

Major Defense Equipment *	\$ 15 million
Other	\$487 million

Total \$502 million

Funding Source: National Funds
 (iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:* The Government of Romania has requested to buy equipment and services to modernize thirty-two (32) F-16 Mid-Life Update Block 10/15 aircraft to be

procured through third-party transfer from Norway. The equipment includes:

Major Defense Equipment (MDE):

One hundred twenty-eight (128)
 LAU-129 Guided Missile
 Launchers

Non-MDE:

Also included are KY-58M and KIV-78 cryptographic devices; AN/PYQ-10C Simple Key Loaders; Joint Mission Planning Systems (JMPS);

Night Vision Device (NVD) aviator vision systems and spare Image Intensifier Tubes; Electronic Warfare database support; Classified/Unclassified Computer Program Identification Number Systems (CPIN) and CPIN Electronic Combat International Security Assistance Program (ECISAP) equipment and support; flight test services; integration and test support and equipment; aircraft and munitions support and support equipment; pilot life support equipment; secure communications equipment, precision navigation, and cryptographic devices; Classified/Unclassified software delivery and support; spare parts, consumables and accessories, and repair and return support; Precision Measurement Equipment Laboratory (PMEL) equipment and support; Aircraft Structural Integrity Program (ASIP) support; maintenance and maintenance support; studies/surveys; Classified/Unclassified publications and technical documentation; U.S. Government and contractor engineering, technical and logistics support services, studies and surveys; and other related elements of logistics and program support.

(iv) *Military Department: Air Force (RO-D-QAP)*

(v) *Prior Related Cases, if any: RO-D-QAN, RO-D-QAH*

(vi) *Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid: None known at this time*

(vii) *Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold: See Attached Annex*

(viii) *Date Report Delivered to Congress: June 30, 2023*

* As defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Romania—F-16 Aircraft Modernization

The Government of Romania has requested to buy equipment and services to modernize thirty-two (32) F-16 Mid-Life Update Block 10/15 aircraft to be procured through third-party transfer from Norway. The equipment includes one hundred twenty-eight (128) LAU-129 Guided Missile Launchers. Also included are KY-58M and KIV-78 cryptographic devices; AN/PYQ-10C Simple Key Loaders; Joint Mission Planning Systems; Night Vision Device (NVD) aviator vision systems and spare Image Intensifier Tubes; Electronic Warfare database support; Classified/Unclassified Computer

Program Identification Number Systems (CPIN) and CPIN Electronic Combat International Security Assistance Program (ECISAP) equipment and support; flight test services; integration and test support and equipment; aircraft and munitions support and support equipment; pilot life support equipment; secure communications equipment, precision navigation, and cryptographic devices; Classified/Unclassified software delivery and support; spare parts, consumables and accessories, and repair and return support; Precision Measurement Equipment Laboratory (PMEL) equipment and support; Aircraft Structural Integrity Program (ASIP) support; maintenance and maintenance support; studies/surveys; Classified/Unclassified publications and technical documentation; U.S. Government and contractor engineering, technical and logistics support services, studies and surveys; and other related elements of logistics and program support. The estimated total cost is \$502 million.

This proposed sale will support the foreign policy goals and national security objectives of the United States by improving the security of a NATO ally that is a force for political stability and economic progress in Europe.

The proposed sale will improve Romania's capability to meet current and future threats by bolstering its operational readiness while enhancing air and defense capabilities with a modernized fleet. Romania has F-16s in its inventory and will have no difficulty absorbing these aircraft and equipment into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The principal contractor will be Lockheed Martin, Fort Worth, TX. There are no known offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale will not require the assignment of any additional U.S. Government or contractor representatives to Romania.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 23-21

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

Annex

Item No. vii

(vii) *Sensitivity of Technology:*

1. The F-16 Block 10/15 Mid Life Update (MLU) aircraft is an advanced, single engine multi-role fighter aircraft.

The configuration and capability modifications for the F-16 MLU aircraft include an avionics package for the Romania specific M6.5.2 Core Operational Flight Plan (OFP) Baseline, Communications and Identification for M6.5.2, navigation aids, advanced cockpit, mission planning, electronic warfare and integrated logistics supportability.

2. The LAU-129 Guided Missile Launcher provides mechanical and electrical interface between an AIM-9 Sidewinder or AIM-120 AMRAAM missile and the aircraft.

3. The KY-58 is a secure voice module primarily used to encrypt radio communication to and from military aircraft and other tactical vehicles.

4. The KIV-78 is a cryptographic applique for IFF. It can be loaded with Mode 5 classified elements.

5. The AN/PYQ-10 Simple Key Loader is a handheld device used for securely receiving, storing, and transferring data between compatible cryptographic and communications equipment.

6. The Joint Mission Planning System (JMPS) is a multi-platform, PC-based mission planning system.

7. The Hands-On Black-Out (HOBO) Night Vision Imaging System (NVIS) is a Night Vision Device designed for use with a F-16 NVIS-compatible cockpit.

8. The Electronic Warfare Integrated Reprogramming Database (EWIRDB) is used by USG engineers in the reprogramming and creation of shareable Mission Data Files for the AN/ALQ-131 electronic countermeasures pod on the F-16 aircraft. The source product is not releasable to the customer.

9. The highest level of classification of defense articles, components, and services included in this potential sale is SECRET.

10. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used to develop countermeasures that might reduce weapon system effectiveness or be used in the development of a system with similar or advanced capabilities.

11. A determination has been made that Romania can provide substantially the same degree of protection for the sensitive technology being released as the U.S. Government. This sale is necessary in furtherance of the U.S. foreign policy and national security objectives outlined in the Policy Justification.

12. All defense articles and services listed in this transmittal have been

authorized for release and export to the Government of Romania.

[FR Doc. 2024–24126 Filed 10–17–24; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD–2024–OS–0094]

Submission for OMB Review; Comment Request

AGENCY: Office of the Under Secretary of Defense for Personnel and Readiness (OUSD(P&R)), Department of Defense (DoD).

ACTION: 30-Day information collection notice.

SUMMARY: The DoD has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act.

DATES: Consideration will be given to all comments received by November 18, 2024.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function.

FOR FURTHER INFORMATION CONTACT: Reginald Lucas, (571) 372–7574, whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Medical Screening of Military Personnel-Medical History Report and Accession Medical History Report; DD Form 2807–1/DD Form 2807–2; OMB Control Number 0704–0413.

Type of Request: Extension.

Number of Respondents: 773,003.

Responses per Respondent: 1.

Annual Responses: 773,003.

Average Burden per Response: 10 minutes.

Annual Burden Hours: 128,834.

Needs and Uses: This information collection is the basis for determining medical eligibility of applicants for entry in the Armed Forces. This information is needed to determine the medical qualifications of applicants based upon their current and past medical history. The information obtained on the DD Form 2807–2 ensures the recruiter that an applicant meets the Congressional requirements to obtain both the applicant’s Health Care provider and Insurance provider. Additionally, it allows the military examining physician to obtain medical records critical to evaluating the applicant’s medical condition(s) prior to their medical examination. The DD Form 2807–1 is needed as part of the required medical examination to assist physicians in making determinations as to acceptability of applicants for military service and verifies disqualifying medical condition(s) noted on the accession medical history report form.

Affected Public: Individuals or households.

Frequency: On occasion.

Respondent’s Obligation: Voluntary.

OMB Desk Officer: Ms. Jasmeet Seehra.

DoD Clearance Officer: Mr. Reginald Lucas.

Dated: October 15, 2024.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2024–24142 Filed 10–17–24; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 23–43]

Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense (DoD).

ACTION: Arms sales notice.

SUMMARY: The DoD is publishing the unclassified text of an arms sales notification.

FOR FURTHER INFORMATION CONTACT:

Pamela Young at (703) 953–6092, pamela.a.young14.civ@mail.mil, or dsca.ncr.rsrcmgmt.list.cns-mbx@mail.mil.

SUPPLEMENTARY INFORMATION: This 36(b)(1) arms sales notification is published to fulfill the requirements of section 155 of Public Law 104–164 dated July 21, 1996. The following is a copy of a letter to the Speaker of the House of Representatives with attached Transmittal 23–43, Policy Justification, and Sensitivity of Technology.

Dated: October 15, 2024.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 6001–FR–P



DEFENSE SECURITY COOPERATION AGENCY
 2800 Defense Pentagon
 Washington, DC 20301-2800

July 7, 2023

The Honorable Kevin McCarthy
 Speaker of the House
 U.S. House of Representatives
 H-209, The Capitol
 Washington, DC 20515

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 23-43, concerning the Army's proposed Letter(s) of Offer and Acceptance to the Government of France for defense articles and services estimated to cost \$203 million. We will issue a news release to notify the public of this proposed sale upon delivery of this letter to your office.

Sincerely,

James A. Hursch
 Director

Enclosures:

1. Transmittal
2. Policy Justification
3. Sensitivity of Technology

Transmittal No. 23-43

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) *Prospective Purchaser:* Government of France

(ii) *Total Estimated Value:*

Major Defense Equipment *	\$200 million
Other	\$ 3 million

TOTAL	\$203 million

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:*

Major Defense Equipment (MDE):
 Up to one thousand five hundred fifteen (1,515) AGM-114R2 Hellfire Missiles

Non-MDE:

Also included is technical assistance, non-standard books, publications, other Hellfire publications, integration support, and other related elements of logistical and

program support.

(iv) *Military Department:* Army (FR-B-WAX)

(v) *Prior Related Cases, if any:* FR-B-WAA, FR-B-WAR

(vi) *Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:* None known at this time

(vii) *Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold:* See Attached Annex

(viii) *Date Report Delivered to Congress*: July 7, 2023

* As defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

France—Hellfire Missiles

The Government of France has requested to buy up to one thousand five hundred fifteen (1,515) AGM–114R2 Hellfire Missiles. Also included is technical assistance, non-standard books, publications, other Hellfire publications, integration support, and other related elements of logistical and program support. The estimated total cost is \$203 million.

This proposed sale will support the foreign policy and national security objectives of the United States by helping to improve the security of a NATO Ally that is an important force for political stability and economic progress in Europe.

The proposed sale will improve France's capability to meet current and future threats by building its long-term capacity to defend its sovereignty and territorial integrity in order to meet its national defense requirements. France will have no difficulty absorbing this equipment into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The prime contractor will be Lockheed Martin Corporation, Orlando, FL. There are no known offset agreements in connection with this potential sale.

Implementation of this proposed sale will not require the assignment of U.S. Government or contractor representatives to France.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 23–43

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

Annex

Item No. vii

(vii) *Sensitivity of Technology*:

1. The AGM–114R2 Hellfire Missile, National Stock Number 1410–01–684–2609, is used against heavy and light armored targets, thin skinned vehicles, urban structures, bunkers, caves, and personnel. The missile is Inertial Measurement Unit (IMU) based, with a variable delay fuse and improved safety and reliability.

2. The highest level of classification of defense articles, components, and services included in this potential sale is SECRET.

3. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used to develop countermeasures that might reduce weapon system effectiveness or be used in the development of a system with similar or advanced capabilities.

4. A determination has been made that the France can provide substantially the same degree of protection for the sensitive technology being released as the U.S. Government. This proposed sale is necessary to further the U.S. foreign policy and national security objectives outlined in the Policy Justification.

5. All defense articles and services listed in this transmittal are authorized for release and export to the Government of France.

[FR Doc. 2024–24120 Filed 10–17–24; 8:45 am]

BILLING CODE 6001–FR–C

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD–2024–OS–0071]

Submission for OMB Review; Comment Request

AGENCY: Office of the Under Secretary of Defense for Personnel and Readiness (OUSD(P&R)), Department of Defense (DoD).

ACTION: 30-Day information collection notice.

SUMMARY: The DoD has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act.

DATES: Consideration will be given to all comments received by November 18, 2024.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function.

FOR FURTHER INFORMATION CONTACT: Reginald Lucas, (571) 372–7574, whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Family Advocacy Program (FAP): Child Abuse and Domestic Abuse

Incident Reporting System; OMB Control Number 0704–0536.

Type of Request: Revision.

Number of Respondents: 20,536.

Responses per Respondent: 1.

Annual Responses: 20,536.

Average Burden per Response: 45 minutes.

Annual Burden Hours: 15,402.

Needs and Uses: This information collection provides the child abuse and domestic abuse incident data from the FAP Central Registry, as required by section 574 of the National Defense Authorization Act (NDAA) for FY 2017 (Pub. L. 114–328), as amended by section 549 of the NDAA for FY 2022 (Pub. L. 117–81). In addition to meeting the Congressional requirement, this report provides critical aggregate information on the circumstances of child abuse and neglect and domestic abuse incidents, which further informs ongoing prevention and response efforts. The aggregate FAP Central Registry data derived from this information collection and submitted from each Military Service (Army, Navy, Marine Corps, and Air Force) offers a DoD-wide description of the child abuse, neglect, and domestic abuse incidents that are reported to FAP. Information is collected on military members and associated family members who have been referred to the installation FAP after a reported incident of family maltreatment, either domestic abuse or child abuse and neglect. The purpose of the collection is to determine eligibility for FAP services and to initiate a clinical record.

Affected Public: Individuals or households.

Frequency: On occasion.

Respondent's Obligation: Voluntary.

OMB Desk Officer: Ms. Jasmeet Seehra.

DOD Clearance Officer: Mr. Reginald Lucas.

Dated: October 15, 2024.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2024–24143 Filed 10–17–24; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 23–0H]

Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense (DoD).

ACTION: Arms sales notice.

SUMMARY: The DoD is publishing the unclassified text of an arms sales notification.

FOR FURTHER INFORMATION CONTACT: Pamela Young at (703) 953-6092, pamela.a.young14.civ@mail.mil, or dscn.ncr.rsrcmgmt.list.cns-mbx@mail.mil.

SUPPLEMENTARY INFORMATION: This 36(b)(5)(C) arms sales notification is published to fulfill the requirements of section 155 of Public Law 104-164 dated July 21, 1996. The following is a copy of a letter to the Speaker of the House of Representatives with attached Transmittal 23-0H.

Dated: October 15, 2024.

Aaron T. Siegel,
Alternate OSD Federal Register Liaison
Officer, Department of Defense.

BILLING CODE 6001-FR-P



DEFENSE SECURITY COOPERATION AGENCY
2800 Defense Pentagon
Washington, DC 20301-2800

JUL 19 2023

The Honorable Kevin McCarthy
Speaker of the House
U.S. House of Representatives
H-209, The Capitol
Washington, DC 20515

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(5)(C) of the Arms Export Control Act (AECA), as amended, we are forwarding Transmittal No. 23-0H. This notification relates to enhancements or upgrades from the level of sensitivity of technology or capability described in the Section 36(b)(1) AECA certification 22-06 dated February 3, 2022.

Sincerely,


James A. Hursch
Director

Enclosures:

1. Transmittal
2. Regional Balance (Classified document provided under separate cover)

Transmittal No. 23-0H
Report of Enhancement or Upgrade of
Sensitivity of Technology or Capability
(Sec. 36(b)(5)(c), AECA)

(i) *Purchaser:* Government of Jordan

(ii) *Sec. 36(b)(1), AECA Transmittal*
No.: 22-06

Date: February 3, 2022
Implementing Agency: Air Force

Funding Source: Foreign Military
Financing (FMF)

(iii) *Description:* On February 3, 2022, Congress was notified by congressional certification transmittal number 22-06 of the possible sale, under Section 36(b)(1) of the Arms Export Control Act, to the Government of Jordan of twelve (12) F-

16 C Block 70 Aircraft; four (4) F-16 D Block 70 Aircraft; twenty-one (21) F100-GE-129D Engines or F100-PW229EEP Engines (16 installed, 5 spares); twenty-one (21) Improved Programmable Display Generators (iPDG) (16 installed, 5 spares); twenty-one (21) AN/APG-83 Active Electronically Scanned Array (AESA) Scalable Agile Beam Radars (SABR) (16 installed, 5 spares); twenty-one (21) Modular Mission Computers (MMC) 7000AH (16 installed, 5 spares); twenty-seven (27) LN-260 (or equivalent) Embedded Global Positioning System (GPS) Inertial Navigation Systems (INS) (EGI) with Selective Availability Anti-Spoofing Module (SAASM) and Precise Positioning Service (PPS) (16 installed, 11 spares); six (6) AN/AAQ-33 Sniper Advanced Targeting Pods (ATP); thirty-one (31) Link 16 Low-Volume Terminals (for aircraft and ground stations) (26 installed, 5 spares); seventy-two (72) LAU-129 launchers (64 installed, 8 spares); twenty-one (21) M61A1 Vulcan Cannons (16 installed, 5 spares); four hundred two (402) FMU-139 or FMU-152 Joint Programmable Fuzes; one hundred (100) KMU-556 Joint Direct Attack Munition (JDAM) tail kits for 2,000LB GBU-31; one hundred two (102) KMU-572 JDAM tail kits for 500LB Laser JDAM GBU-54; one hundred (100) MAU-209 Computer Control Group (CCG) for Paveway II (PWII) GBU-10; one hundred two (102) MXU-651 Air Foil Group (AFG) for 2000LB PWII GBU-10; one hundred (100) MAU-210 Enhanced Computer Control Group (ECCG) for 500LB Enhanced Paveway II (EP II) EGBU-49; one hundred three (103) MXU-650 Air Foil Group (AFG) for 2000LB EP II EGBU-49; two hundred (200) MK-84 or BLU-117 (or equivalent) bomb bodies; two hundred four (204) MK-82 or BLU-111 (or equivalent) bomb bodies; six (6) MK-82 inert bombs; and two (2) MAU-169 Computer Control Group (CCG) trainers. Also included were AN/ARC-238 radios; AN/APX-126 or equivalent Advanced Identification Friend or Foe (AIFF) with Combined Interrogator Transponder (CIT); Joint Helmet Mounted Cueing System II (JHMCS II) or Scorpion Hybrid Optical-based Inertial Tracker (HOBIT) helmet mounted displays; AN/ALQ-254 Viper Shield or equivalent Integrated Electronic Warfare (EW) systems; AN/ALE-47 Countermeasure Dispenser System (CMDIS); KY-58M Cryptographic Devices; KIV-78 Cryptographic Devices; Simple Key Loaders (SKL); Joint Mission Planning System (JMPS) or equivalent; PGU-28 High Explosive Incendiary (HEI) ammunition; PGU-27 training ammunition (non-HEI); ARD-

446 impulse cartridges; ARD-863 impulse cartridges BBU-36 impulse cartridges; BBU-35 impulse cartridges; MK-124 smoke flares; MJU-7/B flare cartridges L463 or MJU-53 or equivalent; Common Munitions Built-in-Test (BIT) Reprogramming Equipment (CMBRE); ADU-891 adapters for CMBRE; DSU-38 laser sensors for Laser JDAM GBU-54; Cartridge Actuated Device/Propellant Actuated Devices (CAD/PAD); BRU-57 bomb racks; MAU-12 bomb racks and TER-9A triple ejection racks; other chaff and flare, ammunition, and pylons; launcher adaptors and weapons interfaces; fuel tanks and attached hardware; travel pods; aircraft and weapons integration, test, and support equipment; electronic warfare database and mission data file development; precision measurement and calibration laboratory equipment; secure communications; cryptographic equipment; precision navigation equipment; aircraft and personnel support and test equipment; spare and repair parts; repair and return services; maps, publications, and technical documentation; studies and surveys; classified/unclassified software and software support; personnel training and training equipment; facilities and facility management, design and/or construction services; U.S. Government and contractor engineering, technical and logistics support services; and other related elements of logistical and program support. The estimated total cost was \$4.21 billion. Major Defense Equipment (MDE) constituted \$2.39 billion of this total.

On September 27, 2022, Congress was notified by congressional certification transmittal number 22-0L of the addition of the following MDE items: thirty-one (31) Multifunctional Information Distribution Systems with Joint Tactical Radio Systems (MIDS JTRS); thirty-two (32) AIM-9X Block II Sidewinder missiles; twenty (20) AIM-9X Block II Sidewinder Captive Air Training Missiles (CATM); four (4) AIM-9X Block II Sidewinder tactical guidance units; and four (4) AIM-9X Block II Sidewinder CATM guidance units. Also, this transmittal reports a correction to the previously notified “twenty-one (21) F100-GE-129D Engines or F100-PW229EEP Engines (16 installed, 5 spares)” to “twenty-one (21) F110-GE-129D Engines or F100-PW229EEP Engines (16 installed, 5 spares);” there is currently no GE aircraft engine designated as F100. The total net cost of MDE increased by \$0.06 billion to \$2.45 billion. The estimated total case value increased to \$4.27 billion.

This transmittal notifies the possible replacement of up to four (4) of the previously notified F-16 C Block 70 aircraft with up to four (4) F-16 D Block 70 aircraft. The total number of F-16 Block 70 aircraft in the potential sale does not change remaining sixteen (16). The F-16 D replacements will result in a net increase in MDE value of \$0.03 billion, resulting in a revised MDE value of \$2.48 billion. The total estimated case value will increase to \$4.30 billion.

(iv) *Significance*: This notification is being provided as the replacement MDE items were not enumerated in the original notification. The proposed articles will improve Jordan's ability to train its F-16 Block 70 pilots while continuing modernization of the Jordanian fighter aircraft fleet and supporting operational requirements associated with regional U.S.-coalition goals.

(v) *Justification*: This proposed sale will support the foreign policy and national security objectives of the United States by helping to improve the security of a Major Non-NATO Ally that is an important force for political stability and economic progress in the Middle East.

(vi) *Sensitivity of Technology*: The Sensitivity of Technology Statement contained in the original notification applies to items reported here.

The highest level of classification of defense articles, components, and services included in this potential sale is SECRET.

(vii) *Date Report Delivered to Congress*: July 19, 2023.

[FR Doc. 2024-24122 Filed 10-17-24; 8:45 am]

BILLING CODE 6001-FR-C

DEPARTMENT OF DEFENSE

Department of the Navy

[Docket ID: USN-2024-HQ-0010]

Submission for OMB Review; Comment Request

AGENCY: Department of the Navy, Department of Defense (DoD).

ACTION: 30-Day information collection notice.

SUMMARY: The DoD has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act.

DATES: Consideration will be given to all comments received by November 18, 2024.

ADDRESSES: Written comments and recommendations for the proposed

information collection should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function.

FOR FURTHER INFORMATION CONTACT:

Reginald Lucas, (571) 372-7574, whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: CATCH Program; OMB Control Number 0703-0069.

Type of Request: Revision.

Number of Respondents: 1,765.

Responses per Respondent: 1.

Annual Responses: 1,765.

Average Burden per Response: 20 minutes.

Annual Burden Hours: 588.

Needs and Uses: Section 543 of Public Law 113-291, the National Defense Authorization Act (NDAA) for Fiscal Year 2015, requires that an individual who files a restricted report on an incident of sexual assault may elect to inform a Military Criminal Investigative Organization (MCIO) on a confidential basis and without affecting the restrictive nature of the report. The MCIOs use this information by querying it against existing records in the CATCH database and against law enforcement investigations involving sexual assault to identify potential serial sexual assault offenders in both restricted and unrestricted reports of sexual assault. Previously, this information was not available to the MCIOs in cases of restricted reporting. A separate database is required to prevent compromise of the victim's confidentiality which is likely to occur if the information is entered into MCIO law enforcement case management databases.

Respondents to this information collection are victims in restricted and certain unrestricted reports of sexual assault made to the Department of Defense through the Sexual Assault Prevention and Response (SAPR) Program. Upon making a report of sexual assault to a Sexual Assault Response Coordinator (SARC), each potential respondent is given the option to make a voluntary submission to this database. The respondents who elect to participate can do so by providing information electronically through the CATCH website or through a printed CATCH submission form. Instructions and unique login credentials or the printed form are provided by the SARC handling their case.

For electronic submissions, respondents are directed to the CATCH

Program website (<https://profile.ncis.navy.mil>) by the SARC. Every active duty and adult military dependent sexual assault victim making a report of sexual assault through the SAPR program is assigned a SARC who coordinates services for the victim throughout the process. All SARC personnel receive training on this program and are required to brief all eligible victims reporting sexual assault on the option of using the CATCH database to report information to the MCIO. Each SARC will maintain the form and instructions to provide the information electronically as part of the required information to provide to all of their clients. The respondent may complete the CATCH submission form, at their convenience, and mail it directly to the Naval Criminal Investigative Service (NCIS) Headquarters (HQ) in Quantico, VA. The form contains a mailing address to submit the paper collection instrument upon completion. Alternatively, and more commonly, the respondents may submit information electronically at the CATCH website. The respondents access the system through the use of unique login credentials provided by the SARC.

The information provided by the respondents is entered into a secure database maintained by the NCIS HQ in Quantico, VA. If information is provided by the printed form, an NCIS HQ criminal investigator will enter the information into the database manually upon receipt. If information is provided electronically, the respondent will submit the entry directly into the database. MCIO HQ personnel then review the suspect and incident details within the respondents' entries and query those details against the CATCH system to compare with other CATCH entries. The details are also queried against MCIO case management systems and other law enforcement systems to determine if the information can be attributed to any suspects in an open or closed law enforcement investigation. If the information submitted by the respondent is matched with other reports in the CATCH database or law enforcement records indicating the possibility of a serial offender, the MCIO investigator will contact the Service SAPR program representative and inform them of the findings.

Service SAPR personnel will then contact the respondent to ascertain the respondent's willingness to make the report unrestricted (if restricted) and/or report the sexual assault incident to the MCIO for the purpose of participating in a law enforcement investigation. If the respondent agrees, a full investigation

will be initiated. In a full investigation, the respondent conducts an interview with an MCIO criminal investigator, wherein the respondent describes the allegation and provides additional information needed by the MCIO to conduct an investigation. This full investigation may include, but is not limited to, an interview of the suspect(s), interview of additional witnesses, examination and documentation of the crime scene, reviews of personnel files, medical records, and other pertinent records, criminal history checks, and forensic laboratory analysis. The respondent may also be asked to provide sworn testimony in judicial or administrative proceedings. If the respondent declines to unrestricted their report and/or participate in a law enforcement investigation, no further action will be taken with the information collected within the CATCH database. The successful end result of this information collection is the identification of serial sexual assault offenders that otherwise would have gone undetected if the information had remained restricted from MCIO access.

Affected Public: Individuals or households.

Frequency: On occasion.

Respondent's Obligation: Voluntary.

OMB Desk Officer: Ms. Jasmeet Seehra.

DOD Clearance Officer: Mr. Reginald Lucas.

Dated: October 15, 2024.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2024-24144 Filed 10-17-24; 8:45 am]

BILLING CODE 6001-FR-P

DEPARTMENT OF DEFENSE

Department of the Navy

[Docket ID: USN-2024-HQ-0006]

Submission for OMB Review; Comment Request

AGENCY: Department of the Navy, Department of Defense (DoD).

ACTION: 30-Day information collection notice.

SUMMARY: The DoD has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act.

DATES: Consideration will be given to all comments received by November 18, 2024.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function.

FOR FURTHER INFORMATION CONTACT:

Reginald Lucas, (571) 372-7574, whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.

SUPPLEMENTARY INFORMATION:

Title: Associated Form; and OMB Number: Anchored4Life Evaluability Study Interviews; OMB Control Number 0703-AFLT.

Type of Request: New.

Stakeholder Interviews

Number of Respondents: 58.

Responses per Respondent: 1.

Annual Responses: 58.

Average Burden per Response: 45 minutes.

Annual Burden Hours: 44.

Youth Interviews

Number of Respondents: 120.

Responses per Respondent: 1.

Annual Responses: 120.

Average Burden per Response: 15 minutes.

Annual Burden Hours: 30.

Total

Number of Respondents: 178.

Annual Responses: 178.

Annual Burden Hours: 74.

Needs and Uses: DoD Child Youth Programs (CYPs) require Anchored4Life (A4L) to provide Transition and Resiliency training to Navy (USN), Air Force (USAF), Space Force (USSF), Army (USA) and Marine Corps (USMC) School based elementary, middle, and high schools, installation CYPs, and Geo-dispersed locations. Service Branch CYPs are required by Title 10 U.S.C. 1785, “Youth Sponsorship Program” and DoD Instruction 6060.04, “Youth Services (YS) Policy,” to provide School Liaison program and Youth Sponsorship. Service Branches use CYP Education Services (CYES) to execute this requirement using School Liaisons (SL), School Based Programs (SBP) and Youth Programs (YP). Execution includes providing resiliency and transition training and support, as well as system navigation assistance to parents of military associated children. A4L is an essential element of the military CYPs, PreK–12 System Navigation, and youth sponsorship programs and shall be provided at military installations and be available to Geo-dispersed locations.

The USN, USAF, and USSF, through the Trevor Romain Contract HDQMWR–21–D–003, are requesting OMB approval for a qualitative study of the A4L program intended to support military-connected youth. Military-connected youth in kindergarten through 12th grade face challenges that are similar to their civilian counterparts and also face unique challenges specific to their association with the military (e.g., deployments, frequent moves; Karre & Perkins, 2022). There has been little research examining the implementation or effectiveness of programs and initiatives available to support military-connected youth (Karre & Perkins, 2022).

The purpose of this study is to investigate the implementation of A4L training to support military-connected youth (i.e., kindergarten through 12th grade) to review current research on K–12 military-connected youth and evaluate A4L programming to determine effectiveness of transition, deployment support, and resiliency impact on other key youth issues including bullying prevention, as well as recovery from grief and suicide. The long-term goal is to foster life skills and resiliency in military-connected youth while in school. Supporting youth is helpful to the military since about 45% of military-connected youth enter Military Service as adults. Having these life skills will assist youth in becoming productive young adults.

The evaluation questions to be addressed are as follows:

(1) How is A4L programming being implemented within schools and the Child and Youth Programs?

(2) Is the training and support increasing program quality through knowledge acquisition and standardization?

(3) Are the youth being supported by their peers when going through the transition topics supported by A4L?

(4) Are youth learning life skills, beginning in elementary school, that increase their resiliency to become productive young adults?

(5) Are the partnerships or other programs having the intended impact?

(6) Based on the analysis of the implementation data, what recommendations related evidence-informed practices within youth development need to be implemented or enhanced?

To answer these evaluative questions, semi-structured interviews will be conducted with A4L Stakeholders (Military Connected Individuals, Administrative points of contact, Advisers, and A4L Staff) and youth participating in A4L (Team Leaders,

Crew Members, and A4L representatives).

Affected Public: Individuals or households.

Frequency: Once.

Respondent's Obligation: Voluntary.

OMB Desk Officer: Ms. Jasmeet

Seehra.

DOD Clearance Officer: Mr. Reginald Lucas.

Dated: October 15, 2024.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2024–24148 Filed 10–17–24; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Department of the Navy

[Docket ID: USN–2024–HQ–0012]

Proposed Collection; Comment Request

AGENCY: Headquarters Marine Corps (HQMC), Department of the Navy (DON), Department of Defense (DoD).

ACTION: 60-Day information collection notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995*, the Marine Corps Installations Pacific (MCIPAC) announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the agency's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by December 17, 2024.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments.

Mail: Department of Defense, Office of the Assistant to the Secretary of Defense for Privacy, Civil Liberties, and Transparency, 4800 Mark Center Drive, Mailbox #24, Suite 05F16, Alexandria, VA 22350–1700.

Instructions: All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at <http://www.regulations.gov> as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to Headquarters Marine Corps Records, Reports, Directives, and Forms Management Section, 3000 Marine Corps, Pentagon Rm. 2B253, Mr. Mark Kazzi, (571) 256-8883.

SUPPLEMENTARY INFORMATION:

Title: *Associated Form*; and *OMB Number*: Marine Corps Installations Pacific School Visit Program Application; MCIPAC-MCBB Form 5726/1; OMB Control Number 0712-SVPA.

Needs and Uses: Information collection via the MCIPAC-MCBB Form 5726/1, "School Visit Program Application" is necessary to allow local Japanese students to request to visit Marine Corps Bases in Okinawa. The information will be used as part of the school visit program to tailor the specific needs of students when visiting U.S. bases. The form is prepared by the MCIPAC-MCBB, G-7 School Visit Program Manager and filled out by the requesting school's staff facilitators.

Affected Public: Individuals or households.

Annual Burden Hours: 1.25.

Number of Respondents: 15.

Responses per Respondent: 1.

Annual Responses: 15.

Average Burden per Response: 5 minutes.

Frequency: On occasion.

Dated: October 15, 2024.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2024-24129 Filed 10-17-24; 8:45 am]

BILLING CODE 6001-FR-P

DEPARTMENT OF ENERGY

[GDO Docket No. EA-479-A]

Application for Renewal of Authorization to Export Electric Energy; Macquarie Energy LLC

AGENCY: Grid Deployment Office, Department of Energy.

ACTION: Notice of application.

SUMMARY: Macquarie Energy LLC (Macquarie Energy or Applicant) has applied for renewed authorization to transmit electric energy from the United States to Canada pursuant to the Federal Power Act.

DATES: Comments, protests, or motions to intervene must be submitted on or before November 18, 2024.

ADDRESSES: Comments, protests, motions to intervene, or requests for more information should be addressed by electronic mail to

Electricity.Exports@hq.doe.gov.

FOR FURTHER INFORMATION CONTACT:

Janessa Zucchetto, (240) 474-8226, Electricity.Exports@hq.doe.gov.

SUPPLEMENTARY INFORMATION: The United States Department of Energy (DOE) regulates electricity exports from the United States to foreign countries in accordance with section 202(e) of the Federal Power Act (FPA) (16 U.S.C. 824a(e)) and regulations thereunder (10 CFR 205.300 *et seq.*). Sections 301(b) and 402(f) of the DOE Organization Act (42 U.S.C. 7151(b) and 7172(f)) transferred this regulatory authority, previously exercised by the now-defunct Federal Power Commission, to DOE.

Section 202(e) of the FPA provides that an entity which seeks to export electricity must obtain an order from DOE authorizing that export (16 U.S.C. 824a(e)). On April 10, 2023, the authority to issue such orders was delegated to the DOE's Grid Deployment Office (GDO) under Redelegation Order No. S3-DEL-GD1-2023.

On November 21, 2019, DOE issued Order No. EA-479 to Macquarie Energy to transmit electric energy from the United States to Canada as a power marketer for a period of five years. On August 30, 2024, Macquarie Energy filed an application (Application or App.) for renewal of its export authority. App. at 1.

According to its Application, Macquarie Energy is a power marketer "and broker of electric power at wholesale." *Id.* at 1. The Applicant states that it is "a Delaware corporation with its office and principal place of business in Houston, Texas" and "an indirect, wholly-owned subsidiary of Macquarie Group Ltd., an Australian company listed on the Australian Stock Exchange." *Id.* Macquarie Energy states that "the Federal Energy Regulatory Commission [FERC] has authorized Macquarie Energy to engage in wholesale sales of electric energy, capacity, and ancillary services at market-based rates." *Id.*

Macquarie Energy represents that it "does not own or control any electric power generation or transmission facilities and does not have a franchised electric power service area." App. at 1. Macquarie Energy states it "does not have its own 'system' on which its exports of energy could have a reliability or stability impact" and it "will purchase the energy to be exported from wholesale generators, electric utilities, power marketers, Independent System Operators, Regional Transmission Authorities, and federal power marketing agencies." *Id.* at 2. The Applicant further states that "such energy is surplus to the system of the generator and thus, exportation of said energy will not impair the adequacy of the electric power supply within the United States." *Id.* Additionally, Macquarie Energy asserts that it will comply with all applicable reliability criteria, standards, and guidelines. *See id.* at 3.

The existing international transmission facilities to be utilized by the Applicant have been previously authorized by Presidential permits issued pursuant to Executive Order 10485, as amended, and are appropriate for open access transmission by third parties. *See id.* at Exhibit C.

Procedural Matters: Any person desiring to be heard in this proceeding should file a comment or protest to the Application at Electricity.Exports@hq.doe.gov. Protests should be filed in accordance with Rule 211 of FERC's Rules of Practice and Procedure (18 CFR 385.211). Any person desiring to become a party to this proceeding should file a motion to intervene at Electricity.Exports@hq.doe.gov in accordance with FERC Rule 214 (18 CFR 385.214).

Comments and other filings concerning Macquarie Energy's Application should be clearly marked with GDO Docket No. EA-479-A. Additional copies are to be provided directly to Paul Tramonte, Macquarie Energy LLC, One Allen Center, 500 Dallas Street, Suite 3300, Houston, Texas 77002, paul.tramonte@macquarie.com; Michael A. Yuffee, Baker Botts LLP, 700 K Street NW, Washington, DC 20001, michael.yuffee@bakerbotts.com.

A final decision will be made on the requested authorization after the environmental impacts have been evaluated pursuant to DOE's National Environmental Policy Act Implementing Procedures (10 CFR part 1021) and after DOE evaluates whether the proposed action will have an adverse impact on the sufficiency of supply or reliability of

the United States electric power supply system.

Copies of this Application will be made available, upon request, by accessing the program website at <https://www.energy.gov/gdo/pending-applications-0> or by emailing Electricity.Exports@hq.doe.gov.

Signing Authority: This document of the Department of Energy was signed on October 10, 2024, by Maria Robinson, Director, Grid Deployment Office, 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 15, 2024.

Jennifer Hartzell,

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

[FR Doc. 2024-24117 Filed 10-17-24; 8:45 am]

BILLING CODE 6450-01-P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Northern New Mexico

AGENCY: Office of Environmental Management, Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces an in-person/virtual hybrid meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Northern New Mexico. The Federal Advisory Committee Act requires that public notice of this meeting be announced in the **Federal Register**.

DATES: Wednesday, November 13, 2024; 1 to 5 p.m. MST.

ADDRESSES: The Lodge at Santa Fe, 750 N St. Francis Drive, Santa Fe, New Mexico 87501. This hybrid meeting will be open to the public in person and via WebEx. To attend virtually, please contact the Northern New Mexico Citizens Advisory Board (NNMCAB) Executive Director (below) no later than 5 p.m. MST on Friday, November 8, 2024.

FOR FURTHER INFORMATION CONTACT: Bridget Maestas, NNMCAB Executive

Director, by Phone: 505-709-7466 or Email: bridget.maestas@em.doe.gov.

SUPPLEMENTARY INFORMATION:

Purpose of the Board: The purpose of the Board is to provide advice and recommendations concerning the following EM site-specific issues: clean-up activities and environmental restoration; waste and nuclear materials management and disposition; excess facilities; future land use and long-term stewardship. The Board may also be asked to provide advice and recommendations on any EM program components.

Tentative Agenda:

- Presentation
- Agency Updates

Public Participation: The in-person/online virtual hybrid meeting is open to the public in person or virtually, via WebEx. Written statements may be filed with the Board no later than 5 p.m. MST on Friday, November 8, 2024, or within seven days after the meeting by sending them to the NNMCAB Executive Director at the aforementioned email address. Written public comments received prior to the meeting will be read into the record. The Deputy Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Individuals wishing to submit public comments should follow as directed above.

Minutes: Minutes will be available by emailing or calling Bridget Maestas, NNMCAB Executive Director, at bridget.maestas@em.doe.gov or at (505) 709-7466.

Signing Authority: This document of the Department of Energy was signed on October 15, 2024, by David Borak, Committee Management Officer, pursuant to delegated authority from the Secretary of Energy. That document with the original signature and date is maintained by DOE. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DOE Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of the Department of Energy. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Signed in Washington, DC, on October 15, 2024.

Jennifer Hartzell,

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

[FR Doc. 2024-24166 Filed 10-17-24; 8:45 am]

BILLING CODE 6450-01-P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Oak Ridge

AGENCY: Office of Environmental Management, Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces an in-person/virtual hybrid meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Oak Ridge. The Federal Advisory Committee Act requires that public notice of this meeting be announced in the **Federal Register**.

DATES: Wednesday, November 13, 2024; 6-8 p.m. EST.

ADDRESSES: Department of Energy (DOE) Information Center, Office of Science and Technical Information, 1 Science.gov Way, Oak Ridge, Tennessee 37831. This hybrid meeting will be in-person at the DOE Information Center and virtually via Zoom. To attend virtually or to register for in-person attendance, please send an email to: orssab@orem.doe.gov by 5 p.m. EST on Wednesday, November 6, 2024.

FOR FURTHER INFORMATION CONTACT:

Melyssa P. Noe, Deputy Designated Federal Officer, U.S. Department of Energy, Oak Ridge Office of Environmental Management (OREM), P.O. Box 2001, EM-942, Oak Ridge, TN 37831; Phone (865) 241-3315; or email: Melyssa.Noe@orem.doe.gov or visit the website at www.energy.gov/orssab.

SUPPLEMENTARY INFORMATION:

Purpose of the Board: The purpose of the Board is to provide advice and recommendations concerning the following EM site-specific issues: clean-up activities and environmental restoration; waste and nuclear materials management and disposition; excess facilities; future land use and long-term stewardship. The Board may also be asked to provide advice and recommendations on any EM program components.

Tentative Agenda:

- OREM Presentation
- Discussion
- Public Comment Period
- Board Business

Public Participation: This meeting is open to the public. The EM SSAB, Oak Ridge, welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact Melyssa P. Noe at least seven days in advance of the meeting at the phone number listed

above. Written statements may be filed with the Board via email either before or after the meeting. Public comments received by no later than 5 p.m. EST on Wednesday, November 6, 2024, will be read aloud during the meeting. Comments will be accepted after the meeting by no later than 5 p.m. EST on Monday, November 18, 2024. Please submit comments to orssab@orem.doe.gov. Please put "Public Comment" in the subject line. Individuals who wish to make oral statements should contact Melyssa P. Noe at the email address or telephone number listed above. Requests must be received five days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Deputy Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Individuals wishing to submit written public comments should email them as directed above. Individuals wishing to make public comments will be provided a maximum of five minutes to present their comments.

Minutes: Minutes will be available by emailing or calling Melyssa P. Noe at the email address and telephone number listed above. Minutes will also be available at the following website: <https://www.energy.gov/orem/listings/oak-ridge-site-specific-advisory-board-meetings>.

Signing Authority: This document of the Department of Energy was signed on October 15, 2024, by David Borak, Committee Management Officer, pursuant to delegated authority from the Secretary of Energy. That document with the original signature and date is maintained by DOE. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DOE Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of the Department of Energy. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Signed in Washington, DC, on October 15, 2024.

Jennifer Hartzell,

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

[FR Doc. 2024-24167 Filed 10-17-24; 8:45 am]

BILLING CODE 6450-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP25-1-000]

Notice of Request Under Blanket Authorization and Establishing Intervention and Protest Deadline; Natural Gas Pipeline Company of America, LLC

Take notice that on October 2, 2024, Natural Gas Pipeline Company of America, LLC (Natural), 3250 Lacey Road, Suite 700, Downers Grove, Illinois 60515, filed in the above referenced docket, a prior notice request pursuant to sections 157.205 and 157.216(b) of the Commission's regulations under the Natural Gas Act (NGA), and Natural's blanket certificate issued in Docket No. CP82-402-000, for authorization to abandon in-place three compressor units (Units 1-3) and the related appurtenant facilities at its Compressor Station 342 located in Cameron Parish, Louisiana. The estimated cost for the project is \$399,000, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (<http://www.ferc.gov>). From the Commission's Home Page on the internet, this information is available on eLibrary. The full text of this document is available on eLibrary in PDF and Microsoft Word format for viewing, printing, and/or downloading. To access this document in eLibrary, type the docket number excluding the last three digits of this document in the docket number field.

User assistance is available for eLibrary and the Commission's website during normal business hours from FERC Online Support at (202) 502-6652 (toll free at 1-866-208-3676) or email at ferconlinesupport@ferc.gov, or the Public Reference Room at (202) 502-8371, TTY (202) 502-8659. Email the Public Reference Room at public.referenceroom@ferc.gov.

Any questions concerning this request should be directed to Francisco Tarin, Director, Regulatory, Kinder Morgan, Inc., as Operator of Natural Gas Pipeline Company of America, LLC, 2 North Nevada Avenue, Colorado Springs, Colorado 80903, by phone at (719) 667-7517, or by email at francisco_tarin@kindermorgan.com.

Public Participation

There are three ways to become involved in the Commission's review of this project: you can file a protest to the project, you can file a motion to intervene in the proceeding, and you can file comments on the project. There is no fee or cost for filing protests, motions to intervene, or comments. The deadline for filing protests, motions to intervene, and comments is 5:00 p.m. Eastern Time on December 10, 2024. How to file protests, motions to intervene, and comments is explained below.

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.

Protests

Pursuant to section 157.205 of the Commission's regulations under the NGA,¹ any person² or the Commission's staff may file a protest to the request. If no protest is filed within the time allowed or if a protest is filed and then withdrawn within 30 days after the allowed time for filing a protest, the proposed activity shall be deemed to be authorized effective the day after the time allowed for protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request for authorization will be considered by the Commission.

Protests must comply with the requirements specified in section 157.205(e) of the Commission's regulations,³ and must be submitted by the protest deadline, which is December 10, 2024. A protest may also serve as a motion to intervene so long as the protestor states it also seeks to be an intervenor.

Interventions

Any person has the option to file a motion to intervene in this proceeding. Only intervenors have the right to request rehearing of Commission orders

¹ 18 CFR 157.205.

² Persons include individuals, organizations, businesses, municipalities, and other entities. 18 CFR 385.102(d).

³ 18 CFR 157.205(e).

issued in this proceeding and to subsequently challenge the Commission's orders in the U.S. Circuit Courts of Appeal.

To intervene, you must submit a motion to intervene to the Commission in accordance with Rule 214 of the Commission's Rules of Practice and Procedure⁴ and the regulations under the NGA⁵ by the intervention deadline for the project, which is December 10, 2024. As described further in Rule 214, your motion to intervene must state, to the extent known, your position regarding the proceeding, as well as your interest in the proceeding. For an individual, this could include your status as a landowner, ratepayer, resident of an impacted community, or recreationist. You do not need to have property directly impacted by the project in order to intervene. For more information about motions to intervene, refer to the FERC website at <https://www.ferc.gov/resources/guides/how-to-intervene.asp>.

All timely, unopposed motions to intervene are automatically granted by operation of Rule 214(c)(1). Motions to intervene that are filed after the intervention deadline are untimely and may be denied. Any late-filed motion to intervene must show good cause for being late and must explain why the time limitation should be waived and provide justification by reference to factors set forth in Rule 214(d) of the Commission's Rules and Regulations. A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies (paper or electronic) of all documents filed by the applicant and by all other parties.

Comments

Any person wishing to comment on the project may do so. The Commission considers all comments received about the project in determining the appropriate action to be taken. To ensure that your comments are timely and properly recorded, please submit your comments on or before December 10, 2024. *The filing of a comment alone will not serve to make the filer a party to the proceeding.* To become a party, you must intervene in the proceeding.

How To File Protests, Interventions, and Comments

There are two ways to submit protests, motions to intervene, and comments. In both instances, please reference the Project docket number CP25–1–000 in your submission.

(1) You may file your protest, motion to intervene, and comments by using the Commission's eFiling feature, which is located on the Commission's website (www.ferc.gov) under the link to Documents and Filings. New eFiling users must first create an account by clicking on "eRegister." You will be asked to select the type of filing you are making; first select "General" and then select "Protest", "Intervention", or "Comment on a Filing"; or⁶

(2) You can file a paper copy of your submission by mailing it to the address below. Your submission must reference the Project docket number CP25–1–000.

To file via USPS: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

To file via any other method: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852.

The Commission encourages electronic filing of submissions (option 1 above) and has eFiling staff available to assist you at (202) 502–8258 or FercOnlineSupport@ferc.gov.

Protests and motions to intervene must be served on the applicant either by mail at: Francisco Tarin, Director, Regulatory, Kinder Morgan, Inc., as Operator of Natural Gas Pipeline Company of America, LLC, 2 North Nevada Avenue, Colorado Springs, Colorado 80903, or by email at francisco_tarin@kindermorgan.com. Any subsequent submissions by an intervenor must be served on the applicant and all other parties to the proceeding. Contact information for parties can be downloaded from the service list at the eService link on FERC Online.

Tracking the Proceeding

Throughout the proceeding, additional information about the project will be available from the Commission's Office of External Affairs, at (866) 208–FERC, or on the FERC website at www.ferc.gov using the "eLibrary" link as described above. The eLibrary link also provides access to the texts of all formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription which allows you to keep track of all formal

issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. For more information and to register, go to www.ferc.gov/docs-filing/esubscription.asp.

Dated: October 11, 2024.

Debbie-Anne A. Reese,
Secretary.

[FR Doc. 2024–24170 Filed 10–17–24; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. PF24–6–000]

Great Basin Gas Transmission Company; Notice of Scoping Period Requesting Comments on Environmental Issues for the Planned Gabbs Lateral FNAS Relocation Project

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental document, that will discuss the environmental impacts of the Gabbs Lateral FNAS Project (Project) involving construction and operation of facilities by Great Basin Gas Transmission Company (Great Basin) in Mineral and Nye Counties, Nevada. The Commission will use this environmental document in its decision-making process to determine whether the Project is in the public convenience and necessity.

This notice announces the opening of the scoping process the Commission will use to gather input from the public and interested agencies regarding the Project. As part of the National Environmental Policy Act (NEPA) review process, the Commission takes into account concerns the public may have about proposals and the environmental impacts that could result from its action whenever it considers the issuance of a Certificate of Public Convenience and Necessity. This gathering of public input is referred to as "scoping." The main goal of the scoping process is to focus the analysis in the environmental document on the important environmental issues. Additional information about the Commission's NEPA process is described below in the *NEPA Process and Environmental Document* section of this notice.

⁴ 18 CFR 385.214.

⁵ 18 CFR 157.10.

⁶ Additionally, you may file your comments electronically by using the eComment feature, which is located on the Commission's website at www.ferc.gov under the link to Documents and Filings. Using eComment is an easy method for interested persons to submit brief, text-only comments on a project.

By this notice, the Commission requests public comments on the scope of issues to address in the environmental document. To ensure that your comments are timely and properly recorded, please submit your comments so that the Commission receives them in Washington, DC on or before 5:00 p.m. Eastern Time on Nov 8, 2024. Comments may be submitted in written form. Further details on how to submit comments are provided in the *Public Participation* section of this notice.

Your comments should focus on the potential environmental effects, reasonable alternatives, and measures to avoid or lessen environmental impacts. Your input will help the Commission staff determine what issues they need to evaluate in the environmental document. Commission staff will consider all written comments during the preparation of the environmental document.

If you submitted comments on this Project to the Commission before the opening of this docket on July 9, 2024, you will need to file those comments in Docket No. PF24–6–000 to ensure they are considered as part of this proceeding.

This notice is being sent to the Commission's current environmental mailing list for this Project. State and local government representatives should notify their constituents of this proposed Project and encourage them to comment on their areas of concern.

If you are a landowner receiving this notice, a pipeline company representative may contact you about the acquisition of an easement to construct, operate, and maintain the proposed facilities. The company would seek to negotiate a mutually acceptable easement agreement. You are not required to enter into an agreement. However, if the Commission approves the Project, the Natural Gas Act conveys the right of eminent domain to the company. Therefore, if you and the company do not reach an easement agreement, the pipeline company could initiate condemnation proceedings in court. In such instances, compensation would be determined by a judge in accordance with state law. The Commission does not subsequently grant, exercise, or oversee the exercise of that eminent domain authority. The courts have exclusive authority to handle eminent domain cases; the Commission has no jurisdiction over these matters.

A fact sheet prepared by the FERC entitled "An Interstate Natural Gas Facility On My Land? What Do I Need To Know?" addresses typically asked

questions, including the use of eminent domain and how to participate in the Commission's proceedings. This fact sheet along with other landowner topics of interest are available for viewing on the FERC website (www.ferc.gov) under the Natural Gas, Landowner Topics link.

Public Participation

There are three methods you can use to submit your comments to the Commission. Please carefully follow these instructions so that your comments are properly recorded. The Commission encourages electronic filing of comments and has staff available to assist you at (866) 208–3676 or FercOnlineSupport@ferc.gov.

(1) You can file your comments electronically using the eComment feature, which is located on the Commission's website (www.ferc.gov) under the link to FERC Online. Using eComment is an easy method for submitting brief, text-only comments on a project;

(2) You can file your comments electronically by using the eFiling feature, which is located on the Commission's website (www.ferc.gov) under the link to FERC Online. With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on "eRegister." You will be asked to select the type of filing you are making; a comment on a particular project is considered a "Comment on a Filing"; or

(3) You can file a paper copy of your comments by mailing them to the Commission. Be sure to reference the Project docket number (PF24–6–000) on your letter. Submissions sent via the U.S. Postal Service must be addressed to: Debbie-Anne A. Reese, Acting Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Debbie-Anne A. Reese, Acting Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852.

Additionally, the Commission offers a free service called eSubscription which makes it easy to stay informed of all issuances and submittals regarding the dockets/projects to which you subscribe. These instant email notifications are the fastest way to receive notification and provide a link to the document files which can reduce the amount of time you spend researching proceedings. Go to <https://www.ferc.gov/ferc-online/overview> to register for eSubscription.

The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, environmental justice communities, Tribal members and others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502–6595 or OPP@ferc.gov.

Summary of the Proposed Project

Great Basin plans to relocate the Gabbs Lateral in Mineral and Nye Counties, Nevada from its current location on the United States Navy's Fallon Naval Air Station to an area outside of the expanded footprint of the range training complex. The Project would not provide any incremental capacity.

The Project would consist of the following facilities and activities:

- construction of about 33 miles of new 8-inch-diameter (18.8 miles) and 6-inch-diameter (13.8 miles) pipeline;
- abandonment in-place or by removal of about 21 miles of 8-inch-diameter (18.5 miles) and 6-inch-diameter (2.4 miles) pipeline on Great Basin's Gabbs Lateral;
- relocation of the Sheelite rectifier;
- replacement of a thermoelectric generator for the cathodic protection system; and
- installation of two aboveground valve assemblies.

The general location of the Project facilities is shown in appendix 1.¹

Land Requirements for Construction

Construction of the planned facilities would disturb about 558 acres of land. Following construction, Great Basin would maintain about 240 acres for permanent operation of the project's facilities; the remaining temporary workspaces would be restored and revert to former uses. Great Basin plans to abandon about 127 acres of land and grant possession to the Navy. All work is expected to occur within land managed by the Bureau of Land Management.

¹ The appendices referenced in this notice will not appear in the **Federal Register**. Copies of the appendices were sent to all those receiving this notice in the mail and are available at www.ferc.gov using the link called "eLibrary". For instructions on connecting to eLibrary, refer to the last page of this notice. For assistance, contact FERC at FercOnlineSupport@ferc.gov or call toll free, (866) 208–3676 or TTY (202) 502–8659.

NEPA Process and the Environmental Document

Any environmental document issued by Commission staff will discuss impacts that could occur as a result of the construction and operation of the planned Project under the relevant general resource areas:

- geology and soils;
- water resources and wetlands;
- vegetation and wildlife;
- threatened and endangered species;
- cultural resources;
- land use and visual resources;
- socioeconomics and traffic;
- environmental justice;
- air quality and noise; and
- reliability and safety.

Commission staff will also evaluate reasonable alternatives to the planned Project or portions of the Project and make recommendations on how to lessen or avoid impacts on the various resource areas. Your comments will help Commission staff identify and focus on the issues that might have an effect on the human environment and potentially eliminate others from further study and discussion in the environmental document.

Although no formal application has been filed, Commission staff have already initiated a NEPA review under the Commission's pre-filing process. The purpose of the pre-filing process is to encourage early involvement of interested stakeholders and to identify and resolve issues before the Commission receives an application. As part of the pre-filing review, Commission staff will contact federal and state agencies to discuss their involvement in the scoping process and the preparation of the environmental document.

If a formal application is filed, Commission staff will then determine whether to prepare an Environmental Assessment (EA) or an Environmental Impact Statement (EIS). The EA or the EIS will present Commission staff's independent analysis of the environmental issues. If Commission staff prepares an EA, a *Notice of Schedule for the Preparation of an Environmental Assessment* will be issued. The EA may be issued for an allotted public comment period. The Commission would consider timely comments on the EA before making its determination on the proposed project. If Commission staff prepares an EIS, a *Notice of Intent to Prepare an EIS/ Notice of Schedule* will be issued once an application is filed, which will open an additional public comment period. Staff will then prepare a draft EIS that will be issued for public comment.

Commission staff will consider all timely comments received during the comment period on the draft EIS, and revise the document, as necessary, before issuing a final EIS. Any EA or draft and final EIS will be available in electronic format in the public record through eLibrary² and the Commission's natural gas environmental documents web page (<https://www.ferc.gov/industries-data/natural-gas/environment/environmental-documents>). If eSubscribed, you will receive instant email notification when the environmental document is issued.

With this notice, the Commission is asking agencies with jurisdiction by law and/or special expertise with respect to the environmental issues of this Project to formally cooperate in the preparation of the environmental document.³ Agencies that would like to request cooperating agency status should follow the instructions for filing comments provided under the *Public Participation* section of this notice. Currently, the Bureau of Land Management has expressed their intention to participate as a cooperating agency in the preparation of the environmental document to satisfy their NEPA responsibilities related to this project.

Consultation Under Section 106 of the National Historic Preservation Act

In accordance with the Advisory Council on Historic Preservation's implementing regulations for section 106 of the National Historic Preservation Act, the Commission is using this notice to initiate consultation with the applicable State Historic Preservation Office(s), and to solicit their views and those of other government agencies, interested Indian tribes, and the public on the Project's potential effects on historic properties.⁴ The environmental document for this Project will document findings on the impacts on historic properties and summarize the status of consultations under section 106.

Environmental Mailing List

The environmental mailing list includes federal, state, and local

government representatives and agencies; elected officials; environmental and public interest groups; Native American Tribes; other interested parties; and local libraries and newspapers. This list also includes all affected landowners (as defined in the Commission's regulations) who are potential right-of-way grantors, whose property may be used temporarily for project purposes, or who own homes within certain distances of aboveground facilities, and anyone who submits comments on the project and includes a mailing address with their comments. Commission staff will update the environmental mailing list as the analysis proceeds to ensure that Commission notices related to this environmental review are sent to all individuals, organizations, and government entities interested in and/or potentially affected by the planned project.

If you need to make changes to your name/address, or if you would like to remove your name from the mailing list, please complete one of the following steps:

(1) Send an email to GasProjectAddressChange@ferc.gov stating your request. You must include the docket number PF24–6–000 in your request. If you are requesting a change to your address, please be sure to include your name and the correct address. If you are requesting to delete your address from the mailing list, please include your name and address as it appeared on this notice. This email address is unable to accept comments.

OR

(2) Return the attached "Mailing List Update Form" (appendix 2).

Becoming an Intervenor

Once Great Basin files its application with the Commission, you may want to become an "intervenor" which is an official party to the Commission's proceeding. Only intervenors have the right to seek rehearing of the Commission's decision and be heard by the courts if they choose to appeal the Commission's final ruling. An intervenor formally participates in the proceeding by filing a request to intervene pursuant to Rule 214 of the Commission's Rules of Practice and Procedures (18 CFR 385.214). Motions to intervene are more fully described at <https://www.ferc.gov/how-intervene>. Please note that the Commission will not accept requests for intervenor status at this time. You must wait until the Commission receives a formal application for the project, after which the Commission will issue a public

² For instructions on connecting to eLibrary, refer to the last page of this notice.

³ The Council on Environmental Quality regulations addressing cooperating agency responsibilities are at Title 40, Code of Federal Regulations, Section 1501.8.

⁴ The Advisory Council on Historic Preservation's regulations are at Title 36, Code of Federal Regulations, Part 800. Those regulations define historic properties as any prehistoric or historic district, site, building, structure, or object included in or eligible for inclusion in the National Register of Historic Places.

notice that establishes an intervention deadline.

Additional Information

Additional information about the Project is available from the Commission's Office of External Affairs, at (866) 208–FERC, or on the FERC website at www.ferc.gov using the eLibrary link. Click on the eLibrary link, click on "General Search" and enter the docket number in the "Docket Number" field. Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at FercOnlineSupport@ferc.gov or (866) 208–3676, or for TTY, contact (202) 502–8659. The eLibrary link also provides access to the texts of all formal documents issued by the Commission, such as orders, notices, and rulemakings.

Public sessions or site visits will be posted on the Commission's calendar located at <https://www.ferc.gov/news-events/events> along with other related information.

Debbie-Anne A. Reese,
Secretary.

[FR Doc. 2024–23847 Filed 10–17–24; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP24–529–000]

Notice of Application and Establishing Intervention Deadline; Tennessee Gas Pipeline, L.L.C.

Take notice that on September 30, 2024, Tennessee Gas Pipeline, L.L.C. (Tennessee), 1001 Louisiana Street, Suite 1000, Houston, Texas 77002, filed an application under section 7(b) of the Natural Gas Act (NGA), and Part 157 of the Commission's regulations requesting authorization for its 507G Line Abandonment Project (Project). The Project consists of the abandonment in place and by removal of a portion of Tennessee's mainline pipeline, Line 507G–100, consisting of approximately 75.38 miles of 16-inch-diameter pipeline and associated appurtenances; and the abandonment of a pipeline supply lateral, Line 507G–500, consisting of approximately 9.05 miles of 12-inch-diameter pipeline and associated appurtenances. The Project facilities are located in Acadia, Vermilion, Iberia, and St. Mary Parishes, Louisiana. Tennessee estimates the total cost of the Project to be \$46.4 million, all as more fully set forth in the

application which is on file with the Commission and open for public inspection.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (<http://www.ferc.gov>). From the Commission's Home Page on the internet, this information is available on eLibrary. The full text of this document is available on eLibrary in PDF and Microsoft Word format for viewing, printing, and/or downloading. To access this document in eLibrary, type the docket number excluding the last three digits of this document in the docket number field.

User assistance is available for eLibrary and the Commission's website during normal business hours from FERC Online Support at 202–502–6652 (toll free at 1–866–208–3676) or email at ferconlinesupport@ferc.gov, or the Public Reference Room at (202) 502–8371, TTY (202) 502–8659. Email the Public Reference Room at public.referenceroom@ferc.gov.

Any questions regarding the proposed project should be directed to Tina Hardy, Director of Regulatory, Tennessee Gas Pipeline, L.L.C., 569 Brookwood Village, Suite 600, Birmingham, Alabama 35209, by phone at (205) 325–3668, or by email at tina_hardy@kindermorgan.com.

Pursuant to section 157.9 of the Commission's Rules of Practice and Procedure,¹ within 90 days of this Notice the Commission staff will either: complete its environmental review and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or environmental assessment (EA) for this proposal. The filing of an EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

¹ 18 CFR (Code of Federal Regulations) 157.9.

Public Participation

There are three ways to become involved in the Commission's review of this project: you can file comments on the project, you can protest the filing, and you can file a motion to intervene in the proceeding. There is no fee or cost for filing comments or intervening. The deadline for filing a motion to intervene is 5:00 p.m. Eastern Time on November 1, 2024. How to file protests, motions to intervene, and comments is explained below.

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.

Comments

Any person wishing to comment on the project may do so. Comments may include statements of support or objections, to the project as a whole or specific aspects of the project. The more specific your comments, the more useful they will be.

Protests

Pursuant to sections 157.10(a)(4)² and 385.211³ of the Commission's regulations under the NGA, any person⁴ may file a protest to the application. Protests must comply with the requirements specified in section 385.2001⁵ of the Commission's regulations. A protest may also serve as a motion to intervene so long as the protestor states it also seeks to be an intervenor.

To ensure that your comments or protests are timely and properly recorded, please submit your comments on or before November 1, 2024.

There are three methods you can use to submit your comments or protests to the Commission. In all instances, please reference the Project docket number CP24–529–000 in your submission.

(1) You may file your comments electronically by using the eComment feature, which is located on the

² 18 CFR 157.10(a)(4).

³ 18 CFR 385.211.

⁴ Persons include individuals, organizations, businesses, municipalities, and other entities. 18 CFR 385.102(d).

⁵ 18 CFR 385.2001.

Commission's website at www.ferc.gov under the link to Documents and Filings. Using eComment is an easy method for interested persons to submit brief, text-only comments on a project;

(2) You may file your comments or protests electronically by using the eFiling feature, which is located on the Commission's website (www.ferc.gov) under the link to Documents and Filings. With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on "eRegister." You will be asked to select the type of filing you are making; first select "General" and then select "Comment on a Filing"; or

(3) You can file a paper copy of your comments or protests by mailing them to the following address below. Your written comments must reference the Project docket number CP24-529-000.

To file via USPS: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

To file via any other courier: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852.

The Commission encourages electronic filing of comments (options 1 and 2 above) and has eFiling staff available to assist you at (202) 502-8258 or FercOnlineSupport@ferc.gov.

Persons who comment on the environmental review of this project will be placed on the Commission's environmental mailing list, and will receive notification when the environmental documents (EA or EIS) are issued for this project and will be notified of meetings associated with the Commission's environmental review process.

The Commission considers all comments received about the project in determining the appropriate action to be taken. *However, the filing of a comment alone will not serve to make the filer a party to the proceeding.* To become a party, you must intervene in the proceeding. For instructions on how to intervene, see below.

Interventions

Any person, which includes individuals, organizations, businesses, municipalities, and other entities,⁶ has the option to file a motion to intervene in this proceeding. Only intervenors have the right to request rehearing of Commission orders issued in this proceeding and to subsequently

challenge the Commission's orders in the U.S. Circuit Courts of Appeal.

To intervene, you must submit a motion to intervene to the Commission in accordance with Rule 214 of the Commission's Rules of Practice and Procedure⁷ and the regulations under the NGA⁸ by the intervention deadline for the project, which is November 1, 2024. As described further in Rule 214, your motion to intervene must state, to the extent known, your position regarding the proceeding, as well as your interest in the proceeding. For an individual, this could include your status as a landowner, ratepayer, resident of an impacted community, or recreationist. You do not need to have property directly impacted by the project in order to intervene. For more information about motions to intervene, refer to the FERC website at <https://www.ferc.gov/resources/guides/how-to-intervene.asp>.

There are two ways to submit your motion to intervene. In both instances, please reference the Project docket number CP24-529-000 in your submission.

(1) You may file your motion to intervene by using the Commission's eFiling feature, which is located on the Commission's website (www.ferc.gov) under the link to Documents and Filings. New eFiling users must first create an account by clicking on "eRegister." You will be asked to select the type of filing you are making; first select "General" and then select "Intervention." The eFiling feature includes a document-less intervention option; for more information, visit <https://www.ferc.gov/docs-filing/efiling/document-less-intervention.pdf>; or

(2) You can file a paper copy of your motion to intervene, along with three copies, by mailing the documents to the address below. Your motion to intervene must reference the Project docket number CP24-529-000.

To file via USPS: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

To file via any other courier: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852.

The Commission encourages electronic filing of motions to intervene (option 1 above) and has eFiling staff available to assist you at (202) 502-8258 or FercOnlineSupport@ferc.gov.

Protests and motions to intervene must be served on the applicant either

by mail or email at: Tina Hardy, Director of Regulatory, Tennessee Gas Pipeline, L.L.C., 569 Brookwood Village, Suite 600, Birmingham, Alabama 35209, or at tina_hardy@kindermorgan.com. Any subsequent submissions by an intervenor must be served on the applicant and all other parties to the proceeding. Contact information for parties can be downloaded from the service list at the eService link on FERC Online. Service can be via email with a link to the document.

All timely, unopposed⁹ motions to intervene are automatically granted by operation of Rule 214(c)(1).¹⁰ Motions to intervene that are filed after the intervention deadline are untimely, and may be denied. Any late-filed motion to intervene must show good cause for being late and must explain why the time limitation should be waived and provide justification by reference to factors set forth in Rule 214(d) of the Commission's Rules and Regulations.¹¹ A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies (paper or electronic) of all documents filed by the applicant and by all other parties.

Tracking the Proceeding

Throughout the proceeding, additional information about the project will be available from the Commission's Office of External Affairs, at (866) 208-FERC, or on the FERC website at www.ferc.gov using the "eLibrary" link as described above. The eLibrary link also provides access to the texts of all formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. For more information and to register, go to www.ferc.gov/docs-filing/esubscription.asp.

Intervention Deadline: 5:00 p.m. Eastern Time on November 1, 2024.

Dated: October 11, 2024.

Debbie-Anne A. Reese,
Secretary.

[FR Doc. 2024-24171 Filed 10-17-24; 8:45 am]

BILLING CODE 6717-01-P

⁹ The applicant has 15 days from the submittal of a motion to intervene to file a written objection to the intervention.

¹⁰ 18 CFR 385.214(c)(1).

¹¹ 18 CFR 385.214(b)(3) and (d).

⁶ 18 CFR 385.102(d).

⁷ 18 CFR 385.214.

⁸ 18 CFR 157.10.

DEPARTMENT OF ENERGY**Federal Energy Regulatory Commission****Combined Notice of Filings #1**

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC21–42–001.

Applicants: BEP SF Holdings, LLC, Horseshoe Bend Wind, LLC, North Hurlburt Wind, LLC, South Hurlburt Wind, LLC.

Description: Notice of Change in Circumstances of Heritage Power, LLC, et al.

Filed Date: 10/10/24.

Accession Number: 20241010–5240.

Comment Date: 5 p.m. ET 10/24/24.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER15–2589–004.

Applicants: CPV Shore, LLC.

Description: Compliance filing: Informational Filing Regarding Planned Transfer to be effective N/A.

Filed Date: 10/11/24.

Accession Number: 20241011–5126.

Comment Date: 5 p.m. ET 11/1/24.

Docket Numbers: ER17–481–007.

Applicants: CPV Maryland, LLC.

Description: Compliance filing: Informational Filing Regarding Planned Transfer to be effective N/A.

Filed Date: 10/11/24.

Accession Number: 20241011–5124.

Comment Date: 5 p.m. ET 11/1/24.

Docket Numbers: ER25–85–000.

Applicants: Westside Canal 2A, LLC.

Description: Baseline eTariff Filing: Westside Canal 2A, LLC MBR Application Filing to be effective 10/12/2024.

Filed Date: 10/11/24.

Accession Number: 20241011–5050.

Comment Date: 5 p.m. ET 11/1/24.

Docket Numbers: ER25–86–000.

Applicants: Midcontinent

Independent System Operator, Inc., Ameren Illinois Company.

Description: 205(d) Rate Filing: Midcontinent Independent System Operator, Inc. submits tariff filing per 35.13(a)(2)(iii): 2024–10–11_SA 4363 Ameren Illinois-Coyote Road Solar E&P (J1653) to be effective 10/12/2024.

Filed Date: 10/11/24.

Accession Number: 20241011–5102.

Comment Date: 5 p.m. ET 11/1/24.

Docket Numbers: ER25–87–000.

Applicants: California Independent System Operator Corporation.

Description: 205(d) Rate Filing: 2024–10–11 Billing, Credit and Payments Tariff Amendment to be effective 12/31/9998.

Filed Date: 10/11/24.

Accession Number: 20241011–5156.

Comment Date: 5 p.m. ET 11/1/24.

The filings are accessible in the Commission's eLibrary system (<https://elibrary.ferc.gov/idmws/search/fercgensearch.asp>) by querying the docket number.

Any person desiring to intervene, to protest, or to answer a complaint in any of the above proceedings must file in accordance with Rules 211, 214, or 206 of the Commission's Regulations (18 CFR 385.211, 385.214, or 385.206) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: <http://www.ferc.gov/docs-filing/efiling/filing-req.pdf>. For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, environmental justice communities, Tribal members and others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502–6595 or OPP@ferc.gov.

Dated: October 11, 2024.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2024–24173 Filed 10–17–24; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY**Federal Energy Regulatory Commission**

[Docket No. IC24–26–000]

Commission Information Collection Activities (FERC–585); Comment Request; Extension

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of information collection and request for comments.

SUMMARY: In compliance with the requirements of the Paperwork Reduction Act of 1995, the Federal Energy Regulatory Commission

(Commission or FERC) is soliciting public comment on the currently approved information collection, FERC–585 (Reporting of Electric Energy Shortages and Contingency Plans Under PURPA Section 206). The 60-day notice comment period ended on October 7, 2024, and no comments were received.

DATES: Comments on the collection of information are due November 18, 2024.

ADDRESSES: Send written comments on FERC–585 to OMB through www.reginfo.gov/public/do/PRAMain. Attention: Federal Energy Regulatory Commission Desk Officer. Please identify the OMB Control Number (1902–0138) in the subject line of your comments. Comments should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain.

Please submit copies of your comments to the Commission. You may submit copies of your comments (identified by Docket No. IC24–26–000) by one of the following methods:

Electronic filing through <https://www.ferc.gov>, is preferred.

- **Electronic Filing:** Documents must be filed in acceptable native applications and print-to-PDF, but not in scanned or picture format.

- For those unable to file electronically, comments may be filed by USPS mail or by other delivery methods:

- *Mail via U.S. Postal Service Only:* Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street NE, Washington, DC 20426.

- *All other delivery methods:* Federal Energy Regulatory Commission, Secretary of the Commission, 12225 Wilkins Avenue, Rockville, MD 20852.

Instructions: OMB submissions must be formatted and filed in accordance with submission guidelines at www.reginfo.gov/public/do/PRAMain. Using the search function under the “Currently Under Review” field, select Federal Energy Regulatory Commission; click “submit,” and select “comment” to the right of the subject collection.

FERC submissions must be formatted and filed in accordance with submission guidelines at: <https://www.ferc.gov/ferc-online/overview>. For user assistance, contact FERC Online Support by email at ferconlinesupport@ferc.gov, or by phone at: (866) 208–3676 (toll-free).

Docket: Users interested in receiving automatic notification of activity in this docket or in viewing/downloading comments and issuances in this docket may do so at <https://www.ferc.gov/ferc-online/overview>.

FOR FURTHER INFORMATION CONTACT: Kayla Williams may be reached by

email at DataClearance@FERC.gov, telephone at (202) 502-6468.

SUPPLEMENTARY INFORMATION:

Title: FERC-585 (Reporting of Electric Energy Shortages and Contingency Plans Under PURPA ¹ Section 206).

OMB Control No.: 1902-0138.

Type of Request: Three-year extension of the FERC-585 information collection requirements with no changes to the current reporting requirements.

Abstract: The Commission uses the information collected under the requirements of FERC-585 to implement the statutory provisions of Section 206 of PURPA. Section 206 of PURPA amended the Federal Power Act (FPA) by adding a new subsection (g) to section 202, under which the Commission, by rule, was to require each public utility to report to the Commission and any appropriate state regulatory authority:

- any anticipated shortages of electric energy or capacity which would affect the utility's capability to serve its wholesale customers; and
- a contingency plan that would outline what circumstances might give rise to such occurrences.

- In Order No. 575 ¹, the Commission modified the reporting requirements in 18 CFR 294.101(b) to provide that, if a public utility includes in its rates schedule, provisions that during electric energy and capacity shortages:
 - it will treat firm power wholesale customers without undue discrimination or preference; and
 - it will report any modifications to its contingency plan for accommodating shortages within 15 days to the appropriate state regulatory agency and to the affected wholesale customers, then the utility need not file with the Commission an additional statement of contingency plan for accommodating such shortages.

This revision changed the reporting mechanism, specifically the public utility's contingency plan would be in its filed rate rather than in a separate document. In Order No. 659 ², the Commission modified the reporting requirements in 18 CFR 294.101(e) to provide that public utilities must comply with the requirements to report shortages and anticipated shortages by submitting this information electronically using the Office of

Electric Reliability's alert system at emergency@ferc.gov in lieu of submitting an original and two copies to the Secretary of the Commission. The Commission uses the information to evaluate and formulate an appropriate option for action in the event an unanticipated shortage is reported and/or materializes. Without this information, the Commission and State agencies would be unable to:

- examine and approve or modify utility actions;
- prepare a response to anticipated disruptions in electric energy; and/or
- ensure equitable treatment of all public utility customers under the shortage situation.

The Commission implements these filing requirements in the Code of Federal Regulations (CFR) under 18 CFR part 294.101.

Type of Respondents: Public Utilities.

*Estimate of Annual Burden:*³ The Commission estimates the annual public reporting burden for the information collection as:

FERC-585 (REPORTING OF ELECTRIC SHORTAGES AND CONTINGENCY PLANS UNDER PURPA SECTION 206)

	Number of respondents	Annual number of responses per respondent	Total number of responses	Average burden & cost per response ⁴	Total annual burden hours & total annual cost	Cost per respondent (\$)
	(1)	(2)	(1) * (2) = (3)	(4)	(3) * (4) = (5)	(5) ÷ (1)
Contingency Plan	1	1	1	1 hrs.; \$100.00	1 hrs.; \$100.00	\$100.00
Capacity Shortage	1	1	1	1 hrs.; 100.00	1 hrs.; 100.00	100.00
Total .....	.....	.....	.....	.....	2 hrs.; 200.00.	

Comments: Comments are invited on: (1) whether the collection of information is necessary for the proper performance of the functions of the Commission, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use

of automated collection techniques or other forms of information technology.

Dated: October 9, 2024.
Debbie-Anne A. Reese,
Secretary.
[FR Doc. 2024-23851 Filed 10-17-24; 8:45 am]
BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: PR25-4-000.
Applicants: Delaware Link Ventures, LLC.

¹ PURPA = Public Utility Regulatory Policies Act of 1979 (Pub. L. 95-617, 92 Stat. 3117), enacted 11/9/1978.
¹ Final Rule in Docket RM92-12-000, issued on 1/13/1995.
² Final Rule in Docket RM05-19-000, issued on 5/27/2005.

³ "Burden" is defined as the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a federal agency. For further explanation of what is included in the information collection burden, refer to 5 Code of Federal Regulations 1320.3.

⁴ The estimates for cost per response are derived using the following formula: Average Burden Hours per Response * 100.00 per Hour = Average Cost per Response. This is Based upon FERC's 2024 FTE average salary plus benefits. Commission staff believes that any industry effort applied to FERC-585 would be compensated similarly to FERC's average salary.

Description: 284.123 Rate Filing: Compliance 2024 Oct SOC to be effective 4/1/2024.

Filed Date: 10/10/24.

Accession Number: 20241010–5045.

Comment Date: 5 p.m. ET 10/31/24.

Docket Numbers: RP24–780–000.

Applicants: Maritimes & Northeast Pipeline, L.L.C.

Description: Compliance of Maritimes & Northeast Pipeline, L.L.C. to 06/07/2024 and 10/03/2024 Orders.

Filed Date: 10/10/24.

Accession Number: 20241010–5131.

Comment Date: 5 p.m. ET 10/22/24.

Docket Numbers: RP25–59–000.

Applicants: Transcontinental Gas Pipe Line Company, LLC.

Description: 4(d) Rate Filing: Rate Schedule S–2 Tracker Filing eff 10/1/2024 to be effective 10/1/2024.

Filed Date: 10/10/24.

Accession Number: 20241010–5168.

Comment Date: 5 p.m. ET 10/22/24.

Docket Numbers: RP25–60–000.

Applicants: Monroe Gas Storage Company, LLC.

Description: 4(d) Rate Filing: Monroe Tariff—Revised Contact Information to be effective 11/10/2024.

Filed Date: 10/10/24.

Accession Number: 20241010–5206.

Comment Date: 5 p.m. ET 10/22/24.

Docket Numbers: RP25–61–000.

Applicants: Texas Eastern Transmission, LP.

Description: Compliance filing: TETLP October 2024 Penalty Disbursement Report to be effective N/A.

Filed Date: 10/11/24.

Accession Number: 20241011–5063.

Comment Date: 5 p.m. ET 10/23/24.

Any person desiring to intervene, to protest, or to answer a complaint in any of the above proceedings must file in accordance with Rules 211, 214, or 206 of the Commission's Regulations (18 CFR 385.211, 385.214, or 385.206) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is

necessary to become a party to the proceeding.

Filings in Existing Proceedings

Docket Numbers: PR24–62–002.

Applicants: Delaware Link Ventures, LLC.

Description: 284.123(g) Rate Filing: Amendment to 1 SOC 2024 Oct update to be effective 4/1/2024.

Filed Date: 10/11/24.

Accession Number: 20241011–5076.

Comment Date: 5 p.m. ET 11/1/24.

Docket Numbers: RP24–781–000.

Applicants: Algonquin Gas Transmission, LLC.

Description: Compliance of Algonquin Gas Transmission, LLC to 06/28/2024 and 10/03/2024 Orders.

Filed Date: 10/10/24.

Accession Number: 20241010–5125.

Comment Date: 5 p.m. ET 10/22/24.

Any person desiring to protest in any of the above proceedings must file in accordance with Rule 211 of the Commission's Regulations (18 CFR 385.211) on or before 5:00 p.m. Eastern time on the specified comment date.

The filings are accessible in the Commission's eLibrary system (<https://elibrary.ferc.gov/idmws/search/fercgensearch.asp>) by querying the docket number.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: <http://www.ferc.gov/docs-filing/efiling/filing-req.pdf>. For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, environmental justice communities, Tribal members and others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for

rehearing, the public is encouraged to contact OPP at (202) 502–6595 or OPP@ferc.gov.

Dated: October 11, 2024.

Debbie-Anne A. Reese,
Secretary.

[FR Doc. 2024–24172 Filed 10–17–24; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. AD24–11–000]

Large Loads Co-Located at Generating Facilities; Third Supplemental Notice of Commissioner-Led Technical Conference

As announced in the August 2, 2024 Notice in this proceeding, and August 16, 2024 and September 10, 2024 supplemental notices in this proceeding, the Federal Energy Regulatory Commission (Commission) will convene a Commissioner-led technical conference in the above-referenced proceeding. The technical conference will take place on Friday, November 1, 2024, from 10:00 a.m. to 3:00 p.m. Eastern Time. The technical conference will be held in-person at the Commission's headquarters at 888 First Street NE, Washington, DC 20426 in the Commission Meeting Room. The meeting will be available to view online.

The final agenda for the technical conference is attached to this Supplemental Notice, which includes the program and expected panelists.

The purpose of this technical conference is to discuss generic issues related to the co-location of large loads at generating facilities. The Commission does not intend to discuss at this technical conference any specific proceeding before the Commission, including proceedings that involve similar issues. These proceedings include, but are not limited to:

PJM Interconnection, L.L.C	Docket Nos. ER24–2172–000; ER24–2172–001.
Atlantic City Electric Company	Docket No. ER24–2888–000.
Baltimore Gas and Electric Company	Docket No. ER24–2889–000.
Commonwealth Edison Company	Docket No. ER24–2890–000.
Delmarva Power & Light Company	Docket No. ER24–2891–000.
PECO Energy Company	Docket No. ER24–2893–000.
Potomac Electric Power Company	Docket No. ER24–2894–000.
PJM Interconnection, L.L.C	Docket Nos. ER24–2447–000; ER24–2447–001.
Baltimore Gas & Electric Company; PECO Energy Company	Docket No. EL24–149–000.

The technical conference will be open to the public. Advance registration is not required, and there is no fee for

attendance. Information will also be posted on the Calendar of Events on the

Commission's website, www.ferc.gov, prior to the event.

The technical conference will be transcribed and webcast. Transcripts will be available for a fee from Ace Reporting (202-347-3700). A link to the webcast of this event will be available in the Commission Calendar of Events at www.ferc.gov. The Commission provides technical support for the free webcasts. Please call 202-502-8680 or email customer@ferc.gov if you have any questions.

Commission technical conferences are accessible under section 508 of the Rehabilitation Act of 1973. For accessibility accommodations, please send an email to accessibility@ferc.gov or call toll free 1-866-208-3372 (voice) or 202-208-8659 (TTY) or send a fax to 202-208-2106 with the required accommodations.

For more information about this technical conference, please contact Keatley Adams at Keatley.Adams@ferc.gov or 202-502-8678. For legal information, please contact Christopher Chaulk at Christopher.Chaulk@ferc.gov or 202-502-6720. For information related to logistics, please contact Sarah McKinley at sarah.mckinley@ferc.gov or 202-502-8368. For assistance with e-subscribing to this docket, accessing docket materials in e-Library, or other participation needs such as entering a comment into the docket, please contact the Commission's Office of Public Participation at OPP@ferc.gov or 202-502-6595.

Dated: October 10, 2024.

Debbie-Anne A. Reese,
Secretary.

[FR Doc. 2024-23948 Filed 10-17-24; 8:45 am]

BILLING CODE 6717-01-P

ENVIRONMENTAL PROTECTION AGENCY

[FRL OP-OFA-148]

Environmental Impact Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information 202-564-5632 or <https://www.epa.gov/nepa>.

Weekly receipt of Environmental Impact Statements (EIS) Filed October 7, 2024 10 a.m. EST Through October 11, 2024 10 a.m. EST Pursuant to 40 CFR 1506.9.

Notice: Section 309(a) of the Clean Air Act requires that EPA make public its comments on EISs issued by other Federal agencies. EPA's comment letters on EISs are available at: <https://cdxapps.epa.gov/cdx-enepa-II/public/action/eis/search>.

EIS No. 20240185, Draft, NRCS, GA, Watershed Plan and Environmental

Impact Statement for the Lower Little Tallapoosa River Watershed Structure No. 25A, Comment Period Ends: 12/02/2024, Contact: Sharon Swagger 706-546-2203.

EIS No. 20240186, Final, DOE, NAT, Department of Energy Activities in Support of Commercial Production of High-Assay Low-Enriched Uranium (HALEU), Review Period Ends: 11/18/2024, Contact: James Lovejoy 208-526-6805.

EIS No. 20240187, Final, USFS, AZ, Apache-Sitgreaves National Forests Public Motorized Travel Management Plan, Review Period Ends: 11/18/2024, Contact: Scott Grunder 928-333-6302.

EIS No. 20240188, Final, RUS, SC, McClellanville 115 kV Transmission Line Project, Review Period Ends: 12/02/2024, Contact: Suzanne Kopich 202-961-8514.

Dated: October 11, 2024.

Timothy Witman,

Acting Director, NEPA Compliance Division,
Office of Federal Activities.

[FR Doc. 2024-24112 Filed 10-17-24; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[FRL-12304-01-R8]

Clean Air Act Operating Permit Program; Order on Petition for Objection to State Operating Permit for HighPoint Operating Corporation's Anschutz Equus Farms 4-62-28 NWNW Oil and Gas Production Facility

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of final order on petition.

SUMMARY: The Environmental Protection Agency (EPA) Administrator signed an order dated July 31, 2024, granting in part and denying in part a petition dated April 1, 2024, from the Center for Biological Diversity. The petition requested that the EPA object to a Clean Air Act (CAA) operating permit issued by the Colorado Department of Public Health and Environment's Air Pollution Control Division (Division) to HighPoint Operating Corporation for its Anschutz Equus Farms 4-62-28 NWNW oil and gas production facility located in Weld County, Colorado.

FOR FURTHER INFORMATION CONTACT: Julie Merkel, EPA Region 8, telephone number: (406) 457-5042, email address: merkel.julie@epa.gov. The final order and petition are available electronically at: <https://www.epa.gov/title-v>

operating-permits/title-v-petition-database.

SUPPLEMENTARY INFORMATION: The EPA received a petition from the Center for Biological Diversity dated April 1, 2024, requesting that the EPA object to the issuance of operating permit no. 200PWE423, issued by the Division to HighPoint Operating Corporation for the Anschutz Equus Farms 4-62-28 NWNW oil and gas production facility in Weld County, Colorado. On July 31, 2024, the EPA Administrator issued an order granting in part and denying in part the petition. The order itself explains the basis for the EPA's decision.

Sections 307(b) and 505(b)(2) of the CAA provide that a petitioner may request judicial review of those portions of an order that deny issues in a petition. Any petition for review shall be filed in the United States Court of Appeals for the 10th circuit no later than December 17, 2024.

Dated: October 9, 2024.

KC Becker,

Regional Administrator, Region 8.

[FR Doc. 2024-24179 Filed 10-17-24; 8:45 am]

BILLING CODE 6560-50-P

FEDERAL COMMUNICATIONS COMMISSION

[FR ID 254132]

Open Commission Meeting Thursday, October 17, 2024

October 10, 2024.

FCC To Hold Open Commission Meeting Thursday, October 17, 2024

The Federal Communications Commission will hold an Open Meeting on the subjects listed below on Thursday, October 17, 2024, which is scheduled to commence at 10:30 a.m. in the Commission Meeting Room of the Federal Communications Commission, 45 L Street NE, Washington, DC.

While attendance at the Open Meeting is available to the public, the FCC headquarters building is not open access and all guests must check in with and be screened by FCC security at the main entrance on L Street. Attendees at the Open Meeting will not be required to have an appointment but must otherwise comply with protocols outlined at: www.fcc.gov/visit. Open Meetings are streamed live at: www.fcc.gov/live and on the FCC's YouTube channel.

Item No.	Bureau	Subject
1	Wireless Telecommunications	<i>Title:</i> Achieving 100% Wireless Handset Model Hearing Aid Compatibility (WT Docket No. 23–388). <i>Summary:</i> The Commission will consider a Report and Order adopting a 100% hearing aid compatibility requirement for all wireless handset models offered for sale or use in the United States and implementation provisions related to this requirement.
2	Wireline Competition	<i>Title:</i> Implementation of the National Suicide Hotline Act of 2018 (WC Docket No. 18–336). <i>Summary:</i> The Commission will consider a Third Report and Order and Third Further Notice of Proposed Rulemaking that would adopt rules requiring wireless providers to implement a georouting solution for 988 calls to ensure that the 988 Suicide & Crisis Lifeline can connect callers to geographically appropriate crisis centers based on the caller's general location. The Third Further Notice would also propose and seek comment on requiring covered text providers to support georouting for covered 988 text messages.
3	Media	<i>Title:</i> Restricted Adjudicatory Matter. <i>Summary:</i> The Commission will consider a restricted adjudicatory matter from the Media Bureau.
4	CONNECT2HEALTH Task Force	<i>Summary:</i> The Commission will receive a presentation from the Connect2Health Task Force on updates to maternal health data in the Mapping Broadband Health in America platform.

* * * * *

The meeting will be webcast at: www.fcc.gov/live. Open captioning will be provided as well as a text only version on the FCC website. Other reasonable accommodations for people with disabilities are available upon request. In your request, include a description of the accommodation you will need and a way we can contact you if we need more information. Last minute requests will be accepted but may be impossible to fill. Send an email to: fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202–418–0530.

Press Access—Members of the news media are welcome to attend the meeting and will be provided reserved seating on a first-come, first-served basis. Following the meeting, the Chairwoman may hold a news conference in which she will take questions from credentialed members of the press in attendance. Also, senior policy and legal staff will be made available to the press in attendance for questions related to the items on the meeting agenda. Commissioners may also choose to hold press conferences. Press may also direct questions to the Office of Media Relations (OMR): MediaRelations@fcc.gov. Questions about credentialing should be directed to OMR.

Additional information concerning this meeting may be obtained from the Office of Media Relations, (202) 418–0500. Audio/Video coverage of the meeting will be broadcast live with open captioning over the internet from the FCC Live web page at www.fcc.gov/live.

Federal Communications Commission.

Marlene Dortch,

Secretary.

[FR Doc. 2024–23992 Filed 10–17–24; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (Act) (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the applications are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The public portions of the applications listed below, as well as other related filings required by the Board, if any, are available for immediate inspection at the Federal Reserve Bank(s) indicated below and at the offices of the Board of Governors. This information may also be obtained on an expedited basis, upon request, by contacting the appropriate Federal Reserve Bank and from the Board's Freedom of Information Office at <https://www.federalreserve.gov/foia/request.htm>. Interested persons may express their views in writing on the standards enumerated in paragraph 7 of the Act.

Comments received are subject to public disclosure. In general, comments received will be made available without change and will not be modified to

remove personal or business information including confidential, contact, or other identifying information. Comments should not include any information such as confidential information that would not be appropriate for public disclosure.

Comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors, Ann E. Misback, Secretary of the Board, 20th Street and Constitution Avenue NW, Washington, DC 20551–0001, not later than November 4, 2024.

A. Federal Reserve Bank of Chicago (Colette A. Fried, Assistant Vice President) 230 South LaSalle Street, Chicago, Illinois 60690–1414. Comments can also be sent electronically to Comments.applications@chi.frb.org:

1. *Abby Johnson, Solon, Iowa, and The Johnson 2024 Dynasty Trust, Milwaukee, Wisconsin, Greg Johnson, Solon, Iowa, and Peter J. Wilder, Pewaukee, Wisconsin, as co-trustees and Abby Johnson as Grantor*; to join the Johnson Family Control Group, a group acting in concert, to acquire voting shares of AJJ Bancorp, Inc., and thereby indirectly acquire voting shares of Central State Bank, both of Coralville, Iowa.

Board of Governors of the Federal Reserve System.

Erin Cayce,

Assistant Secretary of the Board.

[FR Doc. 2024–24135 Filed 10–17–24; 8:45 am]

BILLING CODE P

**GENERAL SERVICES
ADMINISTRATION**

[Notice–P–2024–15; Docket No. 2024–0002;
Sequence No. 49]

**Notice of Availability for the Record of
Decision on the Final Environmental
Impact Statement for the Alcan Land
Port of Entry Expansion and
Modernization in Alcan, Alaska**

AGENCY: Public Buildings Service (PBS),
U.S. General Services Administration
(GSA).

ACTION: Notice of availability (NOA).

SUMMARY: GSA issued a Record of
Decision (ROD) on the Final
Environmental Impact Statement (EIS)
for the Alcan Land Port of Entry
Expansion and Modernization in Alcan,
Alaska on October 18, 2024. The ROD
was prepared in accordance with the
National Environmental Policy Act
(NEPA) of 1969, the Council on
Environmental Quality Regulations, and
the GSA PBS NEPA Desk Guide.

DATES: *Applicable:* Friday, October 18,
2024.

ADDRESSES: The ROD may be found
online at the following website:
www.gsa.gov/alcan.

FOR FURTHER INFORMATION CONTACT:

Aaron Evanson, Capital Project
Manager, AlcanLPOE@gsa.gov or 206–
445–5876.

SUPPLEMENTARY INFORMATION:**Background**

The Alcan LPOE is located at
Milepost 1221.8 on the Alaska Highway,
0.43 miles from the U.S./Canada Border.
The existing Alcan LPOE is owned and
managed by GSA and is operated by the
U.S. Department of Homeland Security's
Customs and Border Protection (CBP).
The Alcan LPOE is the only 24-hour
port serving privately-owned vehicles
(POVs) and commercial traffic between
the Yukon Territory, Canada, and
mainland Alaska. GSA is the lead
agency for the Final EIS and the Native
Village of Northway is a cooperating
agency.

GSA proposes to build an expanded
and modernized LPOE and new housing
units at Alcan, Alaska, to replace the
existing facilities. The Final EIS
describes the purpose and need for the
proposed project, the alternatives
considered, the existing environment
that could be affected, the potential
impacts resulting from each of the
alternatives, and proposed best
management practices and mitigation
measures.

On April 7, 2023, GSA published a
Notice of Intent for the EIS and

underwent a 40-day scoping period. A
Draft EIS was issued over a 45-day
public comment period on February 26,
2024. Comments received, along with
GSA's responses, during the Final EIS
30-day waiting period, which ended on
October 7, 2024, are provided in
Appendix A of the ROD.

Preferred Alternative

As noted in the ROD, GSA has chosen
to implement Alternative 1: Expansion
and Modernization in Place as defined
in the Final EIS. This decision is based
on the Final EIS issued in September
2024; associated technical reports;
comments from federal and state
agencies, stakeholders, members of the
public, and elected officials; and other
resources contained in the
administrative record.

Alternative 1 consists of expanding
and modernizing the Alcan LPOE and
will include: site preparation and
grading; construction of a new Main
LPOE Building, enclosed inspection
vehicle spaces, new housing units with
improved security measures, an indoor
firing range, and a helicopter landing
zone; and demolition of the existing
LPOE structures. GSA will need
authorization for use of up to 6.5 acres
extending into the Tetlin NWR for the
proposed helicopter landing zone.

All facility and infrastructure
improvements proposed under
Alternative 1 will incorporate a
sustainable, climate-resilient, cyber-
secure, and operationally efficient
design. GSA will seek to meet or exceed
energy and sustainability goals
established by federal guidelines and
policies, along with industry standard
building codes and best practices.

There will be approximately 15 acres
of temporary ground disturbance and 5
acres of permanent ground disturbance
under Alternative 1. Approximately 5
acres will be used as a staging area
during construction. There are currently
8 acres of impermeable surfaces at the
LPOE; expansion and modernization
will add approximately 4 acres of
impervious surfaces. Given the seasonal
constraints of construction work in
Alaska, Alternative 1 will likely follow
a six-year implementation timeline,
which will be phased to avoid
disruption to LPOE operations.

GSA intends to implement and
comply with all mitigation measures as
detailed in the ROD.

Anamarie Crawley,

*Director, R10 Facilities Management Division,
Northwest/Arctic Region 10, U.S. General
Services Administration.*

[FR Doc. 2024–23879 Filed 10–17–24; 8:45 am]

BILLING CODE 6820–DL–P

GOVERNMENT PUBLISHING OFFICE**Depository Library Council Meeting**

AGENCY: U.S. Government Publishing
Office.

ACTION: Notice of meeting.

SUMMARY: The Depository Library
Council (DLC) will meet virtually in
conjunction with the Federal Depository
Library Conference from Monday,
October 21, 2024, through Wednesday,
October 23, 2024. The meetings will
take place online, and anyone may
register to attend at [https://
www.fdlp.gov/2024-fdl-conference](https://www.fdlp.gov/2024-fdl-conference).
Closed captioning will also be provided.
The purpose is to discuss matters
affecting the Federal Depository Library
Program. All sessions are open to the
public.

DATES: October 21–23, 2024.

Hugh Nathaniel Halpern,

Director, U.S. Government Publishing Office.

[FR Doc. 2024–24114 Filed 10–17–24; 8:45 am]

BILLING CODE 1520–01–P

**DEPARTMENT OF HEALTH AND
HUMAN SERVICES****Food and Drug Administration**

[Docket No. FDA–2024–D–3993]

**Postoperative Nausea and Vomiting:
Developing Drugs for Prevention; Draft
Guidance for Industry; Availability**

AGENCY: Food and Drug Administration,
HHS.

ACTION: Notice of availability.

SUMMARY: The Food and Drug
Administration (FDA or Agency) is
announcing the availability of a draft
guidance for industry entitled
“Postoperative Nausea and Vomiting:
Developing Drugs for Prevention.” This
guidance provides recommendations
regarding the design of clinical trials for
the prevention of postoperative nausea
and vomiting in adults, including
considerations for eligibility criteria,
trial design features, efficacy
evaluations, and safety assessments.

DATES: Submit either electronic or
written comments on the draft guidance
by December 17, 2024 to ensure that the
Agency considers your comment on this
draft guidance before it begins work on
the final version of the guidance.

ADDRESSES: You may submit comments
on any guidance at any time as follows:

Electronic Submissions

Submit electronic comments in the
following way:

• *Federal eRulemaking Portal:* <https://www.regulations.gov>. Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to <https://www.regulations.gov> will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on <https://www.regulations.gov>.

• If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see "Written/Paper Submissions" and "Instructions").

Written/Paper Submissions

Submit written/paper submissions as follows:

• *Mail/Hand Delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA-305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

• For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in "Instructions."

Instructions: All submissions received must include the Docket No. FDA-2024-D-3993 for "Postoperative Nausea and Vomiting: Developing Drugs for Prevention." Received comments will be placed in the docket and, except for those submitted as "Confidential Submissions," publicly viewable at <https://www.regulations.gov> or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240-402-7500.

• *Confidential Submissions*—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states "THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION." The Agency will review this copy, including the claimed confidential information, in

its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on <https://www.regulations.gov>. Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as "confidential." Any information marked as "confidential" will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: <https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf>.

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to <https://www.regulations.gov> and insert the docket number, found in brackets in the heading of this document, into the "Search" box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240-402-7500.

You may submit comments on any guidance at any time (see 21 CFR 10.115(g)(5)).

Submit written requests for single copies of the draft guidance to the Division of Drug Information, Center for Drug Evaluation and Research, Food and Drug Administration, 10001 New Hampshire Ave., Hillandale Building, 4th Floor, Silver Spring, MD 20993-0002. Send one self-addressed adhesive label to assist that office in processing your requests. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the draft guidance document.

FOR FURTHER INFORMATION CONTACT:

Mary Chung, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 22, Rm. 5350, Silver Spring, MD 20993-0002, 301-796-0260.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a draft guidance for industry entitled "Postoperative Nausea and Vomiting: Developing Drugs for Prevention." Postoperative nausea and vomiting (PONV) is a serious, common, and distressing complication of surgery occurring within the 0- to 24-hour postoperative period in approximately 30 percent of the general surgical

population and increasing to as high as 80 percent in high-risk cohorts. Nausea and vomiting following surgery can cause serious complications, including electrolyte imbalances and dehydration, can have a significant impact on how patients are functioning, and may prolong hospitalization and recovery from surgery. Additional complications of uncontrolled PONV can include esophageal tears, wound dehiscence, and decreased self-care and functional ability. Several risk factors have been associated with the development of PONV in adults. These include patient-specific risk factors (e.g., female sex, a history of PONV and/or motion sickness, nonsmoking status, and young age) as well as intraoperative risk factors (e.g., type of surgery and anesthesia administered) and postoperative risk factors (e.g., opioid administration). Volatile anesthetic agents are the primary cause of early PONV within the 0- to 2-hour postoperative period.

Current treatment guidelines recommend that adults with at least one of the identified risk factors receive combination pharmacological PONV prophylaxis, which includes drugs from more than one pharmacological class that act on different receptor sites. Importantly, some antiemetics are commonly being administered off-label as part of the combination prophylaxis, as they have not been FDA-approved for this indication. Therefore, this draft guidance, when finalized, will help facilitate trials that can lead to FDA approval for a PONV prevention indication.

This draft guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The draft guidance, when finalized, will represent the current thinking of FDA on "Postoperative Nausea and Vomiting: Developing Drugs for Prevention." It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations.

II. Paperwork Reduction Act of 1995

While this guidance contains no collection of information, it does refer to previously approved FDA collections of information. The previously approved collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501-3521). The collections of information in 21 CFR part 312 relating to clinical trials associated with investigational new drug applications have been approved under OMB control

number 0910–0014. The collections of information in 21 CFR part 50 relating to protection of human subjects have been approved under OMB control number 0910–0130.

III. Electronic Access

Persons with access to the internet may obtain the draft guidance at <https://www.fda.gov/drugs/guidance-compliance-regulatory-information/guidances-drugs>, <https://www.fda.gov/regulatory-information/search-fda-guidance-documents>, or <https://www.regulations.gov>.

Dated: October 9, 2024.

Eric Flamm,

Acting Associate Commissioner for Policy.

[FR Doc. 2024–24107 Filed 10–17–24; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2024–E–0199]

Determination of Regulatory Review Period for Purposes of Patent Extension; EXXUA

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or the Agency) has determined the regulatory review period for EXXUA and is publishing this notice of that determination as required by law. FDA has made the determination because of the submission of an application to the Director of the U.S. Patent and Trademark Office (USPTO), Department of Commerce, for the extension of a patent which claims that human drug product.

DATES: Anyone with knowledge that any of the dates as published (see **SUPPLEMENTARY INFORMATION**) are incorrect may submit either electronic or written comments and ask for a redetermination by December 17, 2024. Furthermore, any interested person may petition FDA for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period by April 16, 2025. See “Petitions” in the **SUPPLEMENTARY INFORMATION** section for more information.

ADDRESSES: You may submit comments as follows. Please note that late, untimely filed comments will not be considered. The <https://www.regulations.gov> electronic filing system will accept comments until

11:59 p.m. Eastern Time at the end of December 17, 2024. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are received on or before that date.

Electronic Submissions

Submit electronic comments in the following way:

- **Federal eRulemaking Portal:** <https://www.regulations.gov>. Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to <https://www.regulations.gov> will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else’s Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on <https://www.regulations.gov>.

- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see “Written/Paper Submissions” and “Instructions”).

Written/Paper Submissions

Submit written/paper submissions as follows:

- **Mail/Hand Delivery/Courier (for written/paper submissions):** Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in “Instructions.”

Instructions: All submissions received must include the Docket No. FDA–2024–E–0199 for “Determination of Regulatory Review Period for Purposes of Patent Extension; EXXUA.” Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as “Confidential Submissions,” publicly viewable at <https://www.regulations.gov> or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

- **Confidential Submissions—**To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states “THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.” The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on <https://www.regulations.gov>. Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as “confidential.” Any information marked as “confidential” will not be disclosed except in accordance with § 10.20 (21 CFR 10.20) and other applicable disclosure law. For more information about FDA’s posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: <https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf>.

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to <https://www.regulations.gov> and insert the docket number, found in brackets in the heading of this document, into the “Search” box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240–402–7500.

FOR FURTHER INFORMATION CONTACT: Beverly Friedman, Office of Regulatory Policy, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 6200, Silver Spring, MD 20993, 301–796–3600.

SUPPLEMENTARY INFORMATION:

I. Background

The Drug Price Competition and Patent Term Restoration Act of 1984 (Pub. L. 98–417) and the Generic Animal Drug and Patent Term Restoration Act (Pub. L. 100–670) generally provide that a patent may be extended for a period of up to 5 years so long as the patented item (human drug or biological product, animal drug product, medical device, food additive, or color additive) was subject to

regulatory review by FDA before the item was marketed. Under these acts, a product's regulatory review period forms the basis for determining the amount of extension an applicant may receive.

A regulatory review period consists of two periods of time: a testing phase and an approval phase. For human drug products, the testing phase begins when the exemption to permit the clinical investigations of the drug becomes effective and runs until the approval phase begins. The approval phase starts with the initial submission of an application to market the human drug product and continues until FDA grants permission to market the drug product. Although only a portion of a regulatory review period may count toward the actual amount of extension that the Director of USPTO may award (for example, half the testing phase must be subtracted as well as any time that may have occurred before the patent was issued), FDA's determination of the length of a regulatory review period for a human drug product will include all of the testing phase and approval phase as specified in 35 U.S.C. 156(g)(1)(B).

FDA has approved for marketing the human drug product, EXXUA (gepirone hydrochloride) indicated for treatment of major depressive disorder in adults. Subsequent to this approval, the USPTO received a patent term restoration application for EXXUA (U.S. Patent No. 7,538,116) from Fabre-Kramer Pharmaceuticals, Inc. and the USPTO requested FDA's assistance in determining the patent's eligibility for patent term restoration. In a letter dated February 6, 2024, FDA advised the USPTO that this human drug product had undergone a regulatory review period and that the approval of EXXUA represented the first permitted commercial marketing or use of the product. Thereafter, the USPTO requested that FDA determine the product's regulatory review period.

II. Determination of Regulatory Review Period

FDA has determined that the applicable regulatory review period for EXXUA is 14,390 days. Of this time, 6,226 days occurred during the testing phase of the regulatory review period, while 8,164 days occurred during the approval phase. These periods of time were derived from the following dates:

1. *The date an exemption under section 505(i) of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 355(i)) became effective:* May 2, 1984. Fabre-Kramer Pharmaceuticals, Inc. claims that October 1, 1989, is the date the investigational new drug application

(IND) became effective. However, FDA's records indicate that the effective date of an earlier IND was May 2, 1984, which was 30 days after FDA received the earlier IND.

2. *The date the application was initially submitted with respect to the human drug product under section 505 of the FD&C Act:* May 18, 2001. The applicant claims July 19, 1999, as the date the new drug application (NDA) for EXXUA (NDA 21164) was initially submitted. However, FDA records indicate that NDA 21164, submitted on October 1, 1999, was incomplete. FDA refused the application and notified the applicant of this fact by letter dated November 30, 1999. The complete NDA was then submitted on May 18, 2001, which is considered to be the initially submitted date.

3. *The date the application was approved:* September 22, 2023 5:47:00 p.m. FDA has verified the applicant's claim that NDA 21164 was approved on September 22, 2023.

This determination of the regulatory review period establishes the maximum potential length of a patent extension. However, the USPTO applies several statutory limitations in its calculations of the actual period for patent extension. In its application for patent extension, this applicant seeks 5 years of patent term extension.

III. Petitions

Anyone with knowledge that any of the dates as published are incorrect may submit either electronic or written comments and, under 21 CFR 60.24, ask for a redetermination (see **DATES**). Furthermore, as specified in § 60.30 (21 CFR 60.30), any interested person may petition FDA for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period. To meet its burden, the petition must comply with all the requirements of § 60.30, including but not limited to: must be timely (see **DATES**), must be filed in accordance with § 10.20, must contain sufficient facts to merit an FDA investigation, and must certify that a true and complete copy of the petition has been served upon the patent applicant. (See H. Rept. 857, part 1, 98th Cong., 2d sess., pp. 41–42, 1984.) Petitions should be in the format specified in 21 CFR 10.30.

Submit petitions electronically to <https://www.regulations.gov> at Docket No. FDA–2013–S–0610. Submit written petitions (two copies are required) to the Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

Dated: October 10, 2024.

Eric Flamm,

Acting Associate Commissioner for Policy.

[FR Doc. 2024–24109 Filed 10–17–24; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2024–N–4560]

Linde, Inc.; Withdrawal of Approval of a New Drug Application and New Animal Drug Application for Helium, USP

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or Agency) is withdrawing approval of the new drug application (NDA) 205851 and the new animal drug application (NADA) 141–389 for the designated medical gas Helium, USP held by Linde, Inc., 175 East Park Dr., Tonawanda, NY 14150–7844. Linde, Inc. notified the Agency in writing that the drug product was no longer marketed and requested that the approval of the application be withdrawn.

DATES: Approval is withdrawn as of November 18, 2024.

FOR FURTHER INFORMATION CONTACT: Kimberly Lehrfeld, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 6226, Silver Spring, MD 20993–0002, 301–796–3137, Kimberly.Lehrfeld@fda.hhs.gov; or Scott Fontana (HFV–180), Center for Veterinary Medicine, Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 240–402–0656, Scott.Fontana@fda.hhs.gov.

SUPPLEMENTARY INFORMATION: On March 12, 2024, Linde, Inc. informed FDA that it is no longer marketing the designated medical gas Helium, USP and requested that FDA withdraw approval of NDA 205851 and NADA 141–389 under the processes in § 314.150(c) (21 CFR 314.150(c)) and § 514.115(d) (21 CFR 514.115(d)). Linde, Inc. has also, by its request, waived its opportunity for a hearing. Withdrawal of approval of an application or abbreviated application under § 314.150(c) or an NADA or abbreviated new animal drug application under § 514.115(d) is without prejudice to refiling.

Therefore, approval of NDA 205851 and NADA 141–389, and all amendments and supplements thereto,

are hereby withdrawn as of November 18, 2024. Introduction or delivery for introduction into interstate commerce of Helium, USP, without an approved new drug application or an approved new animal drug application violates sections 505(a), 512(a), 301(a), and 301(d) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(a), 360b(a)(1), 331(a), and 331(d)). Any Helium, USP manufactured by Linde, Inc. pursuant to these applications that is in inventory on November 18, 2024 may continue to be dispensed until the inventories have been depleted or the drug product has reached its expiration date or otherwise become violative, whichever occurs first.

Dated: October 9, 2024.

Eric Flamm,

Acting Associate Commissioner for Policy.

[FR Doc. 2024-24106 Filed 10-17-24; 8:45 am]

BILLING CODE 4164-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA-2020-D-2303]

Core Patient-Reported Outcomes in Cancer Clinical Trials; Guidance for Industry; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing the availability of a final guidance for industry entitled “Core Patient-Reported Outcomes in Cancer Clinical Trials.” This final guidance provides recommendations to sponsors regarding the collection of a core set of patient-reported clinical outcomes (herein referred to as core patient-reported outcomes) in cancer clinical trials and related considerations for instrument selection and trial design. This final guidance focuses on patient-reported outcome (PRO) measures and is specific to registration trials for anti-cancer therapies intended to demonstrate an effect on survival, tumor response, or delay in the progression of a malignancy.

DATES: The announcement of the guidance is published in the **Federal Register** on October 18, 2024.

ADDRESSES: You may submit either electronic or written comments on Agency guidances at any time as follows:

Electronic Submissions

Submit electronic comments in the following way:

- **Federal eRulemaking Portal:** <https://www.regulations.gov>. Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to <https://www.regulations.gov> will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else’s Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on <https://www.regulations.gov>.

- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see “Written/Paper Submissions” and “Instructions”).

Written/Paper Submissions

Submit written/paper submissions as follows:

- **Mail/Hand Delivery/Courier (for written/paper submissions):** Dockets Management Staff (HFA-305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in “Instructions.”

Instructions: All submissions received must include the Docket No. FDA-2020-D-2303 for “Core Patient-Reported Outcomes in Cancer Clinical Trials.” Received comments will be placed in the docket and, except for those submitted as “Confidential Submissions,” publicly viewable at <https://www.regulations.gov> or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240-402-7500.

- **Confidential Submissions—**To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states

“THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.” The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on <https://www.regulations.gov>. Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as “confidential.” Any information marked as “confidential” will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA’s posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: <https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf>.

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to <https://www.regulations.gov> and insert the docket number, found in brackets in the heading of this document, into the “Search” box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240-402-7500.

You may submit comments on any guidance at any time (see 21 CFR 10.115(g)(5)).

Submit written requests for single copies of this guidance to the Division of Drug Information, Center for Drug Evaluation and Research, Food and Drug Administration, 10001 New Hampshire Ave., Hillandale Building, 4th Floor, Silver Spring, MD 20993-0002. Send one self-addressed adhesive label to assist that office in processing your requests. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the guidance document.

FOR FURTHER INFORMATION CONTACT: Vishal Bhatnagar, Oncology Center of Excellence, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 22, Rm. 2113, Silver Spring, MD 20993-0002, 240-402-3696; or James Myers, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 7301, Silver Spring, MD 20993-0002, 240-402-7910.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a final guidance for industry entitled “Core Patient-Reported Outcomes in Cancer Clinical Trials.” This final guidance provides recommendations to sponsors regarding the collection of a core set of PROs in cancer clinical trials and related considerations for instrument selection and trial design. The final guidance recommendations supplement previous guidance on use of PRO measures in clinical trials by providing additional considerations specific to the cancer clinical trial setting. The final guidance is intended to facilitate generation of high-quality data on a core set of patient-reported symptom and functional impacts that are important contributors to a patient’s health-related quality of life.

Although this final guidance focuses on PRO measures, some of the recommendations may be relevant to other clinical outcome assessments (*i.e.*, clinician-reported outcome, observer-reported outcome, performance outcome) in cancer clinical trials. The final guidance is specific to registration trials for anti-cancer therapies intended to demonstrate an effect on survival, tumor response, or delay in the progression of a malignancy.

Cancer clinical trials typically employ standardized efficacy assessments using overall survival and tumor measures, and safety assessments provided by clinician reporting of adverse events. FDA acknowledges the added value of incorporating PRO measurement of symptoms and functional impacts into the benefit/risk assessment in appropriately designed trials; however, heterogeneity in PRO assessment strategies has lessened the regulatory utility of PRO data from cancer trials. Systematic assessment of a core set of PROs can facilitate high-quality data on patient-reported symptoms and functional impacts. In published literature, FDA authors have previously described a core set of PROs that may be important contributors to a patient’s health-related quality of life and that may be sensitive to the effect of the disease and treatment under study.

FDA is issuing this final guidance to provide FDA’s current thinking on the core PROs, considerations for instrument selection to measure the core PROs, trial design considerations such as assessment frequency, and labeling considerations. The core PROs recommended in the guidance are disease-related symptoms, symptomatic adverse events, overall side effect impact summary measure, physical function, and role function.

In the **Federal Register** of June 10, 2021 (86 FR 30944), FDA announced the availability of the draft guidance of the same title dated June 2021. FDA considered comments received on the draft guidance as the guidance was finalized. Changes from the draft to the final guidance include recommendations to consult FDA when selecting adverse events for reporting, edits to include hematological malignancies, and minor, editorial changes to improve clarity.

This final guidance is being issued consistent with FDA’s good guidance practices regulation (21 CFR 10.115). This final guidance represents the current thinking of FDA on “Core Patient-Reported Outcomes in Cancer Clinical Trials.” It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations.

II. Paperwork Reduction Act of 1995

While this guidance contains no collection of information, it does refer to previously approved FDA collections of information. The previously approved collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3521). The collections of information in 21 CFR part 312 have been approved under OMB control number 0910–0014; the collections of information in 21 CFR part 314 have been approved under OMB control number 0910–0001; and the collections of information in 21 CFR part 601 have been approved under 0910–0338.

III. Electronic Access

Persons with access to the internet may obtain the guidance at <https://www.fda.gov/drugs/guidance-compliance-regulatory-information/guidances-drugs>, <https://www.fda.gov/regulatory-information/search-fda-guidance-documents>, or <https://www.regulations.gov>.

Dated: October 11, 2024.

Eric Flamm,

Acting Associate Commissioner for Policy.

[FR Doc. 2024–24111 Filed 10–17–24; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2024–P–0761]

Determination That TAVIST (Clemastine Fumarate) Tablet, 2.68 Milligrams, 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 TAVIST (clemastine fumarate) tablet, 2.68 milligrams (mg), 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.

TAVIST (clemastine fumarate) tablet, 2.68 mg, is the subject of NDA 017661, held by Novartis Pharmaceuticals Corp. and initially approved on February 25, 1977. TAVIST (clemastine fumarate) tablet, 2.68 mg, is indicated for the relief of symptoms associated with allergic rhinitis such as sneezing, rhinorrhea, pruritus, and lacrimation. It is also indicated for the relief of mild, uncomplicated allergic skin manifestations of urticaria and angioedema.

TAVIST (clemastine fumarate) tablet, 2.68 mg, is currently listed in the "Discontinued Drug Product List" section of the Orange Book. In a letter dated February 13, 2004, Novartis Consumer Health, Inc., requested withdrawal of NDA 017661 for TAVIST (clemastine fumarate). In the **Federal Register** of March 4, 2005 (70 FR 10651), FDA announced that it was withdrawing approval of NDA 017661, effective April 4, 2005.

Pharmobedient Consulting, LLC, submitted a citizen petition dated February 21, 2024 (Docket No. FDA-2024-P-0761), under 21 CFR 10.30, requesting that the Agency determine whether TAVIST (clemastine fumarate) tablet, 2.68 mg, 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 TAVIST (clemastine fumarate) tablet, 2.68 mg, was not withdrawn for reasons of safety or effectiveness. The petitioner has identified no data or other information suggesting that TAVIST (clemastine fumarate) tablet, 2.68 mg, was withdrawn for reasons of safety or effectiveness. We have carefully reviewed our files for records concerning the withdrawal of TAVIST (clemastine fumarate) tablet, 2.68 mg, 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 TAVIST (clemastine fumarate) tablet, 2.68 mg, 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. FDA will not begin procedures to withdraw approval of approved ANDAs that refer to this drug product. Additional ANDAs for this drug product may also be approved by the Agency as long as they meet all other legal and regulatory requirements for the approval of ANDAs. 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. 2024-24103 Filed 10-17-24; 8:45 am]

BILLING CODE 4164-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA-2024-D-2732]

Recommendations for the Development of Blood Collection, Processing, and Storage Systems for the Manufacture of Blood Components Using the Buffy Coat Method; Draft Guidance for Industry; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing the availability of a draft document entitled "Recommendations for the Development of Blood Collection, Processing, and Storage Systems for the Manufacture of Blood Components Using the Buffy Coat Method." The draft guidance document provides recommendations on the development of blood collection, processing, and storage systems (e.g., blood bags with anticoagulant and additive solutions, empty bags for platelet pooling) used for the manufacture of blood and blood

components intended for transfusion using the buffy coat (BC) method. This guidance is intended for manufacturers of blood collection, processing, and storage systems.

DATES: Submit either electronic or written comments on the draft guidance by December 17, 2024 to ensure that the Agency considers your comment on this draft guidance before it begins work on the final version of the guidance.

ADDRESSES: You may submit comments on any guidance at any time as follows:

Electronic Submissions

Submit electronic comments in the following way:

- **Federal eRulemaking Portal:** <https://www.regulations.gov>. Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to <https://www.regulations.gov> will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on <https://www.regulations.gov>.

- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see "Written/Paper Submissions" and "Instructions").

Written/Paper Submissions

Submit written/paper submissions as follows:

- **Mail/Hand Delivery/Courier (for written/paper submissions):** Dockets Management Staff (HFA-305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in "Instructions."

Instructions: All submissions received must include the Docket No. FDA-2024-D-2732 for "Recommendations for the Development of Blood Collection, Processing, and Storage Systems for the Manufacture of Blood Components Using the Buffy Coat

Method.” Received comments will be placed in the docket and, except for those submitted as “Confidential Submissions,” publicly viewable at <https://www.regulations.gov> or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

- **Confidential Submissions**—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states “THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.” The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on <https://www.regulations.gov>. Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as “confidential.” Any information marked as “confidential” will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA’s posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: <https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf>.

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to <https://www.regulations.gov> and insert the docket number, found in brackets in the heading of this document, into the “Search” box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240–402–7500. You may submit comments on any guidance at any time (see 21 CFR 10.115(g)(5)).

Submit written requests for single copies of the draft guidance to the Office of Communication, Outreach and Development, Center for Biologics Evaluation and Research (CBER), Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 3128, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist the office in processing your requests. The draft guidance may also be

obtained by mail by calling CBER at 1–800–835–4709 or 240–402–8010. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the draft guidance document.

FOR FURTHER INFORMATION CONTACT:

Melissa Segal, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 7301, Silver Spring, MD 20993–0002, 240–402–7911.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a draft document entitled “Recommendations for the Development of Blood Collection, Processing, and Storage Systems for the Manufacture of Blood Components Using the Buffy Coat Method.” This guidance provides recommendations on the development of blood collection, processing, and storage systems (e.g., blood bags with anticoagulant and additive solutions, empty bags for platelet pooling) used for the manufacture of blood and blood components intended for transfusion using the BC method. This guidance is intended for manufacturers of blood collection, processing, and storage systems.

Blood and blood components must be prepared in a manner consistent with the instructions provided by the manufacturer (21 CFR 606.65(e)), including the directions provided in the instructions for use of the approved or cleared collection, processing, and storage system. To prepare blood components using the BC method, blood establishments must use blood collection, processing and storage systems approved or cleared for such use. However, blood collection, processing, and storage systems currently marketed in the United States are only approved or cleared for the preparation of blood components from Whole Blood (WB) using the platelet rich plasma method, and none are yet approved or cleared for the preparation of blood components using the BC method.

This guidance provides recommendations to manufacturers who wish to obtain FDA approval or clearance to market blood collection, processing, and storage systems intended for the manufacture of blood components using the BC method. With the availability of such systems, blood establishments in the United States would have the option of manufacturing WB-derived blood components using the BC method.

This draft guidance is being issued consistent with FDA’s good guidance practices regulation (21 CFR 10.115). The draft guidance, when finalized, will represent the current thinking of FDA on “Recommendations for the Development of Blood Collection, Processing, and Storage Systems for the Manufacture of Blood Components Using the Buffy Coat Method.” It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations.

II. Paperwork Reduction Act of 1995

FDA tentatively concludes that this draft guidance contains no collection of information. Therefore, clearance by the Office of Management and Budget under the Paperwork Reduction Act of 1995 is not required.

III. Electronic Access

Persons with access to the internet may obtain the draft guidance at <https://www.fda.gov/vaccines-blood-biologics/guidance-compliance-regulatory-information-biologics/biologics-guidances>, <https://www.fda.gov/regulatory-information/search-fda-guidance-documents>, or <https://www.regulations.gov>.

Dated: October 11, 2024.

Eric Flamm,

Acting Associate Commissioner for Policy.

[FR Doc. 2024–24098 Filed 10–17–24; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2022–D–2061]

Review of Drug Master Files in Advance of Certain Abbreviated New Drug Application Submissions Under Generic Drug User Fee Amendments; Guidance for Industry; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing the availability of a final guidance for industry entitled “Review of Drug Master Files in Advance of Certain ANDA Submissions Under GDUFA.” This guidance provides information and recommendations on the Generic Drug User Fee Amendments (GDUFA) III program enhancements agreed upon by the Agency and industry in “GDUFA Reauthorization

Performance Goals and Program Enhancements Fiscal Years 2023–2027” (GDUFA III commitment letter), related to the early assessment of certain Type II drug master files (DMFs) 6 months prior to the submission of certain abbreviated new drug applications (ANDAs) or prior approval supplements (PASs). This guidance describes the process outlined in the GDUFA III commitment letter in greater detail and provides recommendations to DMF holders on how to provide the relevant information to FDA. This guidance finalizes the draft guidance of the same title issued on October 6, 2022.

DATES: The announcement of the guidance is published in the **Federal Register** on October 18, 2024.

ADDRESSES: You may submit either electronic or written comments on Agency guidances at any time as follows:

Electronic Submissions

Submit electronic comments in the following way:

- **Federal eRulemaking Portal:** <https://www.regulations.gov>. Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to <https://www.regulations.gov> will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else’s Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on <https://www.regulations.gov>.

- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see “Written/Paper Submissions” and “Instructions”).

Written/Paper Submissions

Submit written/paper submissions as follows:

- **Mail/Hand Delivery/Courier (for written/paper submissions):** Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for

information submitted, marked and identified, as confidential, if submitted as detailed in “Instructions.”

Instructions: All submissions received must include the Docket No. FDA–2022–D–2061 for “Review of Drug Master Files in Advance of Certain ANDA Submissions Under GDUFA.” Received comments will be placed in the docket and, except for those submitted as “Confidential Submissions,” publicly viewable at <https://www.regulations.gov> or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

- **Confidential Submissions—**To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states “THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.” The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on <https://www.regulations.gov>. Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as “confidential.” Any information marked as “confidential” will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA’s posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: <https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf>.

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to <https://www.regulations.gov> and insert the docket number, found in brackets in the heading of this document, into the “Search” box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240–402–7500.

You may submit comments on any guidance at any time (see 21 CFR 10.115(g)(5)).

Submit written requests for single copies of this guidance to the Division of Drug Information, Center for Drug

Evaluation and Research, Food and Drug Administration, 10001 New Hampshire Ave., Hillandale Building, 4th Floor, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist that office in processing your requests. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the guidance document.

FOR FURTHER INFORMATION CONTACT:

Ziyang Su, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave, Bldg. 51, Rm. 4150, Silver Spring, MD 20993, 240–402–6004.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a guidance for industry entitled “Review of Drug Master Files in Advance of Certain ANDA Submissions Under GDUFA.” As described in the GDUFA III commitment letter,¹ FDA has agreed to performance goals and program enhancements regarding aspects of the generic drug assessment program that build on previous authorizations of GDUFA. These enhancements to the program are designed to maximize the efficiency and utility of each assessment cycle, with the intent of reducing the number of assessment cycles for ANDAs and facilitating timely access to generic medicines for American patients. One of the enhancements included in the GDUFA III commitment letter is a mechanism to enable assessment of DMFs in advance of certain ANDA and PAS submissions.

Historically, Type II active pharmaceutical ingredient DMFs have posed a challenge for ANDA applicants because a DMF holder’s response time to Agency questions typically limits the likelihood that the DMF will be found adequate in one ANDA assessment cycle, often precluding approval of the ANDA in one assessment cycle. The program enhancement of early assessment of certain Type II DMFs should facilitate more DMFs to be found adequate in one assessment cycle, thereby potentially promoting additional ANDA approvals in one assessment cycle.

The purpose of this guidance is to provide information and recommendations on the early assessment of DMFs 6 months prior to the submission of certain ANDAs or PASs. It describes the process outlined in the GDUFA III commitment letter in greater detail and provides

¹ The GDUFA III commitment letter is available at <https://www.fda.gov/media/153631/download>.

recommendations on how to provide the relevant information to FDA.

This guidance finalizes the draft guidance of the same title issued on October 6, 2022 (87 FR 60686). FDA considered comments received on the draft guidance as the guidance was finalized, and in response a footnote was added to clarify the potential impact of unsolicited amendments submitted after the prior assessment is granted.

This guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The guidance represents the current thinking of FDA on "Review of Drug Master Files in Advance of Certain ANDA Submissions Under GDUFA." It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations.

II. Paperwork Reduction Act of 1995

While this final guidance contains no collection of information, it does refer to previously approved FDA collections of information. The previously approved collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3521). The collections of information in 21 CFR 314 have been approved under OMB control number 0910–0001.

III. Electronic Access

Persons with access to the internet may obtain the guidance at <https://www.fda.gov/drugs/guidance-compliance-regulatory-information/guidances-drugs>, <https://www.fda.gov/regulatory-information/search-fda-guidance-documents>, or <https://www.regulations.gov>.

Dated: October 9, 2024.

Eric Flamm,

Acting Associate Commissioner for Policy.

[FR Doc. 2024–24104 Filed 10–17–24; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2019–D–3805]

The Accreditation Scheme for Conformity Assessment Program: Draft Guidances for Industry, Accreditation Bodies, Testing Laboratories, and FDA Staff; Availability; Extension of Comment Period

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability; extension of comment period.

SUMMARY: The Food and Drug Administration (FDA or the Agency) is extending the comment period for the notice of availability that appeared in the **Federal Register** of September 23, 2024. In the notice of availability, FDA requested comments on three draft guidance documents for industry and FDA staff entitled "The Accreditation Scheme for Conformity Assessment (ASCA) Program; Guidance for Industry, Accreditation Bodies, Testing Laboratories, and FDA Staff"; "Basic Safety and Essential Performance of Medical Electrical Equipment, Medical Electrical Systems, and Laboratory Medical Equipment—Standards Specific Information for the ASCA Program; Guidance for Industry, Accreditation Bodies, Testing Laboratories, and FDA Staff"; and "Biocompatibility Testing of Medical Devices—Standards Specific Information for the ASCA Program; Guidance for Industry, Accreditation Bodies, Testing Laboratories, and FDA Staff." The Agency is taking this action in response to a request for an extension to allow interested persons additional time to submit comments.

DATES: FDA is extending the comment period on the document published September 23, 2024 (89 FR 77526). Either electronic or written comments must be submitted by December 23, 2024, to ensure that the Agency considers your comment on this draft guidance before it begins work on the final version of the guidance.

ADDRESSES: You may submit comments on any guidance at any time as follows:

Electronic Submissions

Submit electronic comments in the following way:

- **Federal eRulemaking Portal:** <https://www.regulations.gov>. Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to <https://www.regulations.gov> will be posted to

the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on <https://www.regulations.gov>.

- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see "Written/Paper Submissions" and "Instructions").

Written/Paper Submissions

Submit written/paper submissions as follows:

- **Mail/Hand Delivery/Courier (for written/paper submissions):** Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in "Instructions."

Instructions: All submissions received must include the Docket No. FDA–2019–D–3805 for "The Accreditation Scheme for Conformity Assessment (ASCA) Program; Guidance for Industry, Accreditation Bodies, Testing Laboratories, and FDA Staff"; "Basic Safety and Essential Performance of Medical Electrical Equipment, Medical Electrical Systems, and Laboratory Medical Equipment—Standards Specific Information for the ASCA Program; Guidance for Industry, Accreditation Bodies, Testing Laboratories, and FDA Staff"; and "Biocompatibility Testing of Medical Devices—Standards Specific Information for the ASCA Program; Guidance for Industry, Accreditation Bodies, Testing Laboratories, and FDA Staff." Received comments will be placed in the docket and, except for those submitted as "Confidential Submissions," publicly viewable at <https://www.regulations.gov> or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

- **Confidential Submissions—**To submit a comment with confidential information that you do not wish to be made publicly available, submit your

comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states "THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION." The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on <https://www.regulations.gov>. Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as "confidential." Any information marked as "confidential" will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: <https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf>.

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to <https://www.regulations.gov> and insert the docket number, found in brackets in the heading of this document, into the "Search" box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240-402-7500.

FOR FURTHER INFORMATION CONTACT: Eric Franca, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 5500, Silver Spring, MD 20993-0002, 301-796-4505, ASCA@fda.hhs.gov; or James Myers, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 7301, Silver Spring, MD 20993, 240-402-7911.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of September 23, 2024, FDA published a notice of availability with a 60-day comment period to request comments on draft guidances for industry and FDA staff entitled "The Accreditation Scheme for Conformity Assessment (ASCA) Program; Guidance for Industry, Accreditation Bodies, Testing Laboratories, and FDA Staff"; "Basic Safety and Essential Performance of Medical Electrical Equipment, Medical Electrical Systems, and

Laboratory Medical Equipment—Standards Specific Information for the ASCA Program; Guidance for Industry, Accreditation Bodies, Testing Laboratories, and FDA Staff"; and "Biocompatibility Testing of Medical Devices—Standards Specific Information for the ASCA Program; Guidance for Industry, Accreditation Bodies, Testing Laboratories, and FDA Staff."

The Agency has received a request for an extension of the comment period. The request conveyed concern that the current 60-day comment period does not allow sufficient time to develop a meaningful or thoughtful response.

FDA has considered the request and is extending the comment period for the notice of availability for 30 days, until December 23, 2024. The Agency believes that a 30-day extension allows adequate time for interested persons to submit comments without significantly delaying guidance on these important issues.

Dated: October 10, 2024.

Eric Flamm,

Acting Associate Commissioner for Policy.

[FR Doc. 2024-24096 Filed 10-17-24; 8:45 am]

BILLING CODE 4164-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA-2024-E-0128]

Determination of Regulatory Review Period for Purposes of Patent Extension; Wavewriter Alpha Spinal Cord Stimulator System

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or the Agency) has determined the regulatory review period for WAVEWRITER ALPHA SPINAL CORD STIMULATOR SYSTEM and is publishing this notice of that determination as required by law. FDA has made the determination because of the submission of an application to the Director of the U.S. Patent and Trademark Office (USPTO), Department of Commerce, for the extension of a patent which claims that medical device.

DATES: Anyone with knowledge that any of the dates as published (see **SUPPLEMENTARY INFORMATION**) are incorrect may submit either electronic or written comments and ask for a redetermination by December 17, 2024.

Furthermore, any interested person may petition FDA for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period by April 16, 2025. See "Petitions" in the **SUPPLEMENTARY INFORMATION** section for more information.

ADDRESSES: You may submit comments as follows. Please note that late, untimely filed comments will not be considered. The <https://www.regulations.gov> electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of December 17, 2024. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are received on or before that date.

Electronic Submissions

Submit electronic comments in the following way:

- **Federal eRulemaking Portal:** <https://www.regulations.gov>. Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to <https://www.regulations.gov> will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on <https://www.regulations.gov>.

- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see "Written/Paper Submissions" and "Instructions").

Written/Paper Submissions

Submit written/paper submissions as follows:

- **Mail/Hand Delivery/Courier (for written/paper submissions):** Dockets Management Staff (HFA-305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in "Instructions."

Instructions: All submissions received must include the Docket No. FDA–2024–E–0128 for “Determination of Regulatory Review Period for Purposes of Patent Extension; WAVEWRITER ALPHA SPINAL CORD STIMULATOR SYSTEM.” Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as “Confidential Submissions,” publicly viewable at <https://www.regulations.gov> or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

- **Confidential Submissions**—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states “THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.” The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on <https://www.regulations.gov>. Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as “confidential.” Any information marked as “confidential” will not be disclosed except in accordance with § 10.20 (21 CFR 10.20) and other applicable disclosure law. For more information about FDA’s posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: <https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf>.

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to <https://www.regulations.gov> and insert the docket number, found in brackets in the heading of this document, into the “Search” box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240–402–7500.

FOR FURTHER INFORMATION CONTACT: Beverly Friedman, Office of Regulatory Policy, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51,

Rm. 6200, Silver Spring, MD 20993, 301–796–3600.

SUPPLEMENTARY INFORMATION:

I. Background

The Drug Price Competition and Patent Term Restoration Act of 1984 (Pub. L. 98–417) and the Generic Animal Drug and Patent Term Restoration Act (Pub. L. 100–670) generally provide that a patent may be extended for a period of up to 5 years so long as the patented item (human drug or biological product, animal drug product, medical device, food additive, or color additive) was subject to regulatory review by FDA before the item was marketed. Under these acts, a product’s regulatory review period forms the basis for determining the amount of extension an applicant may receive.

A regulatory review period consists of two periods of time: a testing phase and an approval phase. For medical devices, the testing phase begins with a clinical investigation of the device and runs until the approval phase begins. The approval phase starts with the initial submission of an application to market the device and continues until permission to market the device is granted. Although only a portion of a regulatory review period may count toward the actual amount of extension that the Director of USPTO may award (half the testing phase must be subtracted as well as any time that may have occurred before the patent was issued), FDA’s determination of the length of a regulatory review period for a medical device will include all of the testing phase and approval phase as specified in 35 U.S.C. 156(g)(3)(B).

FDA has approved for marketing the medical device WAVEWRITER ALPHA SPINAL CORD STIMULATOR SYSTEM. WAVEWRITER ALPHA SPINAL CORD STIMULATOR SYSTEM is indicated as an aid in the management of chronic intractable pain of the trunk and/or limbs including unilateral or bilateral pain associated with the following: failed back surgery syndrome, Complex Regional Pain Syndrome Types I and II, intractable low back pain and leg pain. Subsequent to this approval, the USPTO received a patent term restoration application for WAVEWRITER ALPHA SPINAL CORD STIMULATOR SYSTEM (U.S. Patent No. 7,437,193) from Boston Scientific Neuromodulation Corp., and the USPTO requested FDA’s assistance in determining this patent’s eligibility for patent term restoration. In a letter dated January 30, 2024, FDA advised the USPTO that this medical device had undergone a regulatory review period and that the approval of WAVEWRITER

ALPHA SPINAL CORD STIMULATOR SYSTEM represented the first permitted commercial marketing or use of the product. Thereafter, the USPTO requested that FDA determine the product’s regulatory review period.

II. Determination of Regulatory Review Period

FDA has determined that the applicable regulatory review period for WAVEWRITER ALPHA SPINAL CORD STIMULATOR SYSTEM is 223 days. Of this time, 0 days occurred during the testing phase of the regulatory review period, while 223 days occurred during the approval phase. These periods of time were derived from the following dates:

1. *The date an exemption under section 520(g) of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 360j(g)) involving this device became effective: Not Applicable.* FDA has verified the applicant’s claim that the length of the testing phase of the regulatory review period is 0 days.

2. *The date an application was initially submitted with respect to the device under section 515 of the FD&C Act (21 U.S.C. 360e):* April 23, 2020. FDA has verified the applicant’s claim that the premarket approval application (PMA) for WAVEWRITER ALPHA SPINAL CORD STIMULATOR SYSTEM (PMA P030017/S338) was initially submitted April 23, 2020.

3. *The date the application was approved:* December 1, 2020. FDA has verified the applicant’s claim that PMA P030017/Supplement 338 was approved on December 1, 2020.

This determination of the regulatory review period establishes the maximum potential length of a patent extension. However, the USPTO applies several statutory limitations in its calculations of the actual period for patent extension. In its application for patent extension, this applicant seeks 222 days of patent term extension.

III. Petitions

Anyone with knowledge that any of the dates as published are incorrect may submit either electronic or written comments and, under 21 CFR 60.24, ask for a redetermination (see **DATES**). Furthermore, as specified in § 60.30 (21 CFR 60.30), any interested person may petition FDA for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period. To meet its burden, the petition must comply with all the requirements of § 60.30, including but not limited to: must be timely (see **DATES**), must be filed in accordance with § 10.20, must

contain sufficient facts to merit an FDA investigation, and must certify that a true and complete copy of the petition has been served upon the patent applicant. (See H. Rept. 857, part 1, 98th Cong., 2d sess., pp. 41–42, 1984.) Petitions should be in the format specified in 21 CFR 10.30.

Submit petitions electronically to <https://www.regulations.gov> at Docket No. FDA–2013–S–0610. Submit written petitions (two copies are required) to the Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

Dated: October 10, 2024.

Eric Flamm,

Acting Associate Commissioner for Policy.

[FR Doc. 2024–24095 Filed 10–17–24; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2022–D–0112]

Considerations for Long-Term Clinical Neurodevelopmental Safety Studies in Neonatal Product Development; Guidance for Industry; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing the availability of a final guidance for industry entitled “Considerations for Long-Term Clinical Neurodevelopmental Safety Studies in Neonatal Product Development; Guidance for Industry.” This guidance is intended to provide a framework for considering whether and what type of long-term neurologic, sensory, and developmental evaluations could be useful in supporting a determination of safety of an FDA-regulated “medical product” (*i.e.*, drug, biological product, or medical device) for use in neonates. Although short-term safety evaluations may be appropriate for adults or other populations, such evaluations may not identify important adverse events in the neonatal population, as medical treatment during the neonatal period coincides with a time of critical growth and physiologic development and latent effects may not be evident until later in life following early-life exposures. Consideration of the potential for long-term neurologic, sensory, and developmental effects in the neonatal population early in a development

program is important for establishing safety of a medical product intended for use in neonates. This guidance finalizes the draft guidance of the same title issued on February 13, 2023.

DATES: The announcement of the guidance is published in the **Federal Register** on October 18, 2024.

ADDRESSES: You may submit either electronic or written comments on Agency guidances at any time as follows:

Electronic Submissions

Submit electronic comments in the following way:

- **Federal eRulemaking Portal:** <https://www.regulations.gov>. Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to <https://www.regulations.gov> will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else’s Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on <https://www.regulations.gov>.

- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see “Written/Paper Submissions” and “Instructions”).

Written/Paper Submissions

Submit written/paper submissions as follows:

- **Mail/Hand Delivery/Courier (for written/paper submissions):** Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in “Instructions.”

Instructions: All submissions received must include the Docket No. FDA–2022–D–0112 for “Considerations for Long-Term Clinical Neurodevelopmental Safety Studies in Neonatal Product Development; Guidance for Industry.” Received comments will be placed in the docket

and, except for those submitted as “Confidential Submissions,” publicly viewable at <https://www.regulations.gov> or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

- **Confidential Submissions—**To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states “THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.” The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on <https://www.regulations.gov>. Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as “confidential.” Any information marked as “confidential” will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA’s posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: <https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf>.

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to <https://www.regulations.gov> and insert the docket number, found in brackets in the heading of this document, into the “Search” box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240–402–7500.

You may submit comments on any guidance at any time (see 21 CFR 10.115(g)(5)).

Submit written requests for single copies of this guidance to the Division of Drug Information, Center for Drug Evaluation and Research, Food and Drug Administration, 10001 New Hampshire Ave., Hillandale Building, 4th Floor, Silver Spring, MD 20993–0002; Office of Communication, Outreach and Development, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 3128, Silver Spring, MD 20993–0002; or

Office of Policy, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 5431, Silver Spring, MD 20993-0002. Send one self-addressed adhesive label to assist that office in processing your requests. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the guidance document.

FOR FURTHER INFORMATION CONTACT: An Massaro, Office of Pediatric Therapeutics, Office of Clinical Policy and Programs, Office of the Commissioner, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 32, 5th Floor, Silver Spring, MD 20993-0002, 301-467-8507; Gerri Baer, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 22, Rm. 5399, Silver Spring, MD 20993-0002, 240-402-2865; James Myers, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Silver Spring, MD 20993-0002, 240-402-5923; and Vasum Peiris, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Silver Spring, MD 20993-0002, 301-796-6089.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a guidance for industry entitled “Considerations for Long-Term Clinical Neurodevelopmental Safety Studies in Neonatal Product Development; Guidance for Industry.”

Treatment with medical products during the neonatal period coincides with a time of critical growth and physiologic development. Although short-term safety evaluations may be appropriate for adults or other populations, such short-term evaluations may not identify important adverse events in the neonatal population, as latent effects may follow early-life exposures. Historically, most medical products used to treat neonates and young infants were not approved for use in these populations, and thus have not undergone comprehensive evaluation of safety or efficacy for use in neonates.

Neonates should have the same access as other populations to medical products that have been adequately evaluated for optimal dosing, efficacy, and safety. There are unique conditions that occur in term or preterm neonates that do not have analogous clinical conditions in older populations. As products are developed for unique

neonatal conditions, first-in-human studies may occur in neonates, and these development programs should demonstrate long-term neurologic, sensory, and developmental safety. Clinical investigators and sponsors of neonatal studies should consider both the potential short- and long-term effects of an investigational therapy, whether the therapy has been approved for a similar indication in an older population or whether being developed for a new indication specific to the neonatal population.

This guidance will discuss general, patient-specific and product-specific considerations that impact the evaluation of whether and what type of long-term follow-up assessment should be considered. Types of follow-up assessments, ranging from neurodevelopmental screening through a comprehensive neurodevelopmental evaluation, which domains of assessment may be most pertinent, and the timing and duration of assessment are discussed.

This guidance finalizes the draft guidance entitled “Considerations for Long-Term Clinical Neurodevelopmental Safety Studies in Neonatal Product Development; Guidance for Industry” issued on February 13, 2023 (88 FR 9296). FDA considered comments received on the draft guidance as the guidance was finalized. Changes from the draft to the final guidance include:

- The background section of the guidance addresses the recommended minimum duration of follow-up and notes that this will depend on different population- and product-specific factors as discussed throughout the guidance.
- In the section of the guidance that addresses product-specific considerations when determining whether long-term neurodevelopmental safety evaluations should be conducted, new text was added about the impact of the route of product administration.
- In the section of the guidance that addresses general considerations when developing a plan to evaluate long-term neurodevelopmental safety, new text was added about planning for clinical referral.
- New text was also added to the first paragraph of the section of the guidance entitled “What to Measure, When, and for How Long” that clarifies that the protocol should specify whether assessments are conducted as part of standard clinical care or for research-related purposes only. The new text also clarifies that for research-related interventions, the benefit-risk determination should be performed to

ensure that the procedure is ethically permissible.

In addition, editorial changes were made to improve clarity noting that this guidance does not address gene therapy or genomic medical interventions.

This guidance is being issued consistent with FDA’s good guidance practices regulation (21 CFR 10.115). The guidance represents the current thinking of FDA on “Considerations for Long-Term Clinical Neurodevelopmental Safety Studies in Neonatal Product Development; Guidance for Industry.” It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations.

II. Paperwork Reduction Act of 1995

While this guidance contains no collection of information, it does refer to previously approved FDA collections of information. The previously approved collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501-3521). The collections of information for submission of investigational new drug applications, 21 CFR part 312, have been approved under 0910-0014. The collections of information for submission of new drug applications, 21 CFR part 314, have been approved under 0910-0001. The collections of information for submission of biologic license applications, 21 CFR part 601, have been approved under 0910-0338. The collections of information for submission of premarket notifications, 21 CFR part 807, subpart E; investigational device exemptions, 21 CFR part 812; premarket approval applications, part 814 (21 CFR part 814), subparts A through E; humanitarian device exemptions, part 814, subpart H; De Novo classification requests, 21 CFR part 860, subpart D; and the Q-submission Program, in FDA’s guidance entitled “Requests for Feedback and Meetings for Medical Device Submissions: The Q-Submission Program,” have been approved under OMB control numbers 0910-0120, 0910-0078, 0910-0231, 0910-0332, 0910-0844, and 0910-0756, respectively.

III. Electronic Access

Persons with access to the internet may obtain the guidance at <https://www.fda.gov/drugs/guidance-compliance-regulatory-information/guidances-drugs>, [https://www.fda.gov/regulatory-information/search-fda-](https://www.fda.gov/regulatory-information/search-fda)

guidance-documents, or <https://www.regulations.gov>.

Dated: October 10, 2024.

Eric Flamm,

Acting Associate Commissioner for Policy.

[FR Doc. 2024–24108 Filed 10–17–24; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Meeting of the National Advisory Council on Migrant Health; Amended Notice of Meeting

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services.

ACTION: Notice; amended notice of meeting.

SUMMARY: HRSA published a notice in the **Federal Register** of July 23, 2024, concerning a meeting of the National Advisory Council on Migrant Health on October 22, 2024, and October 23, 2024. The notice states the meeting will be held in-person and via webinar. However, due to the impact of recent hurricanes on council members, this meeting now will be held via webinar only on Zoom.

FOR FURTHER INFORMATION CONTACT: Liz Rhee, National Advisory Council on Migrant Health Designated Federal Official, Office of Policy and Program Development, Bureau of Primary Health Care, HRSA, 5600 Fishers Lane, Rockville, MD 20857; 301–443–1082 or hrsabphcoppdnacmh@hrsa.gov.

SUPPLEMENTARY INFORMATION:

Amended Notice of Meeting

In the **Federal Register** Notice of July 23, 2024, FR Doc. 2024–16119, page 59744, column 1, section 2, paragraph 3, amend the sentences “This meeting will be held in-person and via webinar. The address of the meeting is 5600 Fishers Lane, Rockville, MD 20857” to read: “This meeting will be held via webinar only.” In paragraph 8, delete the following sentences: “Since this meeting occurs in a federal government building, attendees must go through a security check to enter the building. Non-U.S. citizen attendees must notify HRSA of their planned attendance at least 20 business days prior to the meeting to facilitate their entry into the building. All attendees are required to

present government-issued identification prior to entry.”

Amy P. McNulty,

Deputy Director, Executive Secretariat.

[FR Doc. 2024–24165 Filed 10–17–24; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Charter Renewal of the Advisory Committee on Blood and Tissue Safety and Availability

AGENCY: Office of the Assistant Secretary for Health, Office of the Secretary, Department of Health and Human Services.

ACTION: Notice.

SUMMARY: The Department of Health and Human Services is hereby giving notice that the charter for the Advisory Committee on Blood and Tissue Safety and Availability (ACBTSA) has been renewed.

FOR FURTHER INFORMATION CONTACT:

James Berger, Designated Federal Officer for the ACBTSA; Office of Infectious Disease and HIV/AIDS Policy, Office of the Assistant Secretary for Health, Department of Health and Human Services, Tower Building, 1101 Wootton Parkway, Rockville, MD 20852. Phone: (202) 795–7608. Email: ACBTSA@hhs.gov.

SUPPLEMENTARY INFORMATION: The ACBTSA is a non-discretionary federal advisory committee. The ACBTSA is authorized under 42 U.S.C. 217a, section 222 of the Public Health Service (PHS) Act, as amended. The Committee is governed by the provisions of the Federal Advisory Committee Act (FACA), Public Law 92–463, as amended (5 U.S.C. App), which sets forth standards for the formation and use of advisory committees. The ACBTSA advises, assists, consults with, and makes policy recommendations to the Secretary, through the Assistant Secretary for Health, regarding broad responsibilities related to the safety of blood, blood products, tissues, and organs. For solid organs and blood stem cells, the Committee’s work is limited to policy issues related to donor derived infectious disease complications of transplantation.

To carry out its mission, the ACBTSA provides advice to the Secretary through the Assistant Secretary for Health on a range of policy issues which includes: (1) identification of public health issues through surveillance of blood and tissue safety issues with national biovigilance data tools; (2) identification of public

health issues that affect availability of blood, blood products, and tissues; (3) broad public health, ethical, and legal issues related to the safety of blood, blood products, and tissues; (4) the impact of various economic factors (e.g., product cost and supply) on safety and availability of blood, blood products, and tissues; (5) risk communications related to blood transfusion and tissue transplantation; and (6) identification of infectious disease transmission issues for blood, organs, blood stem cells and tissues.

On September 25, 2024, the Secretary approved for the ACBTSA charter to be renewed. Renewal of the Committee’s charter gives authorization for the Committee to continue to operate until October 9, 2026.

A copy of the ACBTSA charter is available on the Committee’s website at <https://www.hhs.gov/oidp/advisory-committee/blood-tissue-safety-availability/charter/index.html>.

Dated: October 3, 2024.

James J. Berger,

DFO, Advisory Committee on Blood and Tissue Safety and Availability, Office of Infectious Disease and HIV/AIDS Policy.

[FR Doc. 2024–24133 Filed 10–17–24; 8:45 am]

BILLING CODE 4150–41–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Meeting of the Secretary’s Advisory Committee on Human Research Protections

AGENCY: Department of Health and Human Services, Office of the Secretary, Office of the Assistant Secretary for Health.

ACTION: Notice.

SUMMARY: Pursuant to section 10(a) of the Federal Advisory Committee Act, U.S.C. Appendix 2, notice is hereby given that the Secretary’s Advisory Committee on Human Research Protections (SACHRP) will hold a meeting that will be open to the public. Information about SACHRP, the full meeting agenda, and instructions for linking to public access will be posted on the SACHRP website at <https://www.hhs.gov/ohrp/sachrp-committee/meetings/index.html>.

DATES: The meeting will be held on Tuesday, October 22, 2024, from 11:00 a.m. until 4:30 p.m. (times are tentative and subject to change). The confirmed times and agenda will be posted on the SACHRP website as this information becomes available.

ADDRESSES: This meeting will be held via webcast. Members of the public may

also attend the meeting via webcast. Instructions for attending via webcast will be posted at least one week prior to the meeting at <https://www.hhs.gov/ohrp/sachrp-committee/meetings/index.html>.

FOR FURTHER INFORMATION CONTACT: Julia Gorey, J.D., Executive Director, SACHRP; U.S. Department of Health and Human Services, 1101 Wootton Parkway, Suite 200, Rockville, Maryland 20852; telephone: 240-453-8141; fax: 240-453-6909; email address: SACHRP@hhs.gov.

SUPPLEMENTARY INFORMATION: Under the authority of 42 U.S.C. 217a, section 222 of the Public Health Service Act, as amended, SACHRP was established to provide expert advice and recommendations to the Secretary of Health and Human Services, through the Assistant Secretary for Health, on issues and topics pertaining to or associated with the protection of human research subjects.

The SACHRP Advisory Subcommittee was established by in August 2024 and is charged with assessing and drafting recommendations for consideration by SACHRP pertaining to the language and interpretation of 45 CFR part 46, existing relevant HHS guidance documents and the development of new HHS guidance documents, and cultural, ethical, or international issues of concern which may impact HHS funded human subjects protections.

The SACHRP meeting will open to the public at 11:00 a.m., on Tuesday, October 22, 2024, followed by opening remarks from Julie Kaneshiro, currently Acting Director of OHRP. Ms Kaneshiro will introduce Dr. Molly Klote, newly appointed Director of OHRP. Dr. Douglas Diekema, SACHRP Chair, will make opening remarks. The meeting will begin with a discussion of the draft recommendation, Considerations for Uninformative Research. This will be followed by panel presentations and discussion of a new SACHRP topic on Equivalent Protections and Procedural Requirements in International Research. The day will adjourn at approximately 4:30 p.m.

Time will be allotted for public comment. SACHRP materials will be publicly posted at HHS-OASH-2024-0013. The public may submit written public comment in advance to SACHRP@hhs.gov no later than midnight October 18th, 2024, ET. Written comments will be shared with SACHRP members and may read aloud during the meeting. Comments which are read aloud are limited to three minutes each. Public comment must be

relevant to topics currently being addressed by the SACHRP.

Dated: September 26, 2024.

Julia G. Gorey.

Executive Director, SACHRP, Office for Human Research Protections.

[FR Doc. 2024-24147 Filed 10-17-24; 8:45 am]

BILLING CODE 4150-36-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Office of the Director; Notice of Meeting

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

This will be a hybrid meeting held in-person and virtually and will be open to the public as indicated below. Given the capacity constraints of the venue, the public is strongly encouraged to attend virtually via NIH videocast. Interested individuals should pre-register at <https://cvent.me/vxOKqy> to attend this meeting. Individuals who need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting. The meeting can be accessed from the NIH Videocasting website (<http://videocast.nih.gov/>).

Name of Committee: Scientific Management Review Board.

Date: November 12, 2024.

Time: 11:15 a.m. to 5:30 p.m.

Agenda: Overview of NIH's mission, structure, and budget and summary of SMRB's history and future directions.

Address: National Institutes of Health, Building 31, 6C Room F & G, 31 Center Drive, Bethesda, MD 20894.

Meeting Format: Hybrid Meeting.

Contact Person: Tyrone Spady, Ph.D., Acting Senior Advisor to the NIH Deputy Director, Office of the Director, One Center Drive, Building 1, Room 108, Bethesda, MD 20892, (301) 496-2433, smrb@nih.gov.

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

In the interest of security, NIH has procedures at <https://www.nih.gov/about-nih/visitor-information/campus-access-security> for entrance into on-campus and off-campus facilities. All visitor vehicles, including taxicabs, hotel, and airport shuttles will be inspected before being allowed on campus. Visitors attending a meeting on campus or at an off-campus federal facility will be asked to show one form of identification (for example, a government-

issued photo ID, driver's license, or passport) and to state the purpose of their visit.

The draft meeting agenda and other information about the SMRB, including information about access to the webcast, will be available prior to the meeting at <http://smrb.od.nih.gov>.

(Catalogue of Federal Domestic Assistance Program Numbers: 93.14, Intramural Research Training Award; 93.22, Clinical Research Loan Repayment Program for Individuals from Disadvantaged Backgrounds; 93.232, Loan Repayment Program for Research Generally; 93.39, Academic Research Enhancement Award; 93.936, NIH Acquired Immunodeficiency Syndrome Research Loan Repayment Program; 93.187, Undergraduate Scholarship Program for Individuals from Disadvantaged Backgrounds, National Institutes of Health, HHS.)

Dated: October 15, 2024.

Lauren A. Fleck,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2024-24125 Filed 10-17-24; 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; Bat Immunology Network Research Projects (R01 Clinical Trial Not Allowed) and Bat Immunology Network Research Resource Program (U24 Clinical Trial Not Allowed).

Date: November 25-26, 2024.

Time: 10:00 a.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Rockville, MD 20892.

Meeting Format: Video Assisted Meeting.

Contact Person: Sandip Bhattacharyya, Ph.D., Scientific Review Officer, Scientific

Review Program, Division of Extramural Activities, National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, MSC 9834, Rockville, MD 20892, sandip.bhattacharyya@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 11, 2024.

Lauren A. Fleck,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2024–24058 Filed 10–17–24; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel; NIAID Investigator Initiated Program Project Applications (P01 Clinical Trial Not Allowed).

Date: November 14, 2024.

Time: 9:00 a.m. to 12:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Rockville, MD 20892.

Meeting Format: Video Assisted Meeting.

Contact Person: James T. Snyder, Ph.D., Scientific Review Officer, Scientific Review Program, National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, MSC 9823, Rockville, MD 20892, (240) 669–5060, james.snyder@nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: October 11, 2024.

Lauren A. Fleck,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2024–24057 Filed 10–17–24; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2024–0783]

Area Maritime Security Advisory Committee for Gulf of Mexico

AGENCY: Coast Guard, DHS.

ACTION: Solicitation for membership.

SUMMARY: The Coast Guard requests individuals interested in serving on the Gulf of Mexico Area Maritime Security Advisory Committee (AMSC) Executive Steering Committee submit their applications for membership to the Federal Maritime Security Coordinator (FMSC), Eighth Coast Guard District.

DATES: Requests for membership should reach the Eighth Coast Guard District by November 30, 2024.

ADDRESSES: Applications for membership should be submitted to the FMSC at the following address: Commander, Eighth Coast Guard District, Attn: Mr. Nick Alphonso, Gulf of Mexico AMSC Executive Secretary, Hale Boggs Federal Building, 500 Poydras St., Suite 1341, New Orleans, LA 70130. Applications can also be emailed to: Nicholas.J.Alphonso2@uscg.mil.

FOR FURTHER INFORMATION CONTACT: For questions about applying or about the AMSC Executive Steering Committee in general, contact Mr. Nick Alphonso, Gulf of Mexico AMSC Executive Secretary, Phone: (504) 671–2267, Nicholas.J.Alphonso@uscg.mil.

SUPPLEMENTARY INFORMATION:

I. Authority

Section 102 of the Maritime Transportation Security Act (MTSA) of 2002 (Pub. L. 107–295, 116 Stat. 2064) added section 70112 to Title 46 of the U.S. Code, and authorized the Secretary of the Department in which the Coast Guard is operating to establish Area Maritime Security Advisory Committees for any port area of the United States. (See 33 U.S.C. 1226; 46 U.S.C. 70112; 33 CFR 1.05–1, 6.01; Department of Homeland Security Delegation No. 00170.1(II)(71), Revision No. 01.4). The MTSA includes a provision exempting these AMSCs from the Federal Advisory Committee Act, (Pub. L. 117–286, 5

U.S.C., ch. 10). The AMSCs assist the FMSC in the development, review, updating, and exercising of the Area Maritime Security Plan for their area of responsibility. Such matters may include, but are not limited to: identifying critical port infrastructure and operations; identifying risks (threats, vulnerabilities, and consequences); determining mitigation strategies and implementation methods; Developing strategies to facilitate the recovery of the Maritime Transportation System after a Transportation Security Incident; developing and describing the process to continually evaluate overall port security by considering consequences and vulnerabilities, how they may change over time, and what additional mitigation strategies can be applied; and providing advice to, and assisting the FMSC in developing and maintaining the AMSP.

II. AMSC Composition

The composition of an AMSC Executive Steering Committee is prescribed under 33 CFR 103.305. Pursuant to that regulation, members may be selected from the Federal, Territorial, or Tribal government; the State government and political subdivisions of the State; local public safety, crisis management, and emergency response agencies; law enforcement and security organizations; maritime industry, including labor; other port stakeholders having a special competence in maritime security; and port stakeholders affected by security practices and policies. Members of the AMSC should have at least five years of experience related to maritime or port security operations.

III. AMSC Membership

The Gulf of Mexico AMSC Executive Steering Committee currently has 6 members. We are seeking to add 10 to 15 members with this solicitation. Applicants may be required to pass an appropriate security background check prior to appointment to the committee. Members' terms of office will be for five years; however, a member is eligible to serve additional terms of office. Members will not receive any salary or other compensation for their service on the AMSC.

IV. Request for Applications

Those seeking membership are not required to submit formal applications to the local FMSC; However, because the Gulf of Mexico AMSC Executive Steering Committee does have an obligation to ensure that a specific number of members have the prerequisite maritime security

experience, the submission of resumes highlighting experience in the maritime and security industries is encouraged.

The Coast Guard does not discriminate in selection of Area Maritime Security Advisory Committee members on the basis of race, color, religion, sex, national origin, political affiliation, sexual orientation, gender identity, marital status, disability and genetic information, age, membership in an employee organization, or other non-merit factor. The Coast Guard strives to achieve a widely diverse candidate pool for all of its recruitment actions.

Dated: October 11, 2024.

D.C. Barata,

Rear Admiral, U.S. Coast Guard, Federal Maritime Security Coordinator Gulf of Mexico.

[FR Doc. 2024–24164 Filed 10–17–24; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Immigration and Customs Enforcement

[Docket No. ICEB–2024–0009]

RIN 1653–ZA53

Employment Authorization for Certain Lebanese F–1 Nonimmigrant Students Experiencing Severe Economic Hardship as a Direct Result of the Current Humanitarian Crisis in Lebanon

AGENCY: U.S. Immigration and Customs Enforcement; Department of Homeland Security.

ACTION: Notice.

SUMMARY: The Department of Homeland Security (DHS) is suspending certain regulatory requirements for certain Lebanese F–1 nonimmigrant students who are experiencing severe economic hardship as a direct result of the current humanitarian crisis in Lebanon. The Secretary is providing relief to these students who are in lawful F–1 nonimmigrant status, so the students may request employment authorization, work an increased number of hours while school is in session, and reduce their course load while continuing to maintain their F–1 nonimmigrant status.

DATES: This action covers eligible Lebanese F–1 nonimmigrant students beginning on July 26, 2024, and ending on January 25, 2026.

FOR FURTHER INFORMATION CONTACT: Sharon Snyder, Unit Chief, Policy and Response Unit, Student and Exchange Visitor Program, MS 5600, U.S. Immigration and Customs Enforcement

(ICE), 500 12th Street SW, Washington, DC 20536–5600; email: sevp@ice.dhs.gov, telephone: (703) 603–3400. This is not a toll-free number. Program information can be found at <https://www.ice.gov/sevis/>.

SUPPLEMENTARY INFORMATION:

What action is DHS taking under this notice?

The Secretary is exercising the authority under 8 CFR 214.2(f)(9) to temporarily suspend the applicability of certain requirements governing on-campus and off-campus employment for F–1 nonimmigrant students whose country of citizenship is Lebanon regardless of country of birth (or individuals having no nationality who last habitually resided in Lebanon), who were present in the United States in lawful F–1 nonimmigrant student status on July 26, 2024, and who are experiencing severe economic hardship as a direct result of the current humanitarian crisis in Lebanon. Effective with this publication, suspension of the employment limitations is available through January 25, 2026, for those who were in lawful F–1 nonimmigrant status on July 26, 2024. DHS will deem an F–1 nonimmigrant student granted employment authorization through this notice to be engaged in a “full course of study” for the duration of the employment authorization, if the student satisfies the minimum course load set forth in this notice.¹ See 8 CFR 214.2(f)(6)(i)(F).

Who is covered by this notice?

This notice applies exclusively to F–1 nonimmigrant students who meet all of the following conditions:

- (1) Are a citizen of Lebanon regardless of country of birth (or an individual having no nationality who last habitually resided in Lebanon);
- (2) Were lawfully present in the United States on July 26, 2024, in F–1 nonimmigrant status under section 101(a)(15)(F)(i) of the Immigration and Nationality Act (INA), 8 U.S.C. 1101(a)(15)(F)(i);
- (3) Are enrolled in an academic institution that is Student and Exchange Visitor Program (SEVP)-certified for

¹ Because the suspension of requirements under this notice applies throughout an academic term during which the suspension is in effect, DHS considers an F–1 nonimmigrant student who engages in a reduced course load or employment (or both) after this notice is effective to be engaging in a “full course of study,” see 8 CFR 214.2(f)(6), and eligible for employment authorization, through the end of any academic term for which such student is matriculated as of January 25, 2026, provided the student satisfies the minimum course load requirements in this notice.

enrollment for F–1 nonimmigrant students;

(4) Are currently maintaining F–1 nonimmigrant status; and

(5) Are experiencing severe economic hardship as a direct result of the current humanitarian crisis in Lebanon.

This notice applies to F–1 nonimmigrant students in an approved private school in kindergarten through grade 12, public school grades 9 through 12, and undergraduate and graduate education. An F–1 nonimmigrant student covered by this notice who transfers to another SEVP-certified academic institution remains eligible for the relief provided by means of this notice.

Why is DHS taking this action?

DHS is taking action to provide relief to certain Lebanese F–1 nonimmigrant students experiencing severe economic hardship due to emergent circumstances presented by the current humanitarian crisis in Lebanon. See 8 CFR 214.2(f)(5)(v), (9)(i), and (9)(ii). Humanitarian conditions in southern Lebanon have significantly deteriorated due to recent escalating tensions between Hezbollah and Israel. The International Organization for Migration (IOM) reported that 90,350 people had become newly displaced since September 19, 2024, following the latest military escalation.² By September 30, 2024, IOM had tracked the number of displaced individuals to 346,209.³ UNHCR reports that it has been approached by over 8,500 refugees who have fled their homes and displaced internally in Lebanon during the week prior to October 1, 2024, with the most urgent needs being access to safe shelters, core relief items, healthcare, food, cash assistance, and protection services.⁴ Citing to the deterioration of humanitarian conditions, on July 26, 2024, President Joseph Biden issued a memorandum, directing the Secretary to defer for 18 months the removal of certain Lebanese nationals present in the United States by implementing

² “Over 90,000 People Displaced by Latest Military Escalation in Lebanon—IOM Scales Up Its Response,” International Organization for Migration (IOM), Sept. 25, 2024, available at <https://www.iom.int/news/over-90000-people-displaced-latest-military-escalation-lebanon-iom-scales-its-response> (last visited Oct. 4, 2024).

³ Lebanon—Mobility Snapshot—Round 49—30–09–2024, IOM, Sept. 30, 2024, available at <https://dtm.iom.int/reports/lebanon-mobility-snapshot-round-49-30-09-2024?close=true> (last visited Oct. 4, 2024).

⁴ “Lebanon Emergency: Flash Update 1 October 2024,” UNHCR, Oct. 1, 2024, available at <https://reporting.unhcr.org/lebanon-emergency-flash-update-2> (last visited Oct. 4, 2024).

Deferred Enforced Departure for those eligible individuals.⁵

As of July 26, 2024, approximately 1,740 F–1 nonimmigrant students from Lebanon are enrolled at SEVP-certified academic institutions in the United States. Given the extent of the current humanitarian crisis in Lebanon, affected students whose primary means of financial support comes from Lebanon may need to be exempt from the normal student employment requirements to continue their studies in the United States. The current crisis has made it unfeasible for many students to safely return to Lebanon for the foreseeable future. Without employment authorization, these students may lack the means to meet basic living expenses.

What is the minimum course load requirement to maintain valid F–1 nonimmigrant status under this notice?

Undergraduate F–1 nonimmigrant students who receive on-campus or off-campus employment authorization under this notice must remain registered for a minimum of six semester or quarter hours of instruction per academic term. Undergraduate F–1 nonimmigrant students enrolled in a term of different duration must register for at least one half of the credit hours normally required under a “full course of study.” See 8 CFR 214.2(f)(6)(i)(B) and (F). A graduate-level F–1 nonimmigrant student who receives on-campus or off-campus employment authorization under this notice must remain registered for a minimum of three semester or quarter hours of instruction per academic term. See 8 CFR 214.2(f)(5)(v). Nothing in this notice affects the applicability of other minimum course load requirements set by the academic institution.

In addition, an F–1 nonimmigrant student (either undergraduate or graduate) granted on-campus or off-campus employment authorization under this notice may count up to the equivalent of one class or three credits per session, term, semester, trimester, or quarter of online or distance education toward satisfying this minimum course load requirement, unless their course of study is in an English language study program. See 8 CFR 214.2(f)(6)(i)(G). An F–1 nonimmigrant student attending an approved private school in kindergarten through grade 12 or public school in grades 9 through 12 must maintain

“class attendance for not less than the minimum number of hours a week prescribed by the school for normal progress toward graduation,” as required under 8 CFR 214.2(f)(6)(i)(E). Nothing in this notice affects the applicability of federal and state labor laws limiting the employment of minors.

May an eligible F–1 nonimmigrant student who already has on-campus or off-campus employment authorization benefit from the suspension of regulatory requirements under this notice?

Yes. An F–1 nonimmigrant student who is a Lebanese citizen regardless of country of birth (or an individual having no nationality who last habitually resided in Lebanon), who already has on-campus or off-campus employment authorization and is otherwise eligible may benefit under this notice, which suspends certain regulatory requirements relating to the minimum course load requirement under 8 CFR 214.2(f)(6)(i) and certain employment eligibility requirements under 8 CFR 214.2(f)(9). Such an eligible F–1 nonimmigrant student may benefit without having to apply for a new Form I–766, Employment Authorization Document (EAD). To benefit from this notice, the F–1 nonimmigrant student must request that their designated school official (DSO) enter the following statement in the remarks field of the student’s Student and Exchange Visitor Information System (SEVIS) record, which the student’s Form I–20, Certificate of Eligibility for Nonimmigrant (F–1) Student Status, will reflect:

Approved for more than 20 hours per week of [DSO must insert “on-campus” or “off-campus,” depending upon the type of employment authorization the student already has] employment authorization and reduced course load under the Special Student Relief authorization from [DSO must insert the beginning date of the notice or the beginning date of the student’s employment, whichever date is later] until [DSO must insert either the student’s program end date, the current EAD expiration date (if the student is currently authorized for off-campus employment), or the end date of this notice, whichever date comes first].⁶

⁶ Because the suspension of requirements under this notice applies throughout an academic term during which the suspension is in effect, DHS considers an F–1 nonimmigrant student who engages in a reduced course load or employment (or both) after this notice is effective to be engaging in a “full course of study,” see 8 CFR 214.2(f)(6), and eligible for employment authorization, through the end of any academic term for which such student is matriculated as January 25, 2026, provided the student satisfies the minimum course load requirements in this notice.

Must the F–1 nonimmigrant student apply for reinstatement after expiration of this special employment authorization if the student reduces his or her “full course of study”?

No. DHS will deem an F–1 nonimmigrant student who receives and complies with the employment authorization permitted under this notice to be engaged in a “full course of study”⁷ for the duration of the student’s employment authorization, provided that a qualifying undergraduate level F–1 nonimmigrant student remains registered for a minimum of six semester or quarter hours of instruction per academic term, and a qualifying graduate level F–1 nonimmigrant student remains registered for a minimum of three semester or quarter hours of instruction per academic term. See 8 CFR 214.2(f)(5)(v) and (f)(6)(i)(F). Undergraduate F–1 nonimmigrant students enrolled in a term of different duration must register for at least one half of the credit hours normally required under a “full course of study.” See 8 CFR 214.2(f)(6)(i)(B) and (F). DHS will not require such students to apply for reinstatement under 8 CFR 214.2(f)(16) if they are otherwise maintaining F–1 nonimmigrant status.

Will an F–2 dependent (spouse or minor child) of an F–1 nonimmigrant student covered by this notice be eligible for employment authorization?

No. An F–2 spouse or minor child of an F–1 nonimmigrant student is not authorized to work in the United States and, therefore, may not accept employment while in F–2 nonimmigrant status. See 8 CFR 214.2(f)(15)(i).

Will the suspension of the applicability of the standard student employment requirements apply to an individual who received an initial F–1 visa and makes an initial entry into the United States after the effective date of this notice in the Federal Register?

No. The suspension of the applicability of the standard regulatory requirements only applies to certain F–1 nonimmigrant students who meet the following conditions:

- (1) Are a citizen of Lebanon regardless of country of birth (or an individual having no nationality who last habitually resided in Lebanon);
- (2) Were lawfully present in the United States on July 26, 2024, in F–1 nonimmigrant status under section 101(a)(15)(F)(i) of the INA, 8 U.S.C. 1101(a)(15)(F)(i);

⁷ See 8 CFR 214.2(f)(6).

⁵ Memorandum on the Deferred Enforced Departure for Certain Lebanese Nationals, The White House, July 26, 2024, available at <https://www.whitehouse.gov/briefing-room/presidential-actions/2024/07/26/memorandum-on-the-deferred-enforced-departure-for-certain-lebanese-nationals/> (last visited July 26, 2024).

(3) Are enrolled in an academic institution that is SEVP-certified for enrollment of F–1 nonimmigrant students;

(4) Are currently maintaining F–1 nonimmigrant status; and

(5) Are experiencing severe economic hardship as a direct result of the current humanitarian crisis in Lebanon.

An F–1 nonimmigrant student who does not meet all these requirements is ineligible for the suspension of the applicability of the standard regulatory requirements (even if experiencing severe economic hardship as a direct result of the current humanitarian crisis in Lebanon).

Does this notice apply to a continuing F–1 nonimmigrant student who departs the United States after the effective date of this notice in the Federal Register and who needs to obtain a new F–1 visa before returning to the United States to continue an educational program?

Yes. This notice applies to such an F–1 nonimmigrant student, but only if the DSO has properly notated the student's SEVIS record, which will then appear on the student's Form I–20. The normal rules for visa issuance remain applicable to a nonimmigrant who needs to apply for a new F–1 visa to continue an educational program in the United States.

Does this notice apply to elementary school, middle school, and high school students in F–1 status?

Yes. However, this notice does not by itself reduce the required course load for Lebanese F–1 nonimmigrant students enrolled in kindergarten through grade 12 at a private school, or grades 9 through 12 at a public high school. Such students must maintain the minimum number of hours of class attendance per week prescribed by the academic institution for normal progress toward graduation, as required under 8 CFR 214.2(f)(6)(i)(E). The suspension of certain regulatory requirements related to employment through this notice is applicable to all eligible F–1 nonimmigrant students regardless of educational level. Eligible Lebanese F–1 nonimmigrant students enrolled in an elementary school, middle school, or high school do benefit from the suspension of the requirement in 8 CFR 214.2(f)(9)(i) that limits on-campus employment to 20 hours per week while school is in session.

On-Campus Employment Authorization
Will an F–1 nonimmigrant student who receives on-campus employment authorization under this notice be authorized to work more than 20 hours per week while school is in session?

Yes. For an F–1 nonimmigrant student covered in this notice, the Secretary is suspending the applicability of the requirement in 8 CFR 214.2(f)(9)(i) that limits an F–1 nonimmigrant student's on-campus employment to 20 hours per week while school is in session. An eligible F–1 nonimmigrant student has authorization to work more than 20 hours per week while school is in session if the DSO has entered the following statement in the remarks field of the student's SEVIS record, which will be reflected on the student's Form I–20:

Approved for more than 20 hours per week of on-campus employment and reduced course load, under the Special Student Relief authorization from [DSO must insert the beginning date of this notice or the beginning date of the student's employment, whichever date is later] until [DSO must insert the student's program end date or the end date of this notice, whichever date comes first].⁸

To obtain on-campus employment authorization, the F–1 nonimmigrant student must demonstrate to the DSO that the employment is necessary to avoid severe economic hardship directly resulting from the current humanitarian crisis in Lebanon. An F–1 nonimmigrant student authorized by the DSO to engage in on-campus employment by means of this notice does not need to file any applications with U.S. Citizenship and Immigration Services (USCIS). The standard rules permitting full-time employment on-campus when school is not in session or during school vacations apply, as described in 8 CFR 214.2(f)(9)(i).

Will an F–1 nonimmigrant student who receives on-campus employment authorization under this notice have authorization to reduce the normal course load and still maintain his or her F–1 nonimmigrant student status?

Yes. DHS will deem an F–1 nonimmigrant student who receives on-campus employment authorization

⁸ Because the suspension of requirements under this notice applies throughout an academic term during which the suspension is in effect, DHS considers an F–1 nonimmigrant student who engages in a reduced course load or employment (or both) after this notice is effective to be engaging in a “full course of study,” see 8 CFR 214.2(f)(6), and eligible for employment authorization, through the end of any academic term for which such student is matriculated as of January 25, 2026, provided the student satisfies the minimum course load requirements in this notice.

under this notice to be engaged in a “full course of study”⁹ for the purpose of maintaining their F–1 nonimmigrant student status for the duration of the on-campus employment, if the student satisfies the minimum course load requirement described in this notice, consistent with 8 CFR 214.2(f)(6)(i)(F). However, the authorization to reduce the normal course load is solely for DHS purposes of determining valid F–1 nonimmigrant student status. Nothing in this notice mandates that school officials allow an F–1 nonimmigrant student to take a reduced course load if the reduction would not meet the academic institution's minimum course load requirement for continued enrollment.¹⁰

Off-Campus Employment Authorization
What regulatory requirements does this notice temporarily suspend relating to off-campus employment?

For an F–1 student covered by this notice, as provided under 8 CFR 214.2(f)(9)(ii)(A), the Secretary is suspending the following regulatory requirements relating to off-campus employment:

(a) The requirement that a student must have been in F–1 nonimmigrant student status for one full academic year to be eligible for off-campus employment;

(b) The requirement that an F–1 nonimmigrant student must demonstrate that acceptance of employment will not interfere with the student's carrying a full course of study;

(c) The requirement that limits an F–1 nonimmigrant student's employment authorization to no more than 20 hours per week of off-campus employment while the school is in session; and

(d) The requirement that the student demonstrate that employment under 8 CFR 214.2(f)(9)(i) is unavailable or otherwise insufficient to meet the needs that have arisen as a result of the unforeseen circumstances.

Will an F–1 nonimmigrant student who receives off-campus employment authorization under this notice have authorization to reduce the normal course load and still maintain F–1 nonimmigrant status?

Yes. DHS will deem an F–1 nonimmigrant student who receives off-campus employment authorization by means of this notice to be engaged in a

⁹ See 8 CFR 214.2(f)(6).

¹⁰ Minimum course load requirement for enrollment in a school must be established in a publicly available document (e.g., catalog, website, or operating procedure), and it must be a standard applicable to all students (U.S. citizens and foreign students) enrolled at the school.

“full course of study”¹¹ for the purpose of maintaining F–1 nonimmigrant student status for the duration of the student’s employment authorization if the student satisfies the minimum course load requirement described in this notice, consistent with 8 CFR 214.2(f)(6)(i)(F). The authorization for a reduced course load is solely for DHS purposes of determining valid F–1 nonimmigrant student status. Nothing in this notice mandates that school officials allow an F–1 nonimmigrant student to take a reduced course load if such reduced course load would not meet the school’s minimum course load requirement.¹²

How may an eligible F–1 nonimmigrant student obtain employment authorization for off-campus employment with a reduced course load under this notice?

An F–1 nonimmigrant student must file a Form I–765, Application for Employment Authorization, with USCIS to apply for off-campus employment authorization based on severe economic hardship directly resulting from the current humanitarian crisis in Lebanon.¹³ Filing instructions are located at <https://www.uscis.gov/i-765>.

Fee considerations. Submission of a Form I–765 currently requires payment of a \$520 fee. An applicant who is unable to pay the fee may submit a completed Form I–912, Request for Fee Waiver, along with the Form I–765, Application for Employment Authorization. See <https://www.uscis.gov/i-912>. The submission must include an explanation about why USCIS should grant the fee waiver and the reason(s) for the inability to pay, and any evidence to support the reason(s). See 8 CFR 106.2 and 106.3.

Supporting documentation. An F–1 nonimmigrant student seeking off-campus employment authorization due to severe economic hardship must demonstrate the following to their DSO:

- (1) This employment is necessary to avoid severe economic hardship; and
- (2) The hardship is a direct result of the current humanitarian crisis in Lebanon.

If the DSO agrees that the F–1 nonimmigrant student is entitled to receive such employment authorization, the DSO must recommend application approval to USCIS by entering the

following statement in the remarks field of the student’s SEVIS record, which will then appear on that student’s Form I–20:

Recommended for off-campus employment authorization in excess of 20 hours per week and reduced course load under the Special Student Relief authorization from the date of the USCIS authorization noted on Form I–766 until [DSO must insert the program end date or the end date of this notice, whichever date comes first].¹⁴

The F–1 nonimmigrant student must then file the properly endorsed Form I–20 and Form I–765 according to the instructions for the Form I–765. The F–1 nonimmigrant student may begin working off-campus only upon receipt of the EAD from USCIS.

DSO recommendation. In making a recommendation that an F–1 nonimmigrant student be approved for Special Student Relief, the DSO certifies that:

(a) The F–1 nonimmigrant student is in good academic standing and is carrying a “full course of study”¹⁵ at the time of the request for employment authorization;

(b) The F–1 nonimmigrant student is a citizen of Lebanon regardless of country of birth (or an individual having no nationality who last habitually resided in Lebanon), and is experiencing severe economic hardship as a direct result of the current humanitarian crisis in Lebanon, as documented on the Form I–20;

(c) The F–1 nonimmigrant student has confirmed that the student will comply with the reduced course load requirements of this notice and register for the duration of the authorized employment for a minimum of six semester or quarter hours of instruction per academic term if at the undergraduate level, or for a minimum of three semester or quarter hours of instruction per academic term if at the graduate level;¹⁶ and

(d) The off-campus employment is necessary to alleviate severe economic hardship to the individual as a direct result of the current humanitarian crisis in Lebanon.

Processing. To facilitate prompt adjudication of the student’s application

for off-campus employment authorization under 8 CFR 214.2(f)(9)(ii)(C), the F–1 nonimmigrant student should do both of the following:

(a) Ensure that the application package includes all of the following documents:

(1) A completed Form I–765 with all applicable supporting evidence;

(2) The required fee or properly documented fee waiver request as defined in 8 CFR 106.2 and 106.3; and

(3) A signed and dated copy of the student’s Form I–20 with the appropriate DSO recommendation, as previously described in this notice; and

(b) Send the application in an envelope which is clearly marked on the front of the envelope, bottom right-hand side, with the phrase “SPECIAL STUDENT RELIEF.”¹⁷ Failure to include this notation may result in significant processing delays.

If USCIS approves the student’s Form I–765, USCIS will send the student a Form I–766 EAD as evidence of employment authorization. The EAD will contain an expiration date that does not exceed the end of the granted temporary relief.

Deferred Enforced Departure (DED) Considerations

Can an F–1 nonimmigrant student apply for a DED-related EAD and for benefits under this notice at the same time?

Yes. Although they are not required to apply for a DED-related EAD, an F–1 nonimmigrant student who meets the eligibility requirements under the applicable DED notice and wants to obtain such an EAD must file Form I–765 and pay the related fee (or request a fee waiver). The eligible F–1 student may also apply for Special Student Relief under this notice by requesting that the DSO notate on their Form I–20 in SEVIS that the student has been authorized to carry a reduced course load and is permitted to work an increased number of hours under Special Student Relief while school is in session. The DSO should also notate on the Form I–20 that the student is working pursuant to a DED-related EAD. As long as the F–1 nonimmigrant student maintains the minimum course load described in this notice, does not otherwise violate the student’s nonimmigrant status, including as provided under 8 CFR 214.1(g), and

¹⁷ Students who wish to apply for a Special Student Relief-related EAD under this notice should use the mailing address specifically designated for (C)(3)(iii) filings. The direct filing address is available at <https://www.uscis.gov/i-765-addresses> (last visited Sept. 12, 2024).

¹¹ See 8 CFR 214.2(f)(6).

¹² Minimum course load requirement for enrollment in a school must be established in a publicly available document (e.g., catalog, website, or operating procedure), and it must be a standard applicable to all students (U.S. citizens and foreign students) enrolled at the school.

¹³ See 8 CFR 274a.12(c)(3)(iii).

¹⁴ Because the suspension of requirements under this notice applies throughout an academic term during which the suspension is in effect, DHS considers an F–1 nonimmigrant student who engages in a reduced course load or employment (or both) after this notice is effective to be engaging in a “full course of study,” see 8 CFR 214.2(f)(6), and eligible for employment authorization, through the end of any academic term for which such student is matriculated as of January 25, 2026, provided the student satisfies the minimum course load requirements in this notice.

¹⁵ See 8 CFR 214.2(f)(6).

¹⁶ 8 CFR 214.2(f)(5)(v).

remains covered under DED, then the student maintains F–1 nonimmigrant status and DED concurrently.

When a student applies simultaneously for a DED-related EAD and benefits under this notice, what is the minimum course load requirement while an application for employment authorization is pending?

The F–1 nonimmigrant student must maintain normal course load requirements for a “full course of study”¹⁸ unless or until the F–1 nonimmigrant student is granted employment authorization under this notice. DED-related employment authorization, by itself, does not authorize a nonimmigrant student to drop below twelve credit hours, or otherwise applicable minimum requirements (e.g., clock hours for non-traditional academic programs). Once approved for a DED-related EAD and Special Student Relief employment authorization, as indicated by the DSO’s required entry in SEVIS and issuance of an updated Form I–20, the F–1 nonimmigrant student may drop below twelve credit hours, or otherwise applicable minimum requirements (with a minimum of six semester or quarter hours of instruction per academic term if the student is at the undergraduate level, or a minimum of three semester or quarter hours of instruction per academic term if the student is at the graduate level). See 8 CFR 214.2(f)(5)(v), 214.2(f)(6), 214.2(f)(9)(i) and (ii).

How does an F–1 student who has received a DED-related EAD then apply for authorization to take a reduced course load under this notice?

There is no further application process with USCIS if a student has been approved for a DED-related EAD. However, the F–1 nonimmigrant student must demonstrate and provide documentation to the DSO of severe economic hardship as a direct result of the current humanitarian crisis in Lebanon. The DSO will then verify and update the student’s SEVIS record to enable the F–1 nonimmigrant student with DED to reduce their course load without any further action or application. No other EAD needs to be issued for the F–1 nonimmigrant student to have employment authorization.

Can a noncitizen who has been granted a DED-related EAD apply for reinstatement to F–1 nonimmigrant student status after the noncitizen’s F–1 nonimmigrant student status has lapsed?

Yes. Current regulations permit certain students who fall out of F–1 nonimmigrant student status to apply for reinstatement. See 8 CFR 214.2(f)(16). This provision might apply to students who worked on a DED-related EAD or dropped their course load before July 26, 2024, and therefore fell out of F–1 nonimmigrant status. The student must satisfy the criteria set forth in the F–1 nonimmigrant student status reinstatement regulations.

How long will this notice remain in effect?

This notice grants temporary relief through January 25, 2026,¹⁹ to eligible F–1 nonimmigrant students. DHS will continue to monitor the situation in Lebanon. Should the special provisions authorized by this notice need modification or extension, DHS will announce such changes in the **Federal Register**.

Paperwork Reduction Act (PRA)

An F–1 nonimmigrant student seeking off-campus employment authorization due to severe economic hardship resulting from the current humanitarian crisis in Lebanon must demonstrate to the DSO that this employment is necessary to avoid severe economic hardship. A DSO who agrees that a nonimmigrant student should receive such employment authorization must recommend an application approval to USCIS by entering information in the remarks field of the student’s SEVIS record. The authority to collect this information is in the SEVIS collection of information currently approved by the Office of Management and Budget (OMB) under OMB Control Number 1653–0038.

This notice also allows an eligible F–1 nonimmigrant student to request employment authorization, work an increased number of hours while the academic institution is in session, and reduce their course load while

continuing to maintain F–1 nonimmigrant student status.

To apply for employment authorization, certain F–1 nonimmigrant students must complete and submit a currently approved Form I–765 according to the instructions on the form. OMB has previously approved the collection of information contained on the current Form I–765, consistent with the PRA (OMB Control No. 1615–0040). Although there will be a slight increase in the number of Form I–765 filings because of this notice, the number of filings currently contained in the OMB annual inventory for Form I–765 is sufficient to cover the additional filings. Accordingly, there is no further action required under the PRA.

Alejandro Mayorkas,

Secretary, U.S. Department of Homeland Security.

[FR Doc. 2024–24226 Filed 10–17–24; 8:45 am]

BILLING CODE 9111–CB–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[CIS No. 2782–24; DHS Docket No. USCIS–2024–0013]

RIN 1615–ZC10

Implementation of Employment Authorization for Individuals Covered by Deferred Enforced Departure for Lebanon

AGENCY: U.S. Citizenship and Immigration Services (USCIS), Department of Homeland Security (DHS).

ACTION: Notice of Employment Authorization for Individuals Covered by Deferred Enforced Departure (DED).

SUMMARY: On July 26, 2024, President Joseph Biden issued a memorandum to the Secretary of State and the Secretary of Homeland Security (Secretary) determining that it was in the foreign policy interest of the United States to defer for 18 months through January 25, 2026, the removal of certain Lebanese nationals present in the United States and to provide them with employment authorization documentation. The memorandum directed the Secretary to make provision for immediate allowance of employment authorization for such individuals. This notice provides information about Deferred Enforced Departure (DED) for Lebanese nationals and provides information on how eligible individuals may apply for DED-based Employment Authorization

¹⁹ Because the suspension of requirements under this notice applies throughout an academic term during which the suspension is in effect, DHS considers an F–1 nonimmigrant student who engages in a reduced course load or employment (or both) after this notice is effective to be engaging in a “full course of study,” see 8 CFR 214.2(f)(6), and eligible for employment authorization, through the end of any academic term for which such student is matriculated as of January 25, 2026, provided the student satisfies the minimum course load requirement in this notice.

¹⁸ See 8 CFR 214.2(f)(6).

Documents (EADs) with USCIS, as well as for travel authorization.

DATES: DED for eligible Lebanese noncitizens covered by this notice began on July 26, 2024 and ends on January 25, 2026.

FOR FURTHER INFORMATION CONTACT:

- You may contact Rená Cutlip-Mason, Chief, Humanitarian Affairs Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security, by mail at 5900 Capital Gateway Drive, Camp Springs, MD 20746, or by phone at 240-721-3000.

- For further information on DED, including additional information on eligibility, please visit the USCIS DED web page at <https://www.uscis.gov/humanitarian/deferred-enforced-departure>. You can find specific information about DED for Lebanon by selecting “DED Covered Country—Lebanon” from the menu on the left of the DED web page.

- If you have additional questions about DED, please visit <https://www.uscis.gov/tools>. Our online virtual assistant, Emma, can answer many of your questions and point you to additional information on our website. If you are unable to find your answers there, you may also call our USCIS Contact Center at 800-375-5283 (TTY 800-767-1833).

- Applicants seeking information about the status of their individual Form I-765, Application for Employment Authorization, or Form I-131, Application for Travel Documents, Parole Documents, and Arrival/Departure Records, may check Case Status Online, available on the USCIS website at <https://www.uscis.gov>, or visit the USCIS Contact Center at <https://www.uscis.gov/contactcenter>.

- You can also find more information at local USCIS offices, listed on the USCIS website at <https://www.uscis.gov/about-us/find-a-uscis-office>, after this notice is published.

SUPPLEMENTARY INFORMATION:

Table of Abbreviations

CFR—Code of Federal Regulations
DED—Deferred Enforced Departure
DHS—U.S. Department of Homeland Security
DoS—Department of State
EAD—Employment Authorization Document
FNC—Final Non-confirmation

Form I-131—Application for Travel Documents, Parole Documents, and Arrival/Departure Records
Form I-765—Application for Employment Authorization
Form I-797—Notice of Action
Form I-9—Employment Eligibility Verification
Form I-912—Request for Fee Waiver
Form I-94—Arrival/Departure Record
FR—Federal Register
Government—U.S. Government
IER—U.S. Department of Justice, Civil Rights Division, Immigrant and Employee Rights Section
INA—Immigration and Nationality Act
SAVE—USCIS Systematic Alien Verification for Entitlements Program
Secretary—Secretary of Homeland Security
TTY—Text Telephone
USCIS—U.S. Citizenship and Immigration Services
U.S.C.—United States Code

Purpose of This Action

Under the President’s constitutional authority to conduct the foreign relations of the United States, President Biden has determined that it is in the foreign policy interest of the United States to defer through January 25, 2026, the removal of certain Lebanese nationals who have resided in the United States since July 26, 2024.¹ Humanitarian conditions in southern Lebanon have significantly deteriorated leaving Lebanese civilians in danger. Through this Notice, as directed by the President, DHS is establishing procedures for certain Lebanese nationals covered by DED to apply for EADs valid through January 25, 2026. Employment authorization and the procedures for obtaining EADs in this notice apply to any of the following individuals who are not subject to any of the ineligibilities described in President Biden’s July 26, 2024 memorandum to the secretaries of State and Homeland Security: noncitizens of the United States who are nationals of Lebanon, regardless of country of birth, who have resided in the United States since July 26, 2024. Lebanese nationals must meet all eligibility criteria, including required documentation, for DED described in this notice. Finally, this notice provides instructions for eligible Lebanese nationals in the

¹ See Memorandum on the Deferred Enforced Departure for Certain Lebanese Nationals, 89 FR 61341, July 26, 2024, <https://www.federalregister.gov/documents/2024/07/31/2024-17006/deferred-enforced-departure-for-certain-lebanese-nationals>.

United States on how to request advance travel authorization.

What is Deferred Enforced Departure (DED)?

- DED is an administrative deferral of removal ordered by the President. The authority to extend DED arises from the President’s constitutional authority to conduct the foreign relations of the United States. DED has been authorized in situations where certain groups of noncitizens may face danger if required to return to countries, or any part of such countries, experiencing political instability, conflict, or other unsafe conditions, or when there are other foreign policy reasons for allowing a designated group of noncitizens to remain in the United States temporarily.

- Although DED is not a specific immigration status and does not require Lebanese nationals to file an application with USCIS, individuals covered by DED are not subject to removal from the United States, usually for a designated period. Furthermore, the President may direct the Secretary to provide certain benefits that are authorized under the immigration laws, such as employment authorization, to noncitizens covered by the DED directive during the designated period.

- USCIS publishes a **Federal Register** notice to inform the covered population on how to apply for any benefits provided. See instructions for Form I-765, available on the USCIS website at <https://www.uscis.gov/sites/default/files/document/forms/i-765instr.pdf>.

- The eligibility requirements for individuals who are covered by DED are based on the terms of the President’s memorandum regarding DED and any relevant implementing requirements established by DHS. Since DED is a directive to defer removal of an individual, rather than a specific immigration status like Temporary Protected Status, there is no DED application form required for an individual to be covered by DED. If an individual covered by DED wants to apply for an EAD, they must file Form I-765. Similarly, if an individual covered by DED want to apply for advance travel authorization, they must file Form I-131.

Ur M. Jaddou,

Director, U.S. Citizenship and Immigration Services.

Eligibility and Employment Authorization for DED

How will I know if I am eligible for employment authorization under the DED presidential memorandum for Lebanon?

Consistent with the President's July 26, 2024, DED memorandum,² the procedures for employment authorization in this notice apply to noncitizens of the United States who are nationals of Lebanon, who were present in the United States on July 26, 2024, except for those:

- who have voluntarily returned to Lebanon after the date of the memorandum;
- who have not continuously resided in the United States since the date of the memorandum;
- who are inadmissible under section 212(a)(3) of the Immigration and Nationality Act (INA) (8 U.S.C. 1182(a)(3)) or deportable under section 237(a)(4) of the INA (8 U.S.C. 1227(a)(4));
- who have been convicted of any felony or two or more misdemeanors committed in the United States, or who meet any of the criteria set forth in section 208(b)(2)(A) of the INA (8 U.S.C. 1158(b)(2)(A));
- who are subject to extradition;
- whose presence in the United States the Secretary of Homeland Security has

determined is not in the interest of the United States or presents a danger to public safety; or

- whose presence in the United States the Secretary of State has reasonable grounds to believe would have potentially serious adverse foreign policy consequences for the United States.

What will I need to file if I am covered by DED and would like to obtain an EAD?

If you are a Lebanese national covered by DED and want a DED-based EAD, you must file Form I-765. Please carefully follow the Form I-765 instructions when completing the application for an EAD. When filing Form I-765, you must:

- Indicate that you are eligible for DED by entering "(a)(11)" in response to Question 27 on Form I-765; and
- Submit the fee for Form I-765 (or request a fee waiver,³ which you may submit on Form I-912, Request for Fee Waiver). See Fee Schedule (Form G-1055).

Supporting Documentation

The filing instructions on Form I-765 list all the documents needed to apply. You may also find information on the initial required documents on the USCIS website at <https://www.uscis.gov/i-765>. If USCIS determines after

reviewing your submission that it needs additional information, we will send you a request for evidence.

How will I know if I must submit my biometrics to USCIS?

If USCIS needs biometrics to produce your EAD after you apply, we will send you a biometrics services appointment notice with the time and location of your appointment. You can prepare for your biometrics appointment by visiting the *Preparing for Your Biometric Services Appointment* web page at <https://www.uscis.gov/forms/filing-guidance/preparing-for-your-biometric-services-appointment>. Be sure to bring valid photo identification to your appointment.

Where do I find the fees for DED applicants?

You can find the most current filing fees for individuals covered by DED filing Form I-765 and Form I-131 by visiting the Form G-1055, Fee Schedule at <https://www.uscis.gov/g-1055>. No biometrics fees are required when you file.

Where do I submit my completed DED-based Form I-765?

For a DED-based EAD, mail your completed Form I-765 and supporting documentation to the proper address in Table 1.

TABLE 1—MAILING ADDRESSES

If you are . . .	Mail to . . .
Mailing your form through the U.S. Postal Service.	USCIS, Attn: DED Lebanon, P.O. Box 805283, Chicago, IL 60680–5283.
Using FedEx, UPS, or DHL	USCIS, Attn: DED Lebanon (Box 805283), 131 S Dearborn Street, 3rd Floor, Chicago, IL 60603–5517.

You may file Form I-765 and Form I-131 together or separately. If you are filing multiple applications, petitions, or requests, USCIS recommends sending separate payments for each application. If you submit one payment covering all your applications and we reject one of the applications, petitions, or requests, we will need to reject all the others as well. Find more information below on filing Form I-131.

Can I file my DED-based Form I-765 electronically?

No. Electronic filing is not available to file a DED-based Form I-765.

What happens after January 25, 2026, to DED-based EADs?

This DED authorization is set to end on January 25, 2026. After that date,

employers can no longer accept EADs with the Category (a)(11) and a Card Expires date of January 25, 2026. You will need to present other evidence of continued employment authorization, if any, to your employer by January 26, 2026.

Travel

Lebanese nationals covered by DED may also apply for and be granted travel authorization as a matter of discretion. You must file for travel authorization if you wish to travel outside of the United States and be eligible to reenter the United States. If USCIS grants travel authorization, it generally gives you permission to leave the United States and return during a specific period. Customs and Border Protection officers make the ultimate determination, upon

the noncitizen's arrival at a United States port of entry, whether to parole the noncitizen into the United States and for what length of time. To request travel authorization, you must file Form I-131, available at <https://www.uscis.gov/i-131>. You may file Form I-131 together with your Form I-765 or separately. When you file Form I-131, you must:

- Select Item Number 5.D. in Part 1 on Form I-131; and
- Submit the fee for Form I-131.

If you leave the United States without first receiving travel authorization, you may no longer be eligible for DED and may not be permitted to reenter the United States. Please also be advised that if you return to Lebanon, even with advance travel authorization, you may not be permitted to resume DED in the

² *Id.*

³ For information about filing fee waiver requests including through Form I-912, Request for Fee

Waiver, see <https://www.uscis.gov/forms/filing-fees/additional-information-on-filing-a-fee-waiver>.

United States since the presidential memorandum providing for DED for Lebanon excludes individuals who have voluntarily returned to Lebanon after the date of the memorandum.⁴

Mailing Information

Mail your completed Form I-131 to the proper address provided in Table 1.

Supporting Documentation

The filing instructions for Form I-131 list all the documents you need to include with your application. You may also find information on the acceptable documentation and DED eligibility on the USCIS website at <https://www.uscis.gov/humanitarian/deferred-enforced-departure>. If USCIS needs additional evidence, we will send you a request for evidence.

General Employment-Related Information for Individuals With DED-Based EADs and Their Employers

How can I obtain information on the status of my EAD request?

To get case status information about your DED-based EAD request, you can check Case Status Online at <https://www.uscis.gov>, or visit the USCIS Contact Center at <https://www.uscis.gov/contactcenter>. If you still need assistance, you may ask a question about your case online at <https://egov.uscis.gov/e-request/Intro.do> or call the USCIS Contact Center at 800-375-5283 (TTY 800-767-1833).

When I am hired, what documentation may I show to my employer as evidence of identity and employment authorization when completing Form I-9?

You can find the Lists of Acceptable Documents on Form I-9, Employment Eligibility Verification, as well as the Acceptable Documents web page at <https://www.uscis.gov/i-9-central/acceptable-documents>. Employers must complete Form I-9 to verify the identity and employment authorization of all new employees. Within three business days of hire, employees must present acceptable documents to their employers as evidence of identity and employment authorization to satisfy Form I-9 requirements.

You may present any documentation from List A (which provides evidence of both identity and employment authorization) or documentation from List B (which provides evidence of your

identity) together with documentation from List C (which provides evidence of employment authorization), or you may present an acceptable receipt as described in the Form I-9 Instructions. Employers may not reject a document based on a future expiration date. You can find additional information about Form I-9 on the I-9 Central web page at <https://www.uscis.gov/I-9Central>. An EAD is an acceptable document under List A.

If I have an EAD based on another immigration status, can I obtain a new DED-based EAD?

Yes, if you are covered by DED, you can obtain a new DED-based EAD, even if you already have an EAD or employment authorization based on another immigration status or category. If you want to obtain a DED-based EAD valid through January 25, 2026, you must file Form I-765 and pay the associated fee (unless USCIS grants your fee waiver request).

Can my employer require that I provide any other documentation to complete Form I-9, such as evidence of my status or proof of my Lebanese citizenship?

No. When completing Form I-9, employers must accept any unexpired documentation that appears on the Form I-9 Lists of Acceptable Documents that reasonably appears to be genuine and that relates to you, or an acceptable List A, List B, or List C receipt. Employers may not request proof of Lebanese citizenship when completing Form I-9 for new hires or reverifying the employment authorization of current employees. Refer to the "Note to Employees" section of this **Federal Register** notice for important information about your rights if your employer rejects lawful documentation, requires additional documentation, or otherwise discriminates against you based on your citizenship or immigration status, or your national origin.

Note to All Employers

Employers are reminded that the laws requiring proper employment eligibility verification and prohibiting unfair immigration-related employment practices remain in full force. This **Federal Register** notice does not supersede or in any way limit applicable employment verification rules and policy guidance, including those rules listing reverification requirements. For general questions about the employment eligibility verification process, employers may call USCIS at 888-464-4218 (TTY 877-875-6028) or email USCIS at I-9Central@dhs.gov.

dhs.gov. USCIS accepts calls and emails in English, Spanish and many other languages. For questions about avoiding discrimination during the employment eligibility verification process (Form I-9 and E-Verify), employers may call the U.S. Department of Justice, Civil Rights Division, Immigrant and Employee Rights Section (IER) Employer Hotline at 800-255-8155 (TTY 800-237-2515). IER offers language interpretation in numerous languages. Employers may also email IER at IER@usdoj.gov or get more information online at <https://www.justice.gov/ier>.

Note to Employees

For general questions about the employment eligibility verification process, employees may call USCIS at 888-897-7781 (TTY 877-875-6028) or email USCIS at I-9Central@dhs.gov. USCIS accepts calls and emails in English and many other languages. Employees or applicants may also call the IER Worker Hotline at 800-255-7688 (TTY 800-237-2515) for information regarding employment discrimination based on citizenship, immigration status, or national origin, including discrimination related to Form I-9 and E-Verify. The IER Worker Hotline provides language interpretation in numerous languages.

To comply with the law, employers must accept any document or combination of documents from the Lists of Acceptable Documents if the documentation reasonably appears to be genuine and to relate to the employee, or an acceptable List A, List B, or List C receipt as described in the Form I-9 instructions. Employers may not require extra or additional documentation beyond what is required for Form I-9 completion. Further, employers participating in E-Verify who receive an E-Verify case result of "Tentative Non-confirmation" (mismatch) must promptly inform employees of the mismatch and give such employees an opportunity to resolve the mismatch. A mismatch means that the information entered into E-Verify from Form I-9 differs from records available to DHS.

Employers may not terminate, suspend, delay training, withhold or lower pay, or take any adverse action against an employee because of a mismatch while the case is still pending with E-Verify. A Final Non-confirmation (FNC) case result occurs if E-Verify cannot confirm an employee's employment eligibility. An employer may terminate employment based on a case result of FNC. Employment-authorized employees who receive an FNC may call USCIS for assistance at 888-897-7781 (TTY 877-875-6028).

⁴ See Memorandum on the Deferred Enforced Departure for Certain Lebanese Nationals, 89 FR 61341, July 26, 2024, <https://www.federalregister.gov/documents/2024/07/31/2024-17006/deferred-enforced-departure-for-certain-lebanese-nationals>.

For more information about E-Verify-related discrimination or to report an employer for discrimination in the E-Verify process based on citizenship, immigration status, or national origin, contact IER's Worker Hotline at 800-255-7688 (TTY 800-237-2515). Additional information about proper nondiscriminatory Form I-9 and E-Verify procedures is available on the IER website at <https://www.justice.gov/ier> and the USCIS and E-Verify websites at <https://www.uscis.gov/i-9-central> and <https://www.e-verify.gov>.

Note Regarding Federal, State, and Local Government Agencies (Such as Departments of Motor Vehicles)

If you are applying for a Federal, state, or local government benefit, you may need to provide the government agency with documents that show you are covered under DED or authorized to work based on DED or both. Check with the government agency requesting documentation about which documents the agency will accept.

Some government agencies use SAVE, <https://www.uscis.gov/save>, to confirm the current immigration status of applicants for public benefits and licenses. SAVE can verify that an individual is covered by DED based on an EAD with category (a)(11) or a Form I-797, Notice of Action, reflecting approval of your Form I-765 for an EAD with a DED category code of (a)(11). In most cases, SAVE provides an automated electronic response to benefit-granting agencies within seconds, but occasionally verification can be delayed. You can check the status of your SAVE verification by using CaseCheck at <https://www.uscis.gov/save/save-casecheck>. CaseCheck is a free service that lets you follow the progress of your SAVE verification case using your date of birth and one immigration identifier number (such as your A-Number or USCIS number) or Verification Case Number. If an agency has denied your application based solely or in part on a SAVE response, the agency must allow you to appeal the decision in accordance with the agency's procedures. If the agency has received and acted on or will act on a SAVE verification, and you do not believe the SAVE response is correct, the SAVE website, <https://www.uscis.gov/save/for-benefit-applicants>, has detailed information on how to correct or update your immigration record, make an appointment, or submit a written request to correct records.

[FR Doc. 2024-24229 Filed 10-17-24; 8:45 am]

BILLING CODE 9111-97-P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[BLM_HQ-FRN_MO4500183366]

Establishment and Call for Nominations for the National Advisory Committee for Implementation of the Bureau of Land Management Public Lands Rule

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The Bureau of Land Management (BLM) is publishing this notice in accordance with the Federal Land Policy and Management Act (FLPMA), as amended, and the Federal Advisory Committee Act. The BLM gives notice that the Secretary of the Interior is establishing the National Advisory Committee for Implementation of the BLM Public Lands Rule (Committee) and is seeking nominations for individuals to be considered as Committee members and alternate members.

DATES: Comments regarding the establishment of this Committee must be submitted no later than November 4, 2024. All nominations must be received no later than November 18, 2024.

ADDRESSES: Comments regarding the establishment of the Committee and nominations for the Committee should be sent to the BLM office listed in the **FOR FURTHER INFORMATION CONTACT** section of this notice.

FOR FURTHER INFORMATION CONTACT:

Carrie Richardson, National Advisory Committee Coordinator, Bureau of Land Management, 1849 C Street NW, Washington, DC 20240; phone: (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 Committee is established in accordance with section 309 of FLPMA, as amended (43 U.S.C. 1739). The BLM is subject to standards and procedures for the creation, operation, and termination of BLM resource advisory councils at 43 CFR subpart 1784. The Council will not exceed 15 discretionary primary members and up to 15 alternate members to be appointed by the Secretary of the Interior as follows:

- a. Two representatives of State governments;
- b. One representative of local governments;
- c. Two representatives of Tribal governments;
- d. Two representatives of the public at large;
- e. At least one representative of the science community, including archaeological or historical interests;
- f. At least two representatives of non-governmental organizations specializing in environmental, conservation, or watershed interests; recreation interests; or hunting and fishing interests;
- g. At least one representative of energy or mineral development;
- h. At least one representative of Federal grazing permit holders or other permittees; and
- i. At least one representative of commercial recreation activities.

Members will be appointed to the Committee to serve 2-year terms.

Nominating Potential Members: Nominations should include a resume providing an adequate description of the nominee's qualifications, including information that would enable the Department of the Interior to make an informed decision regarding the membership requirements of the Committee and permit the Department of the Interior to contact a potential member. Nominees are strongly encouraged to include supporting letters from employers, associations, professional organizations, and/or other organizations that indicate support by a meaningful constituency for the nominee. Please indicate any BLM permits, leases, or licenses that you hold personally or are held by your employer. Members of the Committee serve without compensation. However, while away from their homes or regular places of business, members engaged in Committee business may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by 5 U.S.C. 5703, in the same manner as persons employed intermittently in Federal Government service.

The Committee will meet approximately 2–4 times per year, and at such other times as designated by the DFO.

Simultaneous with this notice, the BLM will issue a press release providing additional information for submitting nominations.

Public Disclosure of Comments: Before including your address, phone number, email address, or other personally identifiable information (PII) in your comment, you should be aware that your entire comment—including your PII—may be made publicly

available at any time. While you may ask us in your comment to withhold your PII from public review, we cannot guarantee that we will be able to do so.

Certification Statement: I hereby certify that the National Advisory Committee for Implementation of the Bureau of Land Management Public Lands Rule, is necessary, in the public interest, and is in connection with the performance of duties imposed on the Department of the Interior by the Bureau of Land Management Federal Land Policy and Management Act (43 U.S.C. 1739), and other statutes relating to the administration of the Bureau of Land Management.

(Authority: 43 CFR 1784.1–1)

Deb Haaland,

Secretary of the Interior.

[FR Doc. 2024–24131 Filed 10–17–24; 8:45 am]

BILLING CODE 4331–27–P

DEPARTMENT OF JUSTICE

[CPCLO Order No. 06–2024]

Privacy Act of 1974; System of Records

AGENCY: Office of Justice Programs, United States Department of Justice.

ACTION: Notice of a new system of record.

SUMMARY: Pursuant to the Privacy Act of 1974 and Office of Management and Budget (OMB) Circular No. A–108, notice is hereby given that the Office of Justice Programs (OJP) proposes to develop a new system of records titled “OJP Award Nomination System, JUSTICE/OJP–019.” OJP will use the OJP Award Nomination System to manage the submitting, reviewing, and coordinating of nomination applications for prestigious awards such as the Law Enforcement Congressional Badge of Bravery, Public Safety Officer Medal of Valor, National Crime Victims’ Service Awards, and other OJP award programs.

DATES: In accordance with 5 U.S.C. 552a(e)(4) and (11), this notice is applicable upon publication, subject to a 30-day period in which to comment on the routine uses described below. Please submit any comments by November 18, 2024.

ADDRESSES: The public, OMB, and Congress are invited to submit any comments by mail to the United States Department of Justice, Office of Privacy and Civil Liberties, ATTN: Privacy Analyst, 145 N St. NE, Suite 8W. 300, Washington, DC 20002; by facsimile at 202–307–0693; or by email at privacy.compliance@usdoj.gov. To

ensure proper handling, please reference the above CPCLO Order No. on your correspondence.

FOR FURTHER INFORMATION CONTACT:

Bryce Mitchell, Division Director, Enterprise Application Development Division, Office of the Chief Information Officer, Office of Justice Programs, 999 North Capitol Street NE, Washington, DC 20002, Bryce.Mitchell@usdoj.gov, (202) 514–2412.

SUPPLEMENTARY INFORMATION: The OJP Award Nomination System provides authorized DOJ users with the capability to receive, maintain, and disseminate electronic nomination applications among panel review members. The OJP Award Nomination System also provides members of the public (*i.e.*, nominators) the ability to create and submit records about individual nominees for these OJP awards through an online nomination form hosted on OJP Award Nomination sites. The online nomination applications constitute records about individuals, which once submitted into the system, are available for review by authorized OJP staff with a need to access the records in the system. Nominations for awards and related records will be maintained in the OJP Award Nomination System. These records will be used to determine eligibility for awards and may be disseminated to panel review members and other appropriate public officials who need to know the information for purposes of selecting awardees from the nominations received.

In accordance with 5 U.S.C. 552a(r), the DOJ has provided a report to OMB and Congress on this new system of records.

Dated: October 9, 2024.

Peter Winn,

Acting Chief Privacy and Civil Liberties Officer, United States Department of Justice.

JUSTICE/OJP–019

SYSTEM NAME AND NUMBER:

OJP Award Nomination System, JUSTICE/OJP–019.

SECURITY CLASSIFICATION:

The system is unclassified.

SYSTEM LOCATION:

Records in this system are maintained at the following locations: Office of Justice Programs (OJP); 999 North Capitol Street NE, Washington, DC 20002; and with the following cloud service providers: AWS GovCloud and/or Acquia Cloud. The cloud computing service providers and their location may change from time to time, and this document may not reflect the most

current information available. To confirm information about the current cloud computing service provider, please contact OJP through the OJP service desk at email address OJP.ITservicedesk@ojp.usdoj.gov.

SYSTEM MANAGER(S):

Bryce Mitchell, Division Director, Enterprise Application Development Division, Office of the Chief Information Officer, Office of Justice Programs, 999 North Capitol Street NE, Washington, DC 20002, Bryce.Mitchell@usdoj.gov, (202) 514–2412.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

28 U.S.C. 530C; 34 U.S.C. 10102 (a)(3).

PURPOSE(S) OF THE SYSTEM:

The OJP Award Nomination System manages the submittal, review, and coordination of nomination applications for prestigious DOJ awards conferred by OJP to recognize and honor exceptional and/or extraordinary acts of public service, often in the attempt to save or protect human life. Members of the public will access the system via an online portal where they will submit nomination applications for individuals they wish to receive the respective awards. Once the nominations are submitted, authorized DOJ users (*e.g.*, the Designated Federal Officer, DOJ need-to-know program staff, and members of the panel review board), will have access to the records of the online nomination application of each nominee. Authorized DOJ users will use the system to run queries on various data elements within the records, review and score applications, and make awards determinations. These authorized DOJ users will also utilize the system to maintain files on unsuccessful nominees and update, modify, and maintain records on past and current award recipients.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former OJP award nominees; members of the public who nominate individuals for OJP awards; DOJ personnel and contractors; OJP award review board members, and others with a need to use the records as permitted by the Privacy Act and pursuant to the routine uses in this notice.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system will maintain names of nominators and award nominees, personal contact information (*e.g.*, email address, phone number, home address) for award nominees, business contact information (*e.g.*, email address, phone

number, address of business) of the nominators; as well as other personal information (e.g., date of birth or age, place of birth, gender, race, religion, education or employment information, military service information) of the public safety award nominees, social security numbers (full or truncated) contained in the Authorization for Release of Information Form (SF-85P); health information or records (e.g., medical notes, disability, accommodations) pertaining to injuries sustained or disabilities resulting from an award nominee's act of bravery; and other personal information pertaining to the acts constituting the basis of the proposed award.

RECORD SOURCE CATEGORIES:

The records in the system may be obtained from, among other things, members of the public who nominate individuals for OJP awards, information pertaining to witnesses; case files from agencies and courts; other official State, Federal, Tribal, or Territorial records, as well as other information pertaining to the acts constituting the basis of the proposed award.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b), all or a portion of the records contained in this system of records may be disclosed as a routine use pursuant to 5 U.S.C. 552a(b)(3) under the circumstances or for the purposes described below, to the extent such disclosures are compatible with the purposes for which the information was collected:

1. Where a record, either alone or in conjunction with other information, may be relevant to investigating a violation or potential violation of law—criminal, civil, or regulatory in nature—the relevant records may be referred to the appropriate Federal, state, local, territorial, tribal, or foreign law enforcement authority or other appropriate entity charged with the responsibility for investigating or prosecuting such violation or charged with enforcing or implementing such law.

2. To appropriate officials and employees of a Federal agency or entity to the extent necessary for making decisions about the award, such as but not limited to, background checks and suitability investigations.

3. To any person or entity that the DOJ has reason to believe possesses knowledge regarding matters pertaining to a DOJ award, to the extent deemed to

be necessary by the DOJ in order to elicit information about the potential awardee for use in conferring the award.

4. In an appropriate proceeding before a court, grand jury, or administrative or adjudicative body, when the DOJ determines that the records are arguably relevant to the proceeding; or in an appropriate proceeding before an administrative or adjudicative body when the adjudicator determines the records to be relevant to the proceeding.

5. To the news media and the public, including but not limited to disclosures pursuant to 28 CFR 50.2, unless it is determined that release of the specific information in the context of a particular case or matter would constitute an unwarranted invasion of personal privacy. While disclosures under 28 CFR 50.2 are in connection with a civil or criminal proceeding, disclosures under this routine use may also pertain to administrative proceedings as well as investigations of Federal employee misconduct prejudicial to the interests of members of the public.

6. To contractors, grantees, experts, consultants, students, and others performing or working on a contract, service, grant, cooperative agreement, or other assignment for the Federal Government, when necessary to accomplish an agency function related to this system of records.

7. To a former employee of the DOJ for official purposes where the DOJ requires information and/or consultation assistance from the former employee regarding a matter within that person's former area of responsibility.

8. To a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of, and at the request of, the individual who is the subject of the record.

9. To the National Archives and Records Administration for purposes of records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

10. To appropriate agencies, entities, and persons when (1) the DOJ suspects or has confirmed that there has been a breach of the system of records; (2) the DOJ has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, the DOJ (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 DOJ's efforts to respond to the suspected or confirmed

breach or to prevent, minimize, or remedy such harm.

11. To another Federal agency or Federal entity, when the DOJ 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 remediating 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.

12. To any agency, organization, or individual for the purpose of performing authorized audit or oversight operations of DOJ and meeting related reporting requirements.

13. To such recipients and under such circumstances and procedures as are mandated by Federal statute or treaty.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Records in the OJP Award Nomination System are stored in electronic format in OJP cloud platforms. Records are stored securely in accordance with applicable Federal laws, regulations, DOJ directives, and guidance.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Records can be retrieved through the OJP Award Nomination Systems portals or through a connecting system via a connector or application program interface (API). The records are retrievable by global search for application ID, or a combination of: first name, last name, city, state, or email address of nominee, witnesses, or nominator; date of relevant event/occurrence; nominee employing agency; and nominee physical addresses.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

Records in this system are retained and disposed of in accordance with the National Archives and Records Administration, General Records Schedule 5.7: "Administrative Management and Oversight Records" for records about administrative management activities in Federal agencies.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

This system meets all DOJ requirements for authorization to operate per DOJ Order 0904, Cybersecurity Program. Specifically, information in this system is maintained in accordance with applicable laws,

rules, and policies on protecting individual privacy. The system leverages cloud service providers that maintain an authority to operate in accordance with applicable laws, rules, and policies, including Federal Risk and Authorization Management Program (FedRAMP) requirements.

Backup information will be maintained in accordance with a government contract that requires adherence to applicable laws, rules, and policies. Internet connections are protected by multiple firewalls. Security personnel conduct periodic vulnerability scans using DOJ-approved software to ensure security compliance and security logs are enabled for all computers to assist in troubleshooting and forensics analysis during incident investigations. Users of individual computers can only gain access to the data by a valid user's identification and authentication.

RECORD ACCESS PROCEDURES:

All requests for access to records must be in writing and should be addressed to the component that manages the relevant award:

OJP FOIA Officer; Office of Justice Programs; Office of the General Counsel; 999 North Capitol Street NE, Washington, DC 20002.

The envelope and letter should be clearly marked "Privacy Act Access Request." The request must describe the records sought in sufficient detail to enable DOJ personnel to locate them with a reasonable amount of effort. The request must include a general description of the records sought and must include the requester's full name, current address, and date and place of birth. The request must be signed and either notarized or submitted under penalty of perjury. Although no specific form is required, you may obtain forms for this purpose from the FOIA/Privacy Act Mail Referral Unit, United States Department of Justice, 950 Pennsylvania Avenue NW, Washington, DC 20530, or on the Department of Justice website at <https://www.justice.gov/oip/oip-request.html>.

More information regarding the DOJ's procedures for accessing records in accordance with the Privacy Act can be found at 28 CFR part 16, subpart D, "Access to and Amendment of Individual Records Pursuant to the Privacy Act of 1974, and Other Privacy Protections."

CONTESTING RECORD PROCEDURES:

Individuals seeking to contest or amend records pertaining to them, maintained in this system of records, must direct their requests to the address

indicated in the **RECORD ACCESS PROCEDURES** paragraph, above. All requests to contest or amend records must be in writing and the envelope and letter should be clearly marked "Privacy Act Amendment Request." All requests must state clearly and concisely what record is being contested, the reasons for contesting it, and the proposed amendment to the record.

More information regarding the DOJ's procedures for amending or contesting records in accordance with the Privacy Act can be found at 28 CFR 16.46, "Privacy Act requests for amendment or correction."

NOTIFICATION PROCEDURES:

Individuals may request to be notified if a record in this system of records pertains to them by utilizing the same procedures as those identified in the **RECORD ACCESS PROCEDURES** paragraph, above.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY:

None.

[FR Doc. 2024-23950 Filed 10-17-24; 8:45 am]

BILLING CODE 4410-18-P

DEPARTMENT OF LABOR

Bureau of Labor Statistics

Technical Advisory Committee; Notice of Meeting and Agenda

The Bureau of Labor Statistics Technical Advisory Committee will meet on Thursday, November 7, 2024. This meeting will be held virtually from 10:00 a.m. to 4:00 p.m. EST.

The Committee presents advice and makes recommendations to the Bureau of Labor Statistics (BLS) on technical aspects of data collection and the formulation of economic measures and makes recommendations on areas of research. The BLS presents issues and then draws on the expertise of Committee members representing specialized fields within the academic disciplines of economics, statistics, data science, and survey design.

The schedule and agenda for the meeting are as follows:

- 10:00 a.m. Commissioner's Welcome and Review of Agency Developments
- 10:30 a.m. Updating the Contingent Worker Supplement to the Current Population Survey
- 1:00 p.m. Response Rates and Data Quality Measures with Integrated Data

2:00 p.m. Household Cost Indexes: Prototype Methods and Initial Results

3:00 p.m. Measuring Productivity of Metropolitan Statistical Areas

4:00 p.m. Approximate Conclusion

The meeting is open to the public. Any questions concerning the meeting should be directed to Sarah Dale, Bureau of Labor Statistics Technical Advisory Committee, at BLSTAC@bls.gov. Individuals planning to attend the meeting should register at <https://blstac.beventbrite.com>. Individuals who require special accommodations should contact Ms. Dale at least two days prior to the meeting date.

Signed at Washington, DC, this 15th day of October 2024.

Leslie Bennett

Chief, Division of Management Systems.

[FR Doc. 2024-24138 Filed 10-17-24; 8:45 am]

BILLING CODE 4510-24-P

DEPARTMENT OF LABOR

Bureau of Labor Statistics

Data Users Advisory Committee; Notice of Meeting and Agenda

The Bureau of Labor Statistics Data Users Advisory Committee will meet on Wednesday, November 6, 2024. This meeting will be held virtually from 12:00 p.m. to 4:00 p.m. EST.

The Committee provides advice to the Bureau of Labor Statistics from the points of view of data users from various sectors of the U.S. economy, including the labor, business, research, academic, and government communities. The Committee advises on technical matters related to the collection, analysis, dissemination, and use of the Bureau's statistics, on its published reports, and on the broader aspects of its overall mission and function.

The agenda for the meeting is as follows:

- 12:00 p.m. Commissioner's Welcome and Remarks
- 12:30 p.m. Response rates and beyond: How best to describe the quality of BLS data
- 1:15 p.m. Next Generation news releases
- 2:00 p.m. Break
- 2:15 p.m. Reimagining, Redesigning, and Rebranding the BLS Classroom
- 3:00 p.m. Building a trust center on the BLS website
- 3:45 p.m. Discussion of future topics and concluding remarks
- 4:00 p.m. Conclusion

All times are eastern time. The meeting is open to the public. Anyone

planning to attend the meeting should contact Ebony Davis, Data Users Advisory Committee, at Davis.Ebony@bls.gov. Any questions about the meeting should be addressed to Mrs. Davis. Individuals who require special accommodations should contact Mrs. Davis at least two days prior to the meeting date.

Signed at Washington, DC, this 15th day of October 2024.

Leslie Bennett,

Chief, Division of Management Systems.

[FR Doc. 2024–24161 Filed 10–17–24; 8:45 am]

BILLING CODE 4510–24–P

NATIONAL CREDIT UNION ADMINISTRATION

Revision of Agency Information Collection of a Previously Approved Collection; Request for Comments

AGENCY: National Credit Union Administration (NCUA).

ACTION: Notice of submission to the Office of Management and Budget.

SUMMARY: As required by the Paperwork Reduction Act of 1995, the National Credit Union Administration (NCUA) is submitting the following extensions and revisions of currently approved collections to the Office of Management and Budget (OMB) for renewal. The revisions are proposed to take effect with the December 31, 2024 report date.

DATES: Written comments should be received on or before November 18, 2024 to be assured consideration.

ADDRESSES: You may submit written comments on the information collection by any of the following methods identified by the OMB Control Number 3133–0204 or by Document Number (Please send comments by one method only):

Federal Register Portal: <https://www.federalregister.gov> Find this information collection by searching for “National Credit Union Administration”, then selecting “Past 90 days”, and scrolling through the list of documents.

Regulations.gov: <https://www.regulations.gov/search?filter=ncua>. Find this information collection by scrolling through the search results and looking for Profile Form 2024–Q4.

Rulemakings and Proposals for Comment: <https://ncua.gov/regulation-supervision/rulemakings-proposals-comment>. NCUA will post a link to the [regulations.gov](https://ncua.gov/regulations.gov) web page where you can submit a comment by selecting Comment.

Mail: 1775 Duke Street, Suite 5067, Alexandria, Virginia 22314.

Fax: 703–519–8161.

Email: PRACComments@NCUA.gov.

FOR FURTHER INFORMATION CONTACT:

Copies of the submission may be obtained by contacting Dacia Rogers at (703) 518–6547, emailing PRACComments@ncua.gov, or viewing the entire information collection request at www.reginfo.gov. Enhanced content is also available from the Notice on the **Federal Register** website (www.federalregister.gov). In addition, copies of the Profile Form and Instructions can be obtained at the NCUA’s website (<https://ncua.gov/regulation-supervision/regulatory-reporting/cuonline>).

SUPPLEMENTARY INFORMATION:

OMB Number: 3133–0204.

Title: NCUA Profile—NCUA Form 4501A.

Type of Review: Revision of a currently approved collection.

Abstract: Sections 106 and 202 of the Federal Credit Union Act require federally insured credit unions to make financial reports to the NCUA. Section 741.6 requires insured credit unions to submit a Credit Union Profile (NCUA Form 4501A) and update the Profile within 10 days of election or appointment of senior management or volunteer officials or 30 days of other changes in Program information. The NCUA website further directs credit unions to review and certify their Profiles every Call Report cycle. Credit union information collected through the Profile is essential to the NCUA supervision of federal credit unions and facilitates the NCUA monitoring of other credit unions with share accounts insured by the National Credit Union Share Insurance Fund (NCUSIF).

Form 4501A Credit Union Profile—Proposed Changes and Comments Received

In the July 26, 2024 notice,¹ the NCUA proposed revisions to the Profile (Form 4501A) including revisions to the General Information, Contacts & Roles, Sites, Payment Systems Service Provider Information, Information Technology, Grants, and Merger Partner Registry tabs. The comment period for the July 2024 notice ended on September 24, 2024. The NCUA received ten comment letters, four of which were irrelevant or did not apply to the actual information collection.

General Information Tab

The NCUA proposed to collect the name of the credit union’s anti-money

laundering (AML) monitoring system and separated the question relating to the credit union’s field of membership from the Minority Depository Institution (MDI) question relating to current members. The NCUA also updated the instructions for the General Information tab to reflect these changes.

Two commenters objected to the reporting of the name of the credit union’s automated AML monitoring system because the information can be collected during an examination. Three commenters objected to the public release of this information.

The NCUA concedes this information can be obtained during an examination. However, if the NCUA had this information beforehand, it would enable the agency to align the assigned examiner’s skillset when reviewing the AML monitoring system with the credit union’s program. The NCUA can also tailor their training programs to address specific AML monitoring systems.

As with all information on the Profile, the AML monitoring system must be disclosed only once, then would be pre-populated every quarter. Unless the monitoring system changes, the credit union would not need to report this every quarter. Also, as discussed in the Other Comments Received section, system information collected on the Profile will not be publicly released. After consideration of these comments, the NCUA will proceed with the proposed changes.

Contacts & Roles Tab

The NCUA proposed to add indicators for the email address that officials want to use to receive confidential credit union correspondence. The NCUA also updated the instructions for the Contact & Roles tab to reflect this change.

One commenter objected to receiving confidential correspondence via email. The NCUA revised the Profile and changed the indicators to the preferred email address. The NCUA also updated the instructions to reflect this change. Credit unions can use one of the checkboxes to indicate the official’s preferred email address. Although the NCUA’s Secure File Transfer Portal (SFTP) may be used to share confidential correspondence, when the NCUA or the state supervisory authority shares confidential or other types of correspondence using the SFTP, the recipient receives an email notifying them that items are available in the SFTP. Asking the credit union to identify the official’s preferred email address will ensure the NCUA is contacting the official using the preferred method. Besides this comment, the NCUA did not receive any

¹ 89 FR 60662 (July 26, 2024).

comments and will proceed with these changes.

Sites Tab

The NCUA proposed adding an indicator for credit unions that operate exclusively online and adding Interactive Teller Machines (ITM) to the Public Site Functions. The NCUA also updated the instructions for the Sites tab to reflect these changes. No comments related to these changes were received, so the NCUA will proceed with these changes.

Payment System Service Provider Information Tab

The NCUA proposed adding, removing, or relocating items as noted in the July 26, 2024, **Federal Register** Notice. One commenter objected to the NCUA extending the timeframe for reporting planned operational changes to 24 months. Since some credit unions are eligible for an extended exam cycle of up to 20 months, the NCUA believes the extension to 24 months will enable exam staff to monitor operations without an onsite presence.

Besides this comment and the concerns with reporting vendor and product information, which are discussed in the Other Comments Received section, the NCUA did not receive any comments and will proceed with these changes.

Information Technology Tab

The NCUA proposed adding, removing, or relocating items as noted in the July 26, 2024, **Federal Register** Notice. The NCUA identified Remote Deposit Capture was being reported in Item 5 on the Information Technology tab and on the Payment Systems Service Providers tab. The item and related instructions were removed from the Information Technology tab.

One commenter objected to the NCUA extending the timeframe for reporting planned operational changes to 24 months. Since some credit unions are eligible for an extended exam cycle of up to 20 months, the NCUA believes the extension to 24 months will enable exam staff to monitor operations without an onsite presence.

Besides this comment and the concerns with reporting vendor and product information, which are discussed in the Other Comments Received section, the NCUA did not receive any comments and will proceed with these changes.

Grants Tab

The NCUA proposed removing the Grants tab. No comments related to

these changes were received, so the NCUA will proceed with these changes.

Merger Partner Registry Tab

The NCUA proposed adding an item for MDIs to express interest in being considered an MDI merger partner. One commenter asked why the NCUA needs this information and how it will be used.

The NCUA strives to preserve MDI credit unions and will use this information to identify merger partners for MDIs. The NCUA can preserve the MDI status by merging MDIs. As a group, MDI credit unions work to offer safe, fair, and affordable financial services to individuals and communities that may otherwise lack access to them. In doing so, MDI credit unions help their members build greater financial security and help address historical inequities in the financial system. After considering this comment, the NCUA will proceed with these changes.

Other Comments Received

The NCUA also received comments related to the added burden on credit unions, adherence to the Administrative Procedure Act, and the confidentiality and security of vendor, product, or system information.

Burden

Two commenters were concerned with the increase in burden. While we understand these concerns, we do not expect these revisions will result in a material increase in reporting burden. The information needed to complete the new questions is readily available and, as with all information on the Profile, the information must be reported only once and will then be pre-populated every quarter. Unless the information changes, the credit union will not need to report it every quarter. Also, these new items will improve our off-site monitoring, which will reduce the burden of on-site examinations.

Administrative Procedure Act

The NCUA agrees on the importance of following the Administrative Procedure Act when it applies and in providing opportunities for input and transparency even when it does not. The NCUA does not believe any of the proposed changes require notice and comment under the Administrative Procedure Act, and the commenter did not specifically identify any items that it believes would have required this process. Nonetheless, the NCUA has increased the transparency of the Call Report and Profile update processes by publishing notifications to the NCUA website and sending emails to the

public to advise of open comment periods and encourage public input.

Confidentiality and Security

Three commenters expressed a concern with the collection of vendor, product, or system information. These commenters noted this information would be publicly available. Information required to be submitted to the NCUA in response to a field marked as non-public will be treated as commercial confidential financial information if it meets the requirements in 12 CFR part 792.

One of these commenters was concerned with the security measures—such as encryption, access controls, and secure storage—the NCUA will employ to ensure this information is not disclosed to unauthorized parties. To protect all sensitive data collected from credit unions, the NCUA employs industry standards such as 256-bit encryption, stringent access control protocols, multi-factor authentication, and secure isolated storage solutions compliant with National Institute of Standards and Technology guidelines.

Collecting vendor, product, and system information on the Profile helps the NCUA properly scope examination and supervision contacts, proactively identify credit unions impacted by events (for example, cyber incidents) and perform data analysis across the industry. Cyber criminals, foreign adversaries, and money launderers continue to exploit vulnerabilities identified across U.S. critical infrastructure sectors.

Affected Public: Private Sector: Not-for-profit institutions.

Estimated Number of Respondents: 4,572.

Estimated Number of Responses per Respondent: 4.

Estimated Total Annual Responses: 18,848.

Estimated Hours per Response: 2.

Estimated Total Annual Burden Hours: 36,576.

Reason for Change: Burden decreased due to a decrease in the number of respondents.

Request for Comments: Comments submitted in response to this notice will be summarized and included in the request for Office of Management and Budget approval. All comments will become a matter of public record. The public is invited to submit comments concerning: (a) whether the collection of information is necessary for the proper performance of the function of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of

information, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of the information on the respondents, including the use of automated collection techniques or other forms of information technology.

By the National Credit Union Administration Board.

Melane Conyers-Ausbrooks,
Secretary of the Board.

[FR Doc. 2024-24092 Filed 10-17-24; 8:45 am]

BILLING CODE 7535-01-P

NATIONAL SCIENCE FOUNDATION

Advisory Committee for International Science and Engineering; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92-463, as amended), the National Science Foundation (NSF) announces the following meeting:

Name and Committee Code: Advisory Committee for International Science and Engineering (25104).

Date and Time: November 13, 2024; 10 a.m.–4 p.m. (Eastern).

Place: NSF, 2415 Eisenhower Avenue, Alexandria, VA 22314 (Virtual).

To attend the virtual meeting, all visitors must register at least 48 hours prior to the meeting at the following Zoom link:

https://nsf.zoomgov.com/webinar/register/WN_hunGxVDLSCms-KxtzwZ0Lw

Webinar ID: 161 334 4374; *Passcode:* 205871

The final agenda for the meeting will be posted on the OISE Advisory Committee website at: <https://www.nsf.gov/od/oise/advisory.jsp>.

Type of Meeting: Open.

Contact Persons: Elena Hillenburg, National Science Foundation, 2415 Eisenhower Avenue, Alexandria, VA 22314; Telephone: 703-292-2993.

Summary of Minutes: Minutes and meeting materials will be available on the OISE Advisory Committee website at <https://www.nsf.gov/od/oise/advisory.jsp> or can be obtained from the contact person listed above.

Purpose of Meeting: To provide advice, recommendations and counsel on major goals and policies pertaining to international science and engineering programs and activities.

Agenda

November 13, 2024; 10 a.m.–4 p.m.

10:00 a.m.–10:15 a.m. Call to Order,
Opening Remarks, Introductions
10:15 a.m.–10:45 a.m. OISE Remarks;
COI Briefing, OISE Overview
10:45 a.m.–11:30 a.m. Countries &
Regions, Programs & Analysis,
Multilateral Collaborations
11:30 a.m.–12:00 p.m. Lunch Break
12:00 p.m.–12:15 p.m. Global Centers
12:15 p.m.–12:30 p.m. IMPRESS-U
12:30 p.m.–12:45 p.m. AI-ENGAGE
12:45 p.m.–1:00 p.m. Break/Focus Time
1:00 p.m.–1:45 p.m. Subcommittee
Formation
1:45 p.m.–2:00 p.m. Break/Focus Time
2:00 p.m.–2:45 p.m. Preparation for
Meeting with NSF Chief Science
Officer
2:45 p.m.–3:15 p.m. Meeting with NSF
Chief Science Officer
3:15 p.m.–4:00 p.m. Final Discussion,
Next AC Scheduling & Planning
4:00 p.m. Adjourn

Dated: October 11, 2024.

Crystal Robinson,

Committee Management Officer.

[FR Doc. 2024-24060 Filed 10-17-24; 8:45 am]

BILLING CODE 7555-01-P

NATIONAL SCIENCE FOUNDATION

Sunshine Act Meetings

The National Science Board hereby gives notice of the scheduling of a teleconference of the National Science Board/National Science Foundation Commission on Merit Review (MRX) for the transaction of National Science Board business pursuant to the NSF Act and the Government in the Sunshine Act.

TIME AND DATE: The MRX meeting is scheduled for Monday, October 21, 2024, from 4 p.m.–6 p.m. EDT. The open portion will be from 4–4:30 p.m.; the closed portion will be from 4:30–6 p.m.

PLACE: This meeting will be via videoconference through the National Science Foundation, 2415 Eisenhower Avenue, Alexandria, VA 22314.

STATUS: One portion open, and one portion closed.

MATTERS TO BE CONSIDERED: The MRX will consider different matters in the open and closed portions of the meeting, as noted below.

PORTIONS OPEN TO THE PUBLIC: The open agenda is: Commission Chair's remarks; Review of Commission Activity and Outline of Certain Preliminary Suggestions.

PORTIONS CLOSED TO THE PUBLIC: The closed agenda is: Commission Chair's

remarks regarding the agenda; Remarks from Kei Koizumi, White House Office of Science and Technology Policy, Principal Deputy Director for Science, Society, and Policy; Discussion of Preliminary Suggestions; and Closing Remarks.

CONTACT PERSON FOR MORE INFORMATION:

Point of contact for this meeting is: Chris Blair, cblair@nsf.gov, 703/292-7000. Meeting information and updates may be found at www.nsf.gov/nsb.

Ann Bushmiller,

Senior Counsel to the National Science Board.

[FR Doc. 2024-24230 Filed 10-16-24; 4:15 pm]

BILLING CODE 7555-01-P

NUCLEAR REGULATORY COMMISSION

[NRC-2024-0001]

Sunshine Act Meetings

TIME AND DATE: Weeks of October 21, 28, and November 4, 11, 18, 25, 2024. The schedule for Commission meetings is subject to change on short notice. The NRC Commission Meeting Schedule can be found on the internet at: <https://www.nrc.gov/public-involve/public-meetings/schedule.html>.

PLACE: The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If you need a reasonable accommodation to participate in these public meetings or need this meeting notice or the transcript or other information from the public meetings in another format (e.g., braille, large print), please notify Anne Silk, NRC Disability Program Specialist, at 301-287-0745, by videophone at 240-428-3217, or by email at Anne.Silk@nrc.gov. Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

STATUS: Public.

Members of the public may request to receive the information in these notices electronically. If you would like to be added to the distribution, please contact the Nuclear Regulatory Commission, Office of the Secretary, Washington, DC 20555, at 301-415-1969, or by email at Betty.Thweatt@nrc.gov or Samantha.Miklaszewski@nrc.gov.

MATTERS TO BE CONSIDERED:

Week of October 21, 2024

There are no meetings scheduled for the week of October 21, 2024.

Week of October 28, 2024—Tentative

Wednesday, October 30, 2024

1:00 p.m. Today and Tomorrow Across Region II Business Lines (Public

Meeting) (Contact: Katie McCurry: 404-997-4438)

Additional Information: The meeting will be held in the 8th Floor Conference Center, Marquis One Tower, 245 Peachtree Center Avenue NE, Suite 1200, Atlanta, Georgia. The public is invited to attend the Commission's meeting in person or watch live via webcast at the Web address—<https://video.nrc.gov/>.

Week of November 4, 2024—Tentative

There are no meetings scheduled for the week of November 4, 2024.

Week of November 11, 2024

Thursday, November 14, 2024

9:00 a.m. Strategic Programmatic Overview of the Operating Reactors and New Reactors Business Lines (Public Meeting) (Contact: Annie Ramirez: 301-415-6780)

Additional Information: The meeting will be held in the Commissioners' Hearing Room, 11555 Rockville Pike, Rockville, Maryland. The public is invited to attend the Commission's meeting in person or watch live via webcast at the Web address—<https://video.nrc.gov/>.

Week of November 18, 2024—Tentative

There are no meetings scheduled for the week of November 18, 2024.

Week of November 25, 2024—Tentative

There are no meetings scheduled for the week of November 25, 2024.

CONTACT PERSON FOR MORE INFORMATION: For more information or to verify the status of meetings, contact Wesley Held at 301-287-3591 or via email at Wesley.Held@nrc.gov.

The NRC is holding the meetings under the authority of the Government in the Sunshine Act, 5 U.S.C. 552b.

Dated: October 16, 2024.

For the Nuclear Regulatory Commission.

Wesley W. Held,

Policy Coordinator, Office of the Secretary.

[FR Doc. 2024-24273 Filed 10-16-24; 4:15 pm]

BILLING CODE 7590-01-P

POSTAL REGULATORY COMMISSION

[Docket No. MC2025-58; Order No. 7711]

Classification Changes

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is recognizing a recent Postal Service filing concerning changes in classifications for International Return Receipt. This

notice informs the public of the filings, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* November 14, 2024.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at <http://www.prc.gov>. Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202-789-6820.

SUPPLEMENTARY INFORMATION:

Table of Contents

- I. Introduction
- II. Contents of Filing
- III. Commission Action
- IV. Ordering Paragraphs

I. Introduction

On October 10, 2024, pursuant to 39 U.S.C. 3642 and 39 CFR 3040.130 *et seq.*, the Postal Service filed a request to remove *Mail Classification Schedule* (MCS) section 2615.3 International Return Receipt from the Competitive product list in the MCS.¹ In addition, pursuant to 39 U.S.C. 3632 and 39 CFR 3040.180 *et seq.*, the Postal Service requests to make accompanying materials changes to product descriptions for certain other Competitive products for which international return receipt is listed as an optional feature in MCS sections 2310.5, 2315.5, 2335.5, 2510.3, 2510.6, 2510.7, 2510.8, 2515.6, and 2515.8. *Id.* at 1, n.1. The Postal Service intends for these proposed changes to take effect on January 1, 2025. *Id.* at 3.

II. Contents of Filing

The Postal Service states that the removal of International Return Receipt from the relevant MCS sections will align the MCS to changes to the Universal Postal Union (UPU) Convention and Convention Regulations.² Specifically, the UPU Extraordinary Congress decided last year that advice of delivery (which is referred to as "International Return Receipt" in the MCS) will no longer be an ancillary service with parcel post

effective January 1, 2025, and it will no longer be an ancillary service with letter post packets that contain goods effective January 1, 2026. Request at 2. Therefore, the Postal Service proposes to eliminate International Return Receipt as an optional feature of Inbound Parcel Post (at UPU rates) in MCS section 2310.5 and as an optional feature of Outbound Priority Mail International in MCS section 2315.5. *Id.*; *see id.* at 1, n.1. In addition, the Postal Service proposes to eliminate International Return Receipt at an optional feature of Outbound Single-Piece First-Class Package International Service in MCS section 2335.5. *Id.* Although this latter change would be made 1 year sooner than the effective date of related changes to the UPU Convention that affects letter post packets that contain goods, the Postal Service states that having a single effective date for all proposed MCS changes is "desirable to streamline outbound product offerings." Request at 2.

The Postal Service states that the combined effect of these proposed changes is the removal of MCS section 2615.3, International Return Receipt. *Id.* at 3. In addition, the Postal Service proposes conforming material changes to product descriptions for all relevant Competitive products listed in the MCS to reflect that International Return Receipt is no longer available. *Id.* These proposed material changes to product descriptions are in MCS sections 2510.3, 2510.6, 2510.7, 2510.8, 2515.6, and 2515.8. *Id.* at 1, n.1.

The Postal Service states that the proposed removal of MCS section 2615.3, International Return Receipt, satisfies the requirements in 39 CFR 3040.131(a) through (f) because: (a) it includes the name and class of the product that is the subject of the request; (b) it includes a copy of Governors' Decision No. 24-6 supporting the request in Attachment 1; (c) it indicates that the product to be removed is from the Competitive product list; (d) it indicates that the product to be removed is not one of the three identified categories subject to unique regulatory treatment; (e) it includes a Statement of Supporting Justification in Attachment 3, which explains why the requested change is not inconsistent with the applicable statutory and regulatory requirements; and (f) it includes a copy of the applicable sections of the MCS and the proposed changes in legislative format in Attachment 2. *Id.* at 3-4, Attachments 1-3.

The Postal Service states that the proposed removal of International Return Receipt as an optional feature for

¹ Request of the United States Postal Service to Remove International Return Receipt from the Competitive Product List and to Make Accompanying Classification Changes, October 10, 2024, at 1 (Request).

² *Id.* at 2 (citing Universal Postal Union, International Bureau Circular 86, Amendments to the Convention Regulations (and their Final Protocol), May 31, 2024).

Competitive products listed in MCS sections 2310.5, 2315.5, 2335.5, 2510.3, 2510.6, 2510.7, 2510.8, 2515.6, and 2515.8 satisfies the requirements in 39 CFR 3040.180 and 3040.181 because: (1) the Request is submitted no later than 30 days prior to implementing the proposed changes; (2) it includes a copy of the applicable sections of the MCS and the proposed changes in legislative format in Attachment 2; and (3) it provides supporting justification, which includes a description of, and rationale for, the proposed changes to product descriptions, explains why the changes will not result in the violation of 39 U.S.C. 3633 and 39 CFR part 3035 for the Competitive products at issue, and describes the likely impact that the changes will have on users of the product and on competitors. Request at 4–8, Attachment 2.

III. Commission Action

The Commission establishes Docket No. MC2025–58 for consideration of matters raised by the Request.

The Commission invites comments on whether the Postal Service's filing is consistent with 39 U.S.C. 3633 and 3642 and 39 CFR 3040.130, 3040.131, 3040.132, 3040.180, and 3040.181. Comments are due no later than November 14, 2024. The public portions of the filings can be accessed via the Commission's website (<https://www.prc.gov>).

The Commission appoints Mallory L. Smith to represent the interests of the general public (Public Representative) in this docket, pursuant to 39 U.S.C. 505.

IV. Ordering Paragraphs

It is ordered:

1. The Commission establishes Docket No. MC2025–58 for consideration of matters raised by the Postal Service's Request.

2. Pursuant to 39 U.S.C. 505, Mallory L. Smith is appointed to serve as an officer of the Commission (Public Representative) to represent the interests of the general public in this proceeding.

3. Comments are due no later than November 14, 2024.

4. The Secretary shall arrange for publication of this Order in the **Federal Register**.

By the Commission.

Erica A. Barker,
Secretary.

[FR Doc. 2024–24097 Filed 10–17–24; 8:45 am]

BILLING CODE 7710–FW–P

POSTAL REGULATORY COMMISSION

[Docket Nos. MC2025–63 and K2025–61; MC2025–64 and K2025–62; MC2025–65 and K2025–63; MC2025–66 and K2025–64; MC2025–67 and K2025–65; MC2025–68 and K2025–66; MC2025–69 and K2025–67; MC2025–70 and K2025–68; MC2025–71 and K2025–69]

New Postal Products

AGENCY: Postal Regulatory Commission.
ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing for the Commission's consideration concerning a negotiated service agreement. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* October 21, 2024.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at <http://www.prc.gov>. Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

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- I. Introduction
- II. Public Proceeding(s)
- III. Summary Proceeding(s)

I. Introduction

Pursuant to 39 CFR 3041.405, the Commission gives notice that the Postal Service filed request(s) for the Commission to consider matters related to Competitive negotiated service agreement(s). The request(s) may propose the addition of a negotiated service agreement from the Competitive product list or the modification of an existing product currently appearing on the Competitive product list.

The public portions of the Postal Service's request(s) can be accessed via the Commission's website (<http://www.prc.gov>). Non-public portions of the Postal Service's request(s), if any, can be accessed through compliance with the requirements of 39 CFR 3011.301.¹

Section II identifies the docket number(s) associated with each Postal

Service request, if any, that will be reviewed in a public proceeding as defined by 39 CFR 3010.101(p), the title of each such request, the request's acceptance date, and the authority cited by the Postal Service for each request. For each such request, the Commission appoints an officer of the Commission to represent the interests of the general public in the proceeding, pursuant to 39 U.S.C. 505 and 39 CFR 3000.114 (Public Representative). Section II also establishes comment deadline(s) pertaining to each such request.

The Commission invites comments on whether the Postal Service's request(s) identified in Section II, if any, are consistent with the policies of title 39. Applicable statutory and regulatory requirements include 39 U.S.C. 3632, 39 U.S.C. 3633, 39 U.S.C. 3642, 39 CFR part 3035, and 39 CFR part 3041. Comment deadline(s) for each such request, if any, appear in Section II.

Section III identifies the docket number(s) associated with each Postal Service request, if any, to add a standardized distinct product to the Competitive product list or to amend a standardized distinct product, the title of each such request, the request's acceptance date, and the authority cited by the Postal Service for each request. Standardized distinct products are negotiated service agreements that are variations of one or more Competitive products, and for which financial models, minimum rates, and classification criteria have undergone advance Commission review. *See* 39 CFR 3041.110(n); 39 CFR 3041.205(a). Such requests are reviewed in summary proceedings pursuant to 39 CFR 3041.325(c)(2) and 39 CFR 3041.505(f)(1). Pursuant to 39 CFR 3041.405(c)–(d), the Commission does not appoint a Public Representative or request public comment in proceedings to review such requests.

II. Public Proceeding(s)

1. *Docket No(s).*: MC2025–63 and K2025–61; *Filing Title*: USPS Request to Add Priority Mail & USPS Ground Advantage Contract 388 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date*: October 10, 2024; *Filing Authority*: 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative*: Gregory S. Stanton; *Comments Due*: October 21, 2024.

2. *Docket No(s).*: MC2025–64 and K2025–62; *Filing Title*: USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 461 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date*: October 10,

¹ *See* Docket No. RM2018–3, Order Adopting Final Rules Relating to Non-Public Information, June 27, 2018, Attachment A at 19–22 (Order No. 4679).

2024; *Filing Authority*: 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative*: Gregory S. Stanton; *Comments Due*: October 21, 2024.

3. *Docket No(s)*: MC2025–65 and K2025–63; *Filing Title*: USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 462 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date*: October 10, 2024; *Filing Authority*: 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative*: Gregory S. Stanton; *Comments Due*: October 21, 2024.

4. *Docket No(s)*: MC2025–66 and K2025–64; *Filing Title*: USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 463 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date*: October 10, 2024; *Filing Authority*: 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative*: Almaroof Agoro; *Comments Due*: October 21, 2024.

5. *Docket No(s)*: MC2025–67 and K2025–65; *Filing Title*: USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 464 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date*: October 10, 2024; *Filing Authority*: 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative*: Almaroof Agoro; *Comments Due*: October 21, 2024.

6. *Docket No(s)*: MC2025–68 and K2025–66; *Filing Title*: Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 465 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date*: October 10, 2024; *Filing Authority*: 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative*: Almaroof Agoro; *Comments Due*: October 21, 2024.

7. *Docket No(s)*: MC2025–69 and K2025–67; *Filing Title*: USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 466 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date*: October 10, 2024; *Filing Authority*: 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative*: Christopher C. Mohr; *Comments Due*: October 21, 2024.

8. *Docket No(s)*: MC2025–70 and K2025–68; *Filing Title*: USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 467 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date*: October 10, 2024; *Filing Authority*: 39 U.S.C. 3642,

39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative*: Kenneth R. Moeller; *Comments Due*: October 21, 2024.

9. *Docket No(s)*: MC2025–71 and K2025–69; *Filing Title*: USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 468 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date*: October 10, 2024; *Filing Authority*: 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative*: Jennaca D. Upperman; *Comments Due*: October 21, 2024.

III. Summary Proceeding(s)

None. See Section II for public proceedings.

This Notice will be published in the **Federal Register**.

Erica A. Barker,
Secretary.

[FR Doc. 2024–24014 Filed 10–17–24; 8:45 am]

BILLING CODE 7710–FW–P

POSTAL REGULATORY COMMISSION

[Docket Nos. MC2025–72 and K2025–70; MC2025–73 and K2025–71; MC2025–74 and K2025–72; MC2025–75 and K2025–73; MC2025–76 and K2025–74; MC2025–83 and K2025–81]

New Postal Products

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing for the Commission's consideration concerning a negotiated service agreement. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* October 22, 2024.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at <http://www.prc.gov>. Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

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- I. Introduction
- II. Public Proceeding(s)
- III. Summary Proceeding(s)

I. Introduction

Pursuant to 39 CFR 3041.405, the Commission gives notice that the Postal Service filed request(s) for the Commission to consider matters related to Competitive negotiated service agreement(s). The request(s) may propose the addition of a negotiated service agreement from the Competitive product list or the modification of an existing product currently appearing on the Competitive product list.

The public portions of the Postal Service's request(s) can be accessed via the Commission's website (<http://www.prc.gov>). Non-public portions of the Postal Service's request(s), if any, can be accessed through compliance with the requirements of 39 CFR 3011.301.¹

Section II identifies the docket number(s) associated with each Postal Service request, if any, that will be reviewed in a public proceeding as defined by 39 CFR 3010.101(p), the title of each such request, the request's acceptance date, and the authority cited by the Postal Service for each request. For each such request, the Commission appoints an officer of the Commission to represent the interests of the general public in the proceeding, pursuant to 39 U.S.C. 505 and 39 CFR 3000.114 (Public Representative). Section II also establishes comment deadline(s) pertaining to each such request.

The Commission invites comments on whether the Postal Service's request(s) identified in Section II, if any, are consistent with the policies of title 39. Applicable statutory and regulatory requirements include 39 U.S.C. 3632, 39 U.S.C. 3633, 39 U.S.C. 3642, 39 CFR part 3035, and 39 CFR part 3041. Comment deadline(s) for each such request, if any, appear in Section II.

Section III identifies the docket number(s) associated with each Postal Service request, if any, to add a standardized distinct product to the Competitive product list or to amend a standardized distinct product, the title of each such request, the request's acceptance date, and the authority cited by the Postal Service for each request. Standardized distinct products are negotiated service agreements that are variations of one or more Competitive products, and for which financial models, minimum rates, and classification criteria have undergone advance Commission review. See 39 CFR 3041.110(n); 39 CFR 3041.205(a). Such requests are reviewed in summary

¹ See Docket No. RM2018–3, Order Adopting Final Rules Relating to Non-Public Information, June 27, 2018, Attachment A at 19–22 (Order No. 4679).

proceedings pursuant to 39 CFR 3041.325(c)(2) and 39 CFR 3041.505(f)(1). Pursuant to 39 CFR 3041.405(c)–(d), the Commission does not appoint a Public Representative or request public comment in proceedings to review such requests.

II. Public Proceeding(s)

1. *Docket No(s)*: MC2025–72 and K2025–70; *Filing Title*: USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 469 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date*: October 11, 2024; *Filing Authority*: 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative*: Christopher C. Mohr; *Comments Due*: October 22, 2024.

2. *Docket No(s)*: MC2025–73 and K2025–71; *Filing Title*: USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 470 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date*: October 11, 2024; *Filing Authority*: 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative*: Christopher C. Mohr; *Comments Due*: October 22, 2024.

3. *Docket No(s)*: MC2025–74 and K2025–72; *Filing Title*: USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 471 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date*: October 11, 2024; *Filing Authority*: 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative*: Jennaca D. Upperman; *Comments Due*: October 22, 2024.

4. *Docket No(s)*: MC2025–75 and K2025–73; *Filing Title*: USPS Request to Add Priority Mail & USPS Ground Advantage Contract 389 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date*: October 11, 2024; *Filing Authority*: 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative*: Jennaca D. Upperman; *Comments Due*: October 22, 2024.

5. *Docket No(s)*: MC2025–76 and K2025–74; *Filing Title*: USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 472 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date*: October 11, 2024; *Filing Authority*: 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative*: Gregory S. Stanton; *Comments Due*: October 22, 2024.

6. *Docket No(s)*: MC2025–83 and K2025–81; *Filing Title*: Priority Mail Express, Priority Mail & USPS Ground

Advantage Contract 479 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date*: October 11, 2024; *Filing Authority*: 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative*: Gregory S. Stanton; *Comments Due*: October 22, 2024.

III. Summary Proceeding(s)

None. See Section II for public proceedings.

This Notice will be published in the **Federal Register**.

Erica A. Barker,

Secretary.

[FR Doc. 2024–24137 Filed 10–17–24; 8:45 am]

BILLING CODE 7710–FW–P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* October 18, 2024.

FOR FURTHER INFORMATION CONTACT:

Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on October 2, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 427 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2025–11, K2025–11.

Sean C. Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2024–24012 Filed 10–17–24; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* October 18, 2024.

FOR FURTHER INFORMATION CONTACT:

Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on October 10, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 461 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2025–64, K2025–62.

Sean C. Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2024–24068 Filed 10–17–24; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* October 18, 2024.

FOR FURTHER INFORMATION CONTACT:

Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on October 3, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 430 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2025–15, K2025–15.

Sean C. Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2024–24018 Filed 10–17–24; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE**Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement****AGENCY:** Postal Service™.**ACTION:** Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* October 18, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on October 11, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 469 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2025–72, K2025–70.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–24076 Filed 10–17–24; 8:45 am]
BILLING CODE 7710–12–P

POSTAL SERVICE**Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement****AGENCY:** Postal Service™.**ACTION:** Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* October 18, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on October 4, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 439 to Competitive Product List*. Documents

are available at www.prc.gov, Docket Nos. MC2025–27, K2025–26.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–24027 Filed 10–17–24; 8:45 am]
BILLING CODE 7710–12–P

POSTAL SERVICE**Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement****AGENCY:** Postal Service™.**ACTION:** Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* October 18, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on October 8, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 450 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2025–43, K2025–42.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–24051 Filed 10–17–24; 8:45 am]
BILLING CODE 7710–12–P

POSTAL SERVICE**Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement****AGENCY:** Postal Service™.**ACTION:** Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* October 18, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on October 9, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 453 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2025–53, K2025–52.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–24054 Filed 10–17–24; 8:45 am]
BILLING CODE 7710–12–P

POSTAL SERVICE**Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement****AGENCY:** Postal Service™.**ACTION:** Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* October 18, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on October 9, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 458 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2025–59, K2025–57.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–24065 Filed 10–17–24; 8:45 am]
BILLING CODE 7710–12–P

POSTAL SERVICE**Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement****AGENCY:** Postal Service™.**ACTION:** Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a

domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* October 18, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202-268-8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on October 4, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 440 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2025-28, K2025-27.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024-24028 Filed 10-17-24; 8:45 am]
BILLING CODE 7710-12-P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* October 18, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202-268-8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on October 2, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 429 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2025-14, K2025-14.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024-24017 Filed 10-17-24; 8:45 am]
BILLING CODE 7710-12-P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* October 18, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202-268-8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on October 3, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 437 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2025-24, K2025-23.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024-24025 Filed 10-17-24; 8:45 am]
BILLING CODE 7710-12-P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* October 18, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202-268-8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on October 4, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 443 to Competitive Product List*. Documents

are available at www.prc.gov, Docket Nos. MC2025-35, K2025-34.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024-24044 Filed 10-17-24; 8:45 am]
BILLING CODE 7710-12-P

POSTAL SERVICE

Product Change—Priority Mail and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* October 18, 2024.

FOR FURTHER INFORMATION CONTACT: Sean Robinson, 202-268-8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on October 1, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail & USPS Ground Advantage® Contract 370 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2025-5, K2025-5.

Sean Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024-23995 Filed 10-17-24; 8:45 am]
BILLING CODE 7710-12-P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* October 18, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202-268-8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby

gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on October 10, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 464 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2025–67, K2025–65.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–24071 Filed 10–17–24; 8:45 am]
BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* October 18, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on October 8, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 446 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2025–39, K2025–38.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–24047 Filed 10–17–24; 8:45 am]
BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service

Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* October 18, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on September 30, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 419 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2024–782, K2024–75.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–24004 Filed 10–17–24; 8:45 am]
BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* October 18, 2024.

FOR FURTHER INFORMATION CONTACT: Sean Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on October 4, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail & USPS Ground Advantage® Contract 377 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2025–32, K2025–31.

Sean Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–24034 Filed 10–17–24; 8:45 am]
BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* October 18, 2024.

FOR FURTHER INFORMATION CONTACT: Sean Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on October 4, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail & USPS Ground Advantage® Contract 375 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2025–30, K2025–29.

Sean Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–24032 Filed 10–17–24; 8:45 am]
BILLING CODE 7710–12–P

POSTAL SERVICE

International Product Change—Removal of International Return Receipt

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of the filing of a request with the Postal Regulatory Commission to remove International Return Receipt from the Competitive Product List in the Mail Classification Schedule and to make accompanying classification changes.

DATES: *Applicable date:* January 1, 2025.

FOR FURTHER INFORMATION CONTACT: Christopher C. Meyerson, 202–268–7820.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. § 3642 and 39 CFR § 3040.130 *et seq.*, as well as 39 U.S.C. § 3632 and 39 CFR § 3040.180 *et seq.*, on October 10, 2024, it filed with the Postal Regulatory Commission a *Request of the United States Postal Service to Remove International Return Receipt from the Competitive Product List and to Make Accompanying Classification Changes* in the Mail Classification Schedule.

Documents are available at www.prc.gov, Docket No. MC2025–58.

Christopher Doyle,

Attorney, Ethics and Legal Compliance.

[FR Doc. 2024–24036 Filed 10–17–24; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* October 18, 2024.

FOR FURTHER INFORMATION CONTACT:

Sean Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on October 3, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail & USPS Ground Advantage® Contract 373 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2025–20, K2025–19.

Sean Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2024–24030 Filed 10–17–24; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* October 18, 2024.

FOR FURTHER INFORMATION CONTACT:

Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby

gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on September 30, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 415 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2024–778, K2024–71.

Sean C. Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2024–24000 Filed 10–17–24; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* October 18, 2024.

FOR FURTHER INFORMATION CONTACT:

Sean Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on October 10, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail & USPS Ground Advantage® Contract 388 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2025–63, K2025–61.

Sean Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2024–24080 Filed 10–17–24; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* October 18, 2024

FOR FURTHER INFORMATION CONTACT:

Sean Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on October 7, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail & USPS Ground Advantage® Contract 379 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2025–38, K2025–37.

Sean Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2024–24055 Filed 10–17–24; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* October 18, 2024.

FOR FURTHER INFORMATION CONTACT:

Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on October 3, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 436 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2025–23, K2025–22.

Sean C. Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2024–24024 Filed 10–17–24; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* October 18, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202-268-8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on October 3, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 432 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2025-17, K2025-17.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024-24020 Filed 10-17-24; 8:45 am]
BILLING CODE 7710-12-P

POSTAL SERVICE**Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement**

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* October 18, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202-268-8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on October 3, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 433 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2025-18, K2025-18.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024-24021 Filed 10-17-24; 8:45 am]
BILLING CODE 7710-12-P

POSTAL SERVICE**Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement**

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* October 18, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202-268-8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on October 2, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 424 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2025-8, K2025-8.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024-24009 Filed 10-17-24; 8:45 am]
BILLING CODE 7710-12-P

POSTAL SERVICE**Product Change—Priority Mail and USPS Ground Advantage® Negotiated Service Agreement**

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* October 18, 2024.

FOR FURTHER INFORMATION CONTACT: Sean Robinson, 202-268-8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on October 1, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail & USPS Ground Advantage® Contract 371 to Competitive Product List*. Documents

are available at www.prc.gov, Docket Nos. MC2025-6, K2025-6.

Sean Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024-23996 Filed 10-17-24; 8:45 am]
BILLING CODE 7710-12-P

POSTAL SERVICE**Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement**

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* October 18, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202-268-8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on October 10, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 468 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2025-71, K2025-69.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024-24075 Filed 10-17-24; 8:45 am]
BILLING CODE 7710-12-P

POSTAL SERVICE**Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement**

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* October 18, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202-268-8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on September 30, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 413 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2024–776, K2024–69.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–23998 Filed 10–17–24; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.
ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.
DATES: *Date of required notice:* October 18, 2024.

FOR FURTHER INFORMATION CONTACT:
Sean Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on October 4, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail & USPS Ground Advantage® Contract 374 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2025–26, K2025–25.

Sean Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–24031 Filed 10–17–24; 8:45 am]
BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.
ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to

the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* October 18, 2024.

FOR FURTHER INFORMATION CONTACT:
Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on October 10, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 462 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2025–65, K2025–63.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–24069 Filed 10–17–24; 8:45 am]
BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.
ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* October 18, 2024.

FOR FURTHER INFORMATION CONTACT:
Sean Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on October 9, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail & USPS Ground Advantage® Contract 386 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2025–52, K2025–51.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–24042 Filed 10–17–24; 8:45 am]
BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.
ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.
DATES: *Date of required notice:* October 18, 2024.

FOR FURTHER INFORMATION CONTACT:
Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on October 8, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 449 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2025–42, K2025–41.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–24050 Filed 10–17–24; 8:45 am]
BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.
ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.
DATES: *Date of required notice:* October 18, 2024.

FOR FURTHER INFORMATION CONTACT:
Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on October 3, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 438 to Competitive Product List*. Documents

are available at www.prc.gov, Docket Nos. MC2025–25, K2025–24.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–24026 Filed 10–17–24; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.
ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.
DATES: *Date of required notice:* October 18, 2024.

FOR FURTHER INFORMATION CONTACT:
Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on October 9, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 454 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2025–54, K2025–53.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–24061 Filed 10–17–24; 8:45 am]
BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.
ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.
DATES: *Date of required notice:* October 18, 2024.

FOR FURTHER INFORMATION CONTACT:
Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on September 30, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 418 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2024–781, K2024–74.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–24003 Filed 10–17–24; 8:45 am]
BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.
ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.
DATES: *Date of required notice:* October 18, 2024.

FOR FURTHER INFORMATION CONTACT:
Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on October 10, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 467 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2025–70, K2025–68.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–24074 Filed 10–17–24; 8:45 am]
BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.
ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal

Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* October 18, 2024.

FOR FURTHER INFORMATION CONTACT:
Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on October 2, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 426 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2025–10, K2025–10.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–24011 Filed 10–17–24; 8:45 am]
BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.
ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* October 18, 2024.

FOR FURTHER INFORMATION CONTACT:
Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on October 8, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 447 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2025–40, K2025–39.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–24048 Filed 10–17–24; 8:45 am]
BILLING CODE 7710–12–P

POSTAL SERVICE**Product Change—Priority Mail and USPS Ground Advantage® Negotiated Service Agreement****AGENCY:** Postal Service™.**ACTION:** Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* October 18, 2024.

FOR FURTHER INFORMATION CONTACT: Sean Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on October 1, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail & USPS Ground Advantage® Contract 369 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2025–4, K2025–4.

Sean Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–23994 Filed 10–17–24; 8:45 am]
BILLING CODE 7710–12–P

POSTAL SERVICE**Product Change—Priority Mail and USPS Ground Advantage® Negotiated Service Agreement****AGENCY:** Postal Service™.**ACTION:** Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* October 18, 2024.

FOR FURTHER INFORMATION CONTACT: Sean Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on October 9, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail & USPS Ground Advantage® Contract 387 to Competitive Product List*. Documents

are available at www.prc.gov, Docket Nos. MC2025–60, K2025–58.

Sean Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–24079 Filed 10–17–24; 8:45 am]
BILLING CODE 7710–12–P

POSTAL SERVICE**Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement****AGENCY:** Postal Service™.**ACTION:** Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* October 18, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on October 4, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 441 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2025–29, K2025–28.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–24029 Filed 10–17–24; 8:45 am]
BILLING CODE 7710–12–P

POSTAL SERVICE**Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement****AGENCY:** Postal Service™.**ACTION:** Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* October 18, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on October 2, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 428 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2025–13, K2025–13.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–24016 Filed 10–17–24; 8:45 am]
BILLING CODE 7710–12–P

POSTAL SERVICE**Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement****AGENCY:** Postal Service™.**ACTION:** Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* October 18, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on September 30, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 417 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2024–780, K2024–73.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–24002 Filed 10–17–24; 8:45 am]
BILLING CODE 7710–12–P

POSTAL SERVICE**Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement****AGENCY:** Postal Service™.**ACTION:** Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a

domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* October 18, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202-268-8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on October 7, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 445 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2025-37, K2025-36.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024-24046 Filed 10-17-24; 8:45 am]
BILLING CODE 7710-12-P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* October 18, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202-268-8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on October 9, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 460 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2025-62, K2025-60.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024-24067 Filed 10-17-24; 8:45 am]
BILLING CODE 7710-12-P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* October 18, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202-268-8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on October 9, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 451 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2025-49, K2025-48.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024-24052 Filed 10-17-24; 8:45 am]
BILLING CODE 7710-12-P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* October 18, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202-268-8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on October 1, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 422 to Competitive Product List*. Documents

are available at www.prc.gov, Docket Nos. MC2025-2, K2025-2.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024-24007 Filed 10-17-24; 8:45 am]
BILLING CODE 7710-12-P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* October 18, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202-268-8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on October 4, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 442 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2025-34, K2025-33.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024-24043 Filed 10-17-24; 8:45 am]
BILLING CODE 7710-12-P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* October 18, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202-268-8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on October 9, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 459 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2025–61, K2025–59.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–24066 Filed 10–17–24; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* October 18, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on October 4, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 435 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2025–22, K2025–21.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–24023 Filed 10–17–24; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to

the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* October 18, 2024.

FOR FURTHER INFORMATION CONTACT: Sean Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on October 9, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail & USPS Ground Advantage® Contract 383 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2025–47, K2025–46.

Sean Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–24039 Filed 10–17–24; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* October 18, 2024.

FOR FURTHER INFORMATION CONTACT: Sean Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on October 2, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail & USPS Ground Advantage® Contract 372 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2025–12, K2025–12.

Sean Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–23997 Filed 10–17–24; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* October 18, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on October 10, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 463 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2025–66, K2025–64.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–24070 Filed 10–17–24; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* October 18, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on October 9, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 456 to Competitive Product List*. Documents

are available at www.prc.gov, Docket Nos. MC2025–56, K2025–55.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–24063 Filed 10–17–24; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.
ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* October 18, 2024.

FOR FURTHER INFORMATION CONTACT: Sean Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on October 4, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail & USPS Ground Advantage® Contract 376 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2025–31, K2025–30.

Sean Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–24033 Filed 10–17–24; 8:45 am]
BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.
ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* October 18, 2024.

FOR FURTHER INFORMATION CONTACT: Sean Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C.

3642 and 3632(b)(3), on September 30, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail & USPS Ground Advantage® Contract 368 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2024–775, K2024–68.

Sean Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–23993 Filed 10–17–24; 8:45 am]
BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.
ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* October 18, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on October 10, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 465 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2025–68, K2025–66.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–24072 Filed 10–17–24; 8:45 am]
BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.
ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* October 18, 2024.

FOR FURTHER INFORMATION CONTACT: Sean Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on October 9, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail & USPS Ground Advantage® Contract 384 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2025–48, K2025–47.

Sean Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–24040 Filed 10–17–24; 8:45 am]
BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.
ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* October 18, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on October 3, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 434 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2025–21, K2025–20.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–24022 Filed 10–17–24; 8:45 am]
BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* October 18, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202-268-8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on October 9, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 457 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2025-57, K2025-56.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024-24064 Filed 10-17-24; 8:45 am]
BILLING CODE 7710-12-P

POSTAL SERVICE**Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement**

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* October 18, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202-268-8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on October 11, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 471 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2025-74, K2025-72.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024-24078 Filed 10-17-24; 8:45 am]
BILLING CODE 7710-12-P

POSTAL SERVICE**Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement**

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* October 18, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202-268-8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on October 2, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 423 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2025-7, K2025-7.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024-24008 Filed 10-17-24; 8:45 am]
BILLING CODE 7710-12-P

POSTAL SERVICE**Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement**

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* October 18, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202-268-8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on September 30, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 420 to Competitive Product List*. Documents

are available at www.prc.gov, Docket Nos. MC2024-783, K2024-76.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024-24005 Filed 10-17-24; 8:45 am]
BILLING CODE 7710-12-P

POSTAL SERVICE**Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement**

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* October 18, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202-268-8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on October 7, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 444 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2025-36, K2025-35.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024-24045 Filed 10-17-24; 8:45 am]
BILLING CODE 7710-12-P

POSTAL SERVICE**Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement**

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* October 18, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202-268-8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on October 9, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 455 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2025–55, K2025–54.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–24062 Filed 10–17–24; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.
ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.
DATES: *Date of required notice:* October 18, 2024.

FOR FURTHER INFORMATION CONTACT:
Sean Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on October 9, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail & USPS Ground Advantage® Contract 381 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2025–45, K2025–44.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–24037 Filed 10–17–24; 8:45 am]
BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.
ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service

Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* October 18, 2024.

FOR FURTHER INFORMATION CONTACT:
Sean Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on October 9, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail & USPS Ground Advantage® Contract 380 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2025–44, K2025–43.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–24056 Filed 10–17–24; 8:45 am]
BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.
ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* October 18, 2024.

FOR FURTHER INFORMATION CONTACT:
Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on October 1, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 421 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2025–1, K2025–1.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–24006 Filed 10–17–24; 8:45 am]
BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.
ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* October 18, 2024.

FOR FURTHER INFORMATION CONTACT:
Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on October 9, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 452 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2025–50, K2025–49.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–24053 Filed 10–17–24; 8:45 am]
BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.
ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* October 18, 2024.

FOR FURTHER INFORMATION CONTACT:
Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on September 30, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 414 to Competitive Product List*. Documents

are available at www.prc.gov, Docket Nos. MC2024–777, K2024–70.

Sean C. Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2024–23999 Filed 10–17–24; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* October 18, 2024.

FOR FURTHER INFORMATION CONTACT:

Sean Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on October 9, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail & USPS Ground Advantage® Contract 382 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2025–46, K2025–45.

Sean Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2024–24038 Filed 10–17–24; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* October 18, 2024.

FOR FURTHER INFORMATION CONTACT:

Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on October 11, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 470 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2025–73, K2025–71.

Sean C. Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2024–24077 Filed 10–17–24; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* October 18, 2024.

FOR FURTHER INFORMATION CONTACT:

Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on October 8, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 448 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2025–41, K2025–40.

Sean C. Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2024–24049 Filed 10–17–24; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal

Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* October 18, 2024.

FOR FURTHER INFORMATION CONTACT:

Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on October 3, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 431 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2025–16, K2025–16.

Sean C. Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2024–24019 Filed 10–17–24; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* October 18, 2024.

FOR FURTHER INFORMATION CONTACT:

Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on October 10, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 466 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2025–69, K2025–67.

Sean C. Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2024–24073 Filed 10–17–24; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE**Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement****AGENCY:** Postal Service™.**ACTION:** Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* October 18, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on October 2, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 425 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2025–9, K2025–9.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–24010 Filed 10–17–24; 8:45 am]
BILLING CODE 7710–12–P

POSTAL SERVICE**Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement****AGENCY:** Postal Service™.**ACTION:** Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* October 18, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on September 30, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 416 to Competitive Product List*. Documents

are available at www.prc.gov, Docket Nos. MC2024–779, K2024–72.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–24001 Filed 10–17–24; 8:45 am]
BILLING CODE 7710–12–P

POSTAL SERVICE**Product Change—Priority Mail and USPS Ground Advantage® Negotiated Service Agreement****AGENCY:** Postal Service™.**ACTION:** Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* October 18, 2024.

FOR FURTHER INFORMATION CONTACT: Sean Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on October 4, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail & USPS Ground Advantage® Contract 378 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2025–33, K2025–32.

Sean Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–24035 Filed 10–17–24; 8:45 am]
BILLING CODE 7710–12–P

POSTAL SERVICE**Product Change—Priority Mail and USPS Ground Advantage® Negotiated Service Agreement****AGENCY:** Postal Service™.**ACTION:** Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* October 18, 2024.

FOR FURTHER INFORMATION CONTACT: Sean Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C.

3642 and 3632(b)(3), on October 9, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail & USPS Ground Advantage® Contract 385 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2025–51, K2025–50.

Sean Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–24041 Filed 10–17–24; 8:45 am]
BILLING CODE 7710–12–P

SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270–586, OMB Control No. 3235–0647]

Proposed Collection; Comment Request; Extension: Rule 204

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (“PRA”) (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (“Commission”) is soliciting comments on the collection of information provided for in Rule 204 (17 CFR 242.204) under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*). The Commission plans to submit this existing collection of information to the Office of Management and Budget (“OMB”) for extension and approval.

Rule 204(a) provides that a participant of a registered clearing agency must deliver securities to a registered clearing agency for clearance and settlement on a long or short sale in any equity security by settlement date, or if a participant of a registered clearing agency has a fail to deliver position at a registered clearing agency in any equity security for a long or short sale transaction in the equity security, the participant shall, by no later than the beginning of regular trading hours on the applicable close-out date, immediately close out its fail to deliver positions by borrowing or purchasing securities of like kind and quantity. For a short sale transaction, the participant must close out a fail to deliver by no later than the beginning of regular trading hours on the settlement day following the settlement date. If a participant has a fail to deliver that the participant can demonstrate on its books and records resulted from a long sale, or that is attributable to bona-fide market making activities, the participant must close out the fail to deliver by no later

than the beginning of regular trading hours on the third consecutive settlement day following the settlement date. Rule 204 is intended to help further the Commission's goal of reducing fails to deliver by maintaining the reductions in fails to deliver achieved by the adoption of temporary Rule 204T, as well as other actions taken by the Commission. In addition, Rule 204 is intended to help further the Commission's goal of addressing potentially abusive "naked" short selling in all equity securities.

The information collected under Rule 204 will continue to be retained and/or provided to other entities pursuant to the specific rule provisions and will be available to the Commission and self-regulatory organization ("SRO") examiners upon request. The information collected will continue to aid the Commission and SROs in monitoring compliance with these requirements. In addition, the information collected will aid those subject to Rule 204 in complying with its requirements. These collections of information are mandatory.

Several provisions under Rule 204 will impose a "collection of information" within the meaning of the Paperwork Reduction Act.

I. Allocation Notification

Requirement: As of quarter four of 2023, there were 3,429 registered broker-dealers.¹ Each of these broker-dealers could clear trades through a participant of a registered clearing agency and, therefore, become subject to the notification requirements of Rule 204(d). If a participant allocates a fail to deliver position to a broker or dealer pursuant to Rule 204(d), the broker or dealer that has been allocated the fail to deliver position in an equity security must determine whether such fail to deliver position was closed out in accordance with Rule 204(a). If such broker or dealer does not comply with the provisions of Rule 204(a), such broker or dealer must immediately notify the participant that it has become subject to the requirements of Rule 204(b). The Commission estimates that a broker or dealer could have to make such determination and notification with respect to approximately 2.44 equity securities per day.² The Commission estimates a total of

2,108,424 potential notifications in accordance with Rule 204(d) across all registered broker-dealers that could be allocated responsibility to close out a fail to deliver position per year (3,429 registered broker-dealers notifying participants once per day³ on 2.44 equity securities, multiplied by 252 trading days in 2023). The total estimated annual burden hours per year will be approximately 337,348 burden hours (2,108,424 multiplied by 0.16 hours/notification⁴).

II. Demonstration Requirement for Fails to Deliver on Long Sales: As of December 29, 2023, there were 129 participants of NSCC that were registered as broker-dealers. If a participant of a registered clearing agency has a fail to deliver position in an equity security at a registered clearing agency and determined that such fail to deliver position resulted from a long sale, the Commission estimates that a participant of a registered clearing agency will have to make such a determination with respect to approximately 30 securities per day.⁵ The Commission estimates a total of 975,240 potential demonstrations in accordance with Rule 204(a)(1) across all broker-dealer participants per year (129 participants checking for compliance once per day on 30 securities, multiplied by 252 trading days in 2023). The total approximate estimated annual burden hours per year will be approximately 156,038 burden hours (975,240 multiplied by 0.16 hours/demonstration⁶).

III. Pre-Borrow Notification

Requirement: As of December 29, 2023, there were 129 participants of NSCC that were registered as broker-dealers. If a participant of a registered clearing agency has a fail to deliver position in

an equity security, the participant must determine whether the fail to deliver position was closed out in accordance with Rule 204(a). The Commission estimates that a participant of a registered clearing agency will have to make such determination with respect to approximately 65 equity securities per day.⁷ The Commission estimates a total of 2,113,020 potential notifications in accordance with Rule 204(c) across all participants per year (129 broker-dealer participants notifying broker-dealers once per day on 65 securities, multiplied by 252 trading days in 2023). The total estimated annual burden hours per year will be approximately 338,083 burden hours (2,113,020 multiplied by 0.16 hours/notification⁸).

IV. Certification Requirement: As of quarter four 2023, there were 3,429 registered broker-dealers. Each of these broker-dealers may clear trades through a participant of a registered clearing agency. If the broker-dealer determines that it has not incurred a fail to deliver position on settlement date for a long or short sale in an equity security for which the participant has a fail to deliver position at a registered clearing agency or has purchased or borrowed securities in accordance with the pre-fail credit provision of Rule 204(e), the Commission estimates that a broker-dealer could have to make such determination with respect to approximately 2.44 securities per day.⁹ The Commission estimates that each such registered broker-dealer could have to certify to a participant that the broker-dealer has not incurred a fail to deliver position on settlement date for a long or short sale in an equity security for which the participant has a fail to deliver position at a registered clearing agency or, alternatively, that the broker-dealer is in compliance with the requirements set forth in the pre-fail credit provision of Rule 204(e), 2,108,424 times per year (3,429 registered broker-dealers certifying once per day on 2.44 securities, multiplied by 252 trading days in 2023). The total approximate estimated annual burden hours per year will be approximately 337,348 burden hours (2,108,424 multiplied by 0.16 hours/certification¹⁰).

V. Pre-Fail Credit Demonstration Requirement: As of quarter four 2023, there were 3,429 registered broker-dealers. If a broker-dealer purchased or borrowed securities in accordance with the conditions specified in Rule 204(e)

¹ The Commission's Division of Economic and Risk Analysis ("DERA") estimates that there were approximately 3,429 registered broker-dealers as of quarter four of 2023, based on FOCUS filings data.

² DERA estimates that there were approximately 8,378 average daily fail to deliver positions during 2023. Across 3,429 registered broker-dealers, the number of securities per registered broker-dealer per trading day is approximately 2.44 (8,378 ÷ 3,429) equity securities.

³ Because failure to comply with the close-out requirements of Rule 204(a) is a violation of the rule, the Commission believes that a broker or dealer would make the notification to a participant that it is subject to the borrowing requirements of Rule 204(b) at most once per day.

⁴ See Amendments to Regulation SHO, Exchange Act Release No. 60388 (July 27, 2009), 74 FR 38265 (July 31, 2009) ("Rule 204 Adopting Release") (July 27, 2009) (making permanent the amendments to Regulation SHO contained in Interim Final Temporary Rule 204T and incorporating by reference the time estimates from the Rule 204T Adopting Release for compliance with the notification, demonstration, and certification requirements of Rule 204).

⁵ DERA estimates that during 2023 approximately 46.6% of trade volume was long. DERA estimates that there were approximately 8,378 average daily fail to deliver positions during 2023. Across 129 broker-dealer participants of the NSCC, the number of securities per participant per day is approximately 65 (8,378 ÷ 129) equity securities. 46.64% of 65 equity securities per trading day equals approximately 30 securities per day.

⁶ See *supra* note 4.

⁷ See *supra* note 5.

⁸ See *supra* note 4.

⁹ See *supra* note 2.

¹⁰ See *supra* note 4.

and determined that it had a net long position or net flat position on the settlement day for which the broker-dealer is claiming pre-fail credit, the Commission estimates that a broker-dealer could have to make such determination with respect to approximately 2.44 securities per day.¹¹ The Commission estimates that the total number of times per year that such registered broker-dealers could have to demonstrate on their respective books and records that the broker-dealer has a net long position or net flat position on the settlement day for which the broker-dealer is claiming pre-fail credit is 2,108,424 times per year (3,429 registered broker-dealers checking for compliance once per day on 2.44 equity securities, multiplied by 252 trading days in 2023). The total approximate estimated annual burden hours per year will be 337,348 burden hours (2,108,424 multiplied by 0.16 hours/demonstration¹²).

The total aggregate annual burden for the collection of information undertaken pursuant to all five provisions is thus 1,506,165 hours per year (337,348 + 156,038 + 338,083 + 337,348 + 337,348).

Written comments are invited on: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's estimates of the burden of the proposed collection 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 on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted by December 17, 2024.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information under the PRA unless it displays a currently valid OMB control number.

Please direct your written comments to: Austin Gerig, Director/Chief Data Officer, Securities and Exchange Commission, c/o Tanya Ruttenberg, 100 F Street NE, Washington, DC 20549, or send an email to: PRA_Mailbox@sec.gov.

Dated: October 15, 2024.

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2024–24132 Filed 10–17–24; 8:45 am]

BILLING CODE 8011–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #20732 and #20733; FLORIDA Disaster Number FL–20014]

Presidential Declaration Amendment of a Major Disaster for Public Assistance Only for the State of Florida

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 2.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for Public Assistance Only for the State of Florida (FEMA–4828–DR), dated 10/05/2024.

Incident: Hurricane Helene.

Incident Period: 09/23/2024 and continuing.

DATES: Issued on 10/13/2024.

Physical Loan Application Deadline Date: 12/04/2024.

Economic Injury (EIDL) Loan Application Deadline Date: 07/07/2025.

ADDRESSES: Visit the MySBA Loan Portal at <https://lending.sba.gov> to apply for a disaster assistance loan.

FOR FURTHER INFORMATION CONTACT:

Alan Escobar, Office of Disaster Recovery & Resilience, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: The notice of the President's major disaster declaration for Private Non-Profit organizations in the State of Florida, dated 10/05/2024, is hereby amended to include the following areas as adversely affected by the disaster.

Primary Counties: Baker, Nassau, Putnam.

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. 2024–24175 Filed 10–17–24; 8:45 am]

BILLING CODE 8026–09–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #20753 and #20754; GEORGIA Disaster Number GA–20014]

Presidential Declaration Amendment of a Major Disaster for Public Assistance Only for the State of Georgia

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 2.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for Public Assistance Only for the State of Georgia (FEMA–4830–DR), dated 10/09/2024.

Incident: Hurricane Helene.

Incident Period: 09/24/2024 and continuing.

DATES: Issued on 10/14/2024.

Physical Loan Application Deadline Date: 12/09/2024.

Economic Injury (EIDL) Loan Application Deadline Date: 07/09/2025.

ADDRESSES: Visit the MySBA Loan Portal at <https://lending.sba.gov> to apply for a disaster assistance loan.

FOR FURTHER INFORMATION CONTACT:

Alan Escobar, Office of Disaster Recovery & Resilience, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: The notice of the President's major disaster declaration for Private Non-Profit organizations in the State of Georgia, dated 10/09/2024, is hereby amended to include the following areas as adversely affected by the disaster.

Primary Counties: Columbia, Dodge, Dooley, Glascock, Grady, Jefferson, Johnson, McDuffie, McIntosh, Monroe, Montgomery, Richmond, Telfair, Thomas, Warren, Wheeler.

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. 2024–24176 Filed 10–17–24; 8:45 am]

BILLING CODE 8026–09–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #20753 and #20754; GEORGIA Disaster Number GA–20014]

Presidential Declaration Amendment of a Major Disaster for Public Assistance Only for the State of Georgia

AGENCY: U.S. Small Business Administration.

¹¹ See *supra* note 2.

¹² See *supra* note 4.

ACTION: Amendment 1.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for Public Assistance Only for the State of Georgia (FEMA–4830–DR), dated 10/09/2024.

Incident: Hurricane Helene.

Incident Period: 09/24/2024 and continuing.

DATES: Issued on 10/11/2024.

Physical Loan Application Deadline Date: 12/09/2024.

Economic Injury (EIDL) Loan Application Deadline Date: 07/09/2025.

ADDRESSES: Visit the MySBA Loan Portal at <https://lending.sba.gov> to apply for a disaster assistance loan.

FOR FURTHER INFORMATION CONTACT:

Alan Escobar, Office of Disaster Recovery & Resilience, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: The notice of the President's major disaster declaration for Private Non-Profit organizations in the State of Georgia, dated 10/09/2024, is hereby amended to include the following areas as adversely affected by the disaster.

Primary Counties: Berrien, Brooks, Bryan, Bulloch, Camden, Candler, Charlton, Chatham, Colquitt, Cook, Emanuel, Evans, Glynn, Laurens, Liberty, Long, Lowndes, Pulaski, Tattnall, Tift, Toombs, Twiggs, Wilcox, Wilkinson.

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. 2024–24177 Filed 10–17–24; 8:45 am]

BILLING CODE 8026–09–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #20705 and #20706; VIRGINIA Disaster Number VA–20011]

Presidential Declaration Amendment of a Major Disaster for the Commonwealth of Virginia

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 3.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for the Commonwealth of Virginia (FEMA–4831–DR), dated 10/01/2024.

Incident: Tropical Storm Helene.

Incident Period: 09/25/2024 and continuing.

DATES: Issued on 10/13/2024.

Physical Loan Application Deadline Date: 12/02/2024.

Economic Injury (EIDL) Loan Application Deadline Date: 07/01/2025.

ADDRESSES: Visit the MySBA Loan Portal at <https://lending.sba.gov> to apply for a disaster assistance loan.

FOR FURTHER INFORMATION CONTACT:

Alan Escobar, Office of Disaster Recovery & Resilience, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: The notice of the President's major disaster declaration for the Commonwealth of Virginia, dated 10/01/2024, is hereby amended to include the following areas as adversely affected by the disaster:

Primary County (Physical Damage and Economic Injury Loans): Scott.

Contiguous Counties (Economic Injury Loans Only):

Virginia: Halifax

Tennessee: Hancock, Hawkins.

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. 2024–24168 Filed 10–17–24; 8:45 am]

BILLING CODE 8026–09–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #20761 and #20762; SOUTH CAROLINA Disaster Number SC–20014]

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–4835–DR), dated 09/29/2024.

Incident: Tropical Storm Debby.

Incident Period: 08/04/2024 through 08/22/2024.

DATES: Issued on 09/29/2024.

Physical Loan Application Deadline Date: 11/29/2024.

Economic Injury (EIDL) Loan Application Deadline Date: 06/30/2025.

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 09/29/2024, Private Non-Profit organizations that provide essential services of a governmental nature may file disaster loan applications online using the MySBA Loan Portal <https://lending.sba.gov> or other locally announced locations. Please contact the SBA disaster assistance customer service center by email at disastercustomerservice@sba.gov or by phone at 1–800–659–2955 for further assistance.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Bamberg, Barnwell, Berkeley, Colleton, Dillon, Dorchester, Georgetown, Hampton, Horry, Jasper, Orangeburg, Union.

The Interest Rates are:

	Percent
<i>For Physical Damage:</i>	
Non-Profit Organizations with Credit Available Elsewhere ...	3.250
Non-Profit Organizations without Credit Available Elsewhere	3.250
<i>For Economic Injury:</i>	
Non-Profit Organizations without Credit Available Elsewhere	3.250

The number assigned to this disaster for physical damage is 207618 and for economic injury is 207620.

(Catalog of Federal Domestic Assistance Number 59008)

Rafaela Monchek,

Deputy Associate Administrator, Office of Disaster Recovery & Resilience.

[FR Doc. 2024–24169 Filed 10–17–24; 8:45 am]

BILLING CODE 8026–09–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #20711 and #20712; GEORGIA Disaster Number GA–20013]

Presidential Declaration Amendment of a Major Disaster for the State of Georgia

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 5.

SUMMARY: This is an amendment of the Presidential declaration of a major

disaster for the State of Georgia (FEMA–4830–DR), dated 09/30/2024.

Incident: Hurricane Helene.

Incident Period: 09/24/2024 and continuing.

DATES: Issued on 10/11/2024.

Physical Loan Application Deadline Date: 11/29/2024.

Economic Injury (EIDL) Loan Application Deadline Date: 06/30/2025.

ADDRESSES: Visit the MySBA Loan Portal at <https://lending.sba.gov> to apply for a disaster assistance loan.

FOR FURTHER INFORMATION CONTACT:

Alan Escobar, Office of Disaster Recovery & Resilience, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: The notice of the President’s major disaster declaration for the State of Georgia, dated 09/30/2024, is hereby amended to include the following areas as adversely affected by the disaster:

Primary Counties (Physical Damage and Economic Injury Loans): Brantley, Fulton.

Contiguous Counties (Economic Injury Loans Only):

Georgia: Carroll, Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Gwinnett.

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. 2024–24174 Filed 10–17–24; 8:45 am]

BILLING CODE 8026–09–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #20478 and #20479; VERMONT Disaster Number VT–20001]

Presidential Declaration Amendment of a Major Disaster for the State of Vermont

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 1.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for the State of Vermont (FEMA–4810–DR), dated 08/20/2024.

Incident: Severe Storm, Flooding, Landslides, and Mudslides.

Incident Period: 07/09/2024 through 07/11/2024.

DATES: Issued on 10/11/2024.

Physical Loan Application Deadline Date: 11/25/2024.

Economic Injury (EIDL) Loan Application Deadline Date: 05/20/2025.

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 Vermont, dated 08/20/2024, is hereby amended to extend the deadline for filing applications for physical damages as a result of this disaster to 11/25/2024.

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. 2024–24178 Filed 10–17–24; 8:45 am]

BILLING CODE 8026–09–P

DEPARTMENT OF STATE

[Public Notice: 12564]

Notice of Determinations; Culturally Significant Objects Being Imported for Exhibition—Determinations: “Picasso and Paper” Exhibition

SUMMARY: Notice is hereby given of the following determinations: I hereby determine that certain objects being imported from abroad pursuant to agreements with their foreign owners or custodians for temporary display in the exhibition “Picasso and Paper” at the Cleveland Museum of Art, Cleveland, Ohio, and at possible additional exhibitions or venues yet to be determined, are of cultural significance, and, further, that their temporary exhibition or display within the United States as aforementioned is in the national interest. I have ordered that Public Notice of these determinations be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT:

Reed Liriano, Program Coordinator, Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6471; email: section2459@state.gov). The mailing address is U.S. Department of State, L/PD, 2200 C Street NW (SA–5), Suite 5H03, Washington, DC 20522–0505.

SUPPLEMENTARY INFORMATION: The foregoing determinations were made pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat.

985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.*; 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236–3 of August 28, 2000, and Delegation of Authority No. 523 of December 22, 2021.

Nicole L. Elkon,

Deputy Assistant Secretary for Professional and Cultural Exchanges, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2024–24081 Filed 10–17–24; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice 12563]

30-Day Notice of Proposed Information Collection: Request for Overseas U.S. Citizen Vital Records Services

ACTION: Notice of request for public comments

SUMMARY: The Department of State has submitted the information collections described below to the Office of Management and Budget (OMB) for approval. In accordance with the Paperwork Reduction Act of 1995, we are requesting comments on these collections from all interested individuals and organizations. The purpose of this Notice is to allow 30 days for public comment.

DATES: The Department will accept comments from the public up to November 18, 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 information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function. You must include the DS form number, information collection title, and the OMB control number in any correspondence (if applicable). You may send requests for additional information regarding the collection listed in this notice, including requests for copies of the proposed collection instrument and supporting documents, to the following email address: Passport-Form-Comments@State.gov. You must include the DS form number and information collection title in the email subject line.

SUPPLEMENTARY INFORMATION:

• *Title of Information Collection:* Request for Overseas U.S. Citizen Vital Records Services.

• *OMB Control Number:* 1405–0253.

• *Type of Request:* Revision of a currently approved collection.

• *Originating Office:* Department of State, Bureau of Consular Affairs, Passport Services, Office of Program Management and Operational Support (CA/PPT/S/PMO).

• *Form Number:* DS–5542.

• *Respondents:* Individuals.

• *Estimated Number of Respondents:* 18,346.

• *Estimated Number of Responses:* 18,346.

• *Average Time per Response:* 40 minutes.

• *Total Estimated Burden Time:* 12,230 hours.

• *Frequency:* On Occasion.

• *Obligation to Respond:* Required to Obtain a Benefit.

We are soliciting public comments to permit the Department to:

• Evaluate whether the proposed information collection is necessary for the proper functions of the Department.

• Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used.

• Enhance the quality, utility, and clarity of the information to be collected.

• Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Please note that comments submitted in response to this notice are public record. Before including any detailed personal information, you should be aware that your comments as submitted, including your personal information, will be available for public review.

Abstract of Proposed Collection

The Request for Overseas U.S. Citizen Vital Records Services is submitted to the Office of Records Management to request certified or authenticated copies of overseas U.S. citizen vital records such as Consular Reports of Birth/Death Abroad, Certificates of Witness to Marriage, and Panama Canal Zone documents pursuant to authorized requests. Requests for correction, amendment, or replacement of such vital records may be made using this form also.

Methodology

A PDF fillable form is available on the Department's website, *travel.state.gov*, where it can be printed for manual

signature and submission. The Request for Overseas U.S. Citizen Vital Records Services form may be submitted by mail to request certified or authenticated copies of overseas U.S. citizen vital records maintained by the Office of Records Management.

Amanda E. Smith,

Managing Director for Passport Support Operations, Bureau of Consular Affairs, Passport Services, Department of State.

[FR Doc. 2024–24116 Filed 10–17–24; 8:45 am]

BILLING CODE 4710–06–P

SURFACE TRANSPORTATION BOARD

[Docket No. MCF 21120]

Avalon Motor Coaches, LLC, and Avalon Transportation, LLC—Acquisition of Control—Kerrville Bus Company Inc., All West Coachlines, Inc., American Coach Lines of Atlanta, Inc., Coach Leasing, Inc., Cam Leasing, LLC, Coach USA, Inc., and Coach USA Administration, Inc.

AGENCY: Surface Transportation Board.

ACTION: Notice tentatively approving and authorizing finance transaction.

SUMMARY: On August 12, 2024, interstate passenger motor carriers Avalon Transportation, LLC (Avalon Transportation), and Avalon Motor Coaches, LLC (Avalon Motor Coaches), filed an application for control over certain assets of the following Coach USA, Inc. (Coach USA) subsidiaries: Kerrville Bus Company, Inc. (Kerrville); All West Coachlines, Inc. (All West); American Coach Lines of Atlanta, Inc. (ACL Atlanta); Coach Leasing, Inc.; CAM Leasing, LLC; and Coach USA Administration, Inc. (collectively, Coach USA Subsidiaries). On September 19, 2024, Virgin-Fish, Inc. (Virgin-Fish), and Jeffrey Brush submitted a filing joining the application. (Avalon Transportation, Avalon Motor Coaches, Virgin-Fish, and Jeffrey Brush will be collectively referred to as “Avalon” or “Applicants.”) The Board is tentatively approving and authorizing this transaction. If no opposing comments are timely filed, this notice will be the final Board action.

DATES: Comments must be filed by December 2, 2024. If any comments are filed, Applicants may file a reply by December 17, 2024. If no opposing comments are filed by December 2, 2024, this notice shall be effective on December 3, 2024.

ADDRESSES: Comments, referring to Docket No. MCF 21120, may be filed with the Board either via e-filing on the Board's website or in writing addressed

to: Surface Transportation Board, 395 E Street SW, Washington, DC 20423–0001. In addition, send one copy of comments to Avalon's representative: Barry M. Weisz, Thompson Coburn LLP, 10100 Santa Monica Boulevard, Suite 500, Los Angeles, CA 90067.

FOR FURTHER INFORMATION CONTACT:

Jonathon Binet at (202) 245–0368. If you require an accommodation under the Americans with Disabilities Act, please call (202) 245–0245.

SUPPLEMENTARY INFORMATION: According to the application,¹ Avalon Transportation is a California company and Avalon Motor Coaches is a Texas company. (Appl. 8.) The sole member of both limited liability companies is Virgin-Fish, a California company owned by a sole shareholder, Jeffrey Brush.² (*Id.* at 8.) Avalon Transportation and Avalon Motor Coaches both hold interstate authority to carry passengers.³ (*Id.* at 3.) According to the application, Avalon Transportation and Avalon Motor Coaches operate chauffeured service offices in California, New York, New Jersey, and Pennsylvania, and motor coach offices in California, Arizona, and Texas. (*Id.* at 8.) The application states that Avalon Motor Coaches focuses on the Texas Motor Coach division, while Avalon Transportation focuses on chauffeured services and the California Motor Coach division. (*Id.* at 8–9.) The application also states that Avalon Transportation provides service to clients in over 700 domestic and international locations through its affiliate program. (*Id.* at 9.)

The application explains that in this transaction Avalon will purchase certain assets and good will of the Coach USA Subsidiaries. (*Id.* at 4.)⁴ Specifically, Avalon Transportation will acquire “the operating assets utilized in the All West Coachlines, Inc. business segment,” and Avalon Motor Coaches will acquire “the operating assets utilized in the Kerrville Bus Company,

¹ The application was supplemented on August 20, 2024, and on September 19, 2024. Therefore, for purposes of determining the procedural schedule and statutory deadlines, the filing date of the application is September 19, 2024. See 49 CFR 1182.4(a).

² More information about Avalon's corporate structure and ownership can be found in the application. (See Appl. 9.)

³ Further information, including U.S. Department of Transportation (USDOT) numbers, motor carrier numbers, and USDOT safety fitness ratings, can be found in the application. (*Id.* at 3, 20.)

⁴ Concurrent with the application in this docket, Avalon Transportation and Avalon Motor Coaches filed, in Docket No. MCF 21120 TA, a request under 49 U.S.C. 14303(i) and the Board's regulations at 49 CFR 1182.7(b) to manage and operate the assets to be acquired on an interim basis pending approval of the acquisition. The Board granted that request in a decision served on August 30, 2024.

Inc. and American Coachlines of Atlanta, Inc. business segments.” (*Id.*)⁵

According to the application, Coach USA is a noncarrier Delaware corporation headquartered in New Jersey,⁶ and the passenger motor carriers it controls provide services in various locations. (*Id.* at 10.) The regulated Coach USA Subsidiaries are:

- Kerrville, a Texas corporation headquartered in San Antonio, Tex., that provides deluxe motorcoach charters and shuttles, customized group tour packages, casino trips, and convention coordinating and planning, (*id.* at 10–11);

- All West, a Texas corporation headquartered in Sacramento, Cal., that provides charter bus services in California, charter tours including to Nevada, and thruway bus services under contract, (*id.*); and

- ACL Atlanta, a Texas corporation headquartered in Norcross, Ga., that provides charter bus services in Atlanta, Ga., and the surrounding Southeast, (*id.*).⁷

The remaining Coach USA Subsidiaries do not hold operating authority and are described as follows:

- Coach Leasing, Inc., an Illinois corporation headquartered in Chicago, Ill., (*id.* at 10);

- CAM Leasing, LLC, a Delaware corporation headquartered in Paramus, N.J., (*id.* at 11); and

- Coach USA Administration, Inc., a Nevada corporation headquartered in Paramus, (*id.*).

Under 49 U.S.C. 14303(b), the Board must approve and authorize a transaction that it finds consistent with the public interest, taking into consideration at least (1) the effect of the proposed transaction on the adequacy of transportation to the public, (2) the total fixed charges resulting from the proposed transaction, and (3) the interest of affected carrier employees. Applicants have submitted the information required by 49 CFR 1182.2, including information demonstrating that the proposed transaction is consistent with the public interest under 49 U.S.C. 14303(b), *see* 49 CFR

1182.2(a)(7), and a jurisdictional statement under 49 U.S.C. 14303(g) that the aggregate gross operating revenues of the involved carriers exceeded \$2 million during the 12-month period immediately preceding the filing of the application, *see* 49 CFR 1182.2(a)(5).

Applicants assert that granting the application would be consistent with the public interest. (*Id.* at 12.) The application states that Avalon will maintain and improve the service currently provided by the Coach USA Subsidiaries. (*Id.* at 12–13.) According to Applicants, Avalon will use its experience to increase efficiency by connecting its services to those of the Coach USA Subsidiaries and by integrating the subsidiaries’ services into Avalon’s software platform. (*Id.* at 13.) Applicants also state that Avalon will assume the Coach USA Subsidiaries’ charter pricing agreements and continue meeting the transportation needs of the charter customers, who will likely increase or improve their transportation options through Avalon’s expansion of services. (*Id.*) Further, Applicants state that they intend to improve the safety, comfort, and reliability of transportation options by purchasing new vehicles. (*Id.*) Applicants also state that, absent the proposed transaction, passenger transportation options may decrease because the Coach USA Subsidiaries may be required to shut down operations in certain markets. (*Id.*)

Applicants argue that the proposed transaction will not adversely affect competition in the markets where All West and ACL Atlanta operate because Avalon does not own or operate motor carrier services or routes in those markets. (*Id.* at 16.) Rather, according to Applicants, the proposed transaction will have a positive impact on competition because All West and ACL Atlanta would otherwise shut down operations in those markets. (*Id.* at 19.) Avalon’s operations overlap with Kerrville’s operations in San Antonio, Houston, and Dallas, Tex., but Applicants argue that the proposed transaction will not adversely impact competition in those markets. (*Id.* at 16.) Applicants estimate that Kerrville’s current operations constitute only a small fraction of the market in those cities,⁸ where there is vigorous

competition from several other charter services, as well as from public transportation and private car transportation. (*Id.* at 16–17.) Applicants also state that demand for charter service in Texas is expected to increase. (*Id.* at 16.) Further, Applicants assert that the transaction will have an overall positive effect on competition in the San Antonio and Houston metropolitan areas because it will prevent Kerrville from exiting those markets. (*Id.* at 18.)

Applicants concede that this transaction may result in additional fixed costs in the form of additional interest charges but assert that any such increase is not likely to impact the public. (*Id.* at 14.) Applicants state that additional fixed costs may result because acquisition of the Coach USA Subsidiaries will be financed through a combination of cash and term notes, and Avalon will assume the existing debt of the subsidiaries. (*Id.* at 13–14.) However, Avalon intends to refinance the assumed debt to improve the terms of the loans. (*Id.* at 14.) Applicants further represent that the proposed transaction will not adversely impact the interests of the Coach USA Subsidiaries’ employees. (*Id.* at 14–15.) According to the application, Avalon has agreed to offer employment to no less than 95% of the employees at each acquired location operated by the Coach USA Subsidiaries, provided that the employees meet certain eligibility standards. (*Id.* at 14.) Further, Avalon intends to extend employment offers with substantially equivalent salary, benefits, and seniority to nearly all the eligible employees of the Coach USA Subsidiaries at the acquired locations. (*Id.*) Applicants state that absent the proposed transaction all such employees would likely lose their jobs. (*Id.* at 15.) Applicants further state that, although most of the employees it will retain are bus drivers, Avalon will also extend employment offers to maintenance, operations, safety, management, and human resource employees of the Coach USA Subsidiaries. (*Id.* at 14; *see also id.* at 18–19.)

Based on Applicants’ representations, the Board finds that the acquisition as proposed in the application is consistent with the public interest and should be tentatively approved and authorized. If any opposing comments are timely filed, these findings will be deemed vacated and, unless a final decision can be made on the record as developed, a procedural schedule will

will be no competitive impact in the Dallas metropolitan area.)

⁵ The application states that real estate assets of Kerrville will be purchased by Found Things, LLC, a California company whose sole manager is Livery Station, LLC, a New York company solely managed by Jeffrey Brush. (*Id.* at 4, 8.) Applicants state that Found Things, LLC, will not operate passenger motor carrier service. (*Id.* at 4.)

⁶ More information about Coach USA’s corporate structure and ownership can be found in the application. (*Id.* at 10–11, Ex. 1.)

⁷ Further information about these passenger motor carriers, including their USDOT numbers, motor carrier numbers, and USDOT safety fitness ratings, can be found in the application. (*Id.* at 3, 20.)

⁸ Applicants estimate that Kerrville operates less than 1% of the motor coaches in Dallas (one or two buses), approximately 6% of the motor coaches in Houston (14 buses), and less than 12% of the motor coaches in San Antonio (23 buses). (*Id.* at 17 & n.13.) Applicants estimate that post-transaction the combined operations will constitute less than 12% of the Houston market and approximately 21% of the San Antonio market. (*Id.* at 18 (stating that there

be adopted to reconsider the application. See 49 CFR 1182.6. If no opposing comments are filed by the expiration of the comment period, this notice will take effect automatically and will be the final Board action in this proceeding.

This action is categorically excluded from environmental review under 49 CFR 1105.6(c).

Board decisions and notices are available at www.stb.gov.

It is ordered:

1. The proposed transaction is approved and authorized, subject to the filing of opposing comments.

2. If opposing comments are timely filed, the findings made in this notice will be deemed vacated.

3. This notice will be effective December 3, 2024, unless opposing comments are filed by December 2, 2024. If any comments are filed, Applicants may file a reply by December 17, 2024.

4. A copy of this notice will be served on: (1) the U.S. Department of Transportation, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE, Washington, DC 20590; (2) the U.S. Department of Justice, Antitrust Division, 10th Street & Pennsylvania Avenue NW, Washington, DC 20530; and (3) the U.S. Department of Transportation, Office of the General Counsel, 1200 New Jersey Avenue SE, Washington, DC 20590.

Decided: October 15, 2024.

By the Board, Board Members Fuchs, Hedlund, Primus, and Schultz.

Kenyatta Clay,
Clearance Clerk.

[FR Doc. 2024-24157 Filed 10-17-24; 8:45 am]

BILLING CODE 4915-01-P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2019-0159]

Parts and Accessories Necessary for Safe Operation; Application for Renewal of Exemption; Vision Systems North America, Inc.

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

ACTION: Notice of application for renewal of exemption; request for comments.

SUMMARY: FMCSA announces that it has received an application from Vision Systems North America, Inc. (VSNA) for a renewal of its exemption allowing

motor carriers to operate commercial motor vehicles (CMVs) with the company's Smart-Vision high-definition camera monitoring system (Smart-Vision) installed as an alternative to the two rear-vision mirrors required by the Federal Motor Carrier Safety Regulations (FMCSRs). VSNA currently holds an exemption for the period January 15, 2020, through January 15, 2025, and requests a five-year renewal of the exemption. FMCSA requests public comment on VSNA's request for exemption.

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

ADDRESSES: You may submit comments identified by docket number FMCSA-2019-0159 using any of the following methods:

- **Federal eRulemaking Portal:** Go to <https://www.regulations.gov/docket/FMCSA-2019-0159/document>. Follow the online instructions for submitting comments.
- **Mail:** Dockets Operations, U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Ground Floor, Washington, DC 20590-0001.
- **Hand Delivery or Courier:** Dockets Operations, U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Ground Floor, Washington, DC 20590-0001, between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays.
- **Fax:** (202) 493-2251.

FOR FURTHER INFORMATION CONTACT: Mr. David Sutula, Chief, Vehicle and Roadside Operations Division, Office of Carrier, Driver, and Vehicle Safety, FMCSA, 1200 New Jersey Avenue SE, Washington, DC 20590-0001; (202) 366-9209; MCPSV@dot.gov. If you have questions on viewing or submitting material to the docket, call Dockets Operations at (202) 366-9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation and Request for Comments

A. Submitting Comments

If you submit a comment, please include the docket number for this notice (FMCSA-2019-0159), indicate the specific section of this document to which the comment applies, and provide a reason for suggestions or recommendations. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so the Agency

can contact you if it has questions regarding your submission.

To submit your comment online, go to <https://www.regulations.gov/docket/FMCSA-2019-0159/document>, click on this notice, click "Comment," and type your comment into the text box on the following screen. Choose whether you are submitting your comment as an individual or on behalf of a third party and then submit.

If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8 1/2 by 11 inches, suitable for copying and electronic filing.

If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope.

FMCSA will consider all comments and material received during the comment period. Comments received after the comment closing date will be filed in the public docket and will be considered to the extent practicable.

Confidential Business Information (CBI)

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to the notice contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to the notice, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission that constitutes CBI as "PROPIN" to indicate it contains proprietary information. FMCSA will treat such marked submissions as confidential under the Freedom of Information Act, and they will not be placed in the public docket of the notice. Submissions containing CBI should be sent to Brian Dahlin, Chief, Regulatory Evaluation Division, Office of Policy, FMCSA, 1200 New Jersey Avenue SE, Washington, DC 20590-0001 or via email at brian.g.dahlin@dot.gov. At this time, you need not send a duplicate hardcopy of your electronic CBI submissions to FMCSA headquarters. Any comments FMCSA receives not specifically designated as CBI will be placed in the public docket for this notice.

B. Viewing Comments and Documents

To view any documents mentioned as being available in the docket, go to <https://www.regulations.gov/docket/FMCSA-2019-0159/document> and choose the document to review. To view

comments, click this notice, then click "Browse Comments." If you do not have access to the internet, you may view the docket online by visiting Dockets Operations on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366–9317 or (202) 366–9826 before visiting Dockets Operations.

C. Privacy

In accordance with 49 U.S.C. 31315(b)(6), DOT solicits comments from the public to better inform its exemption process. DOT posts these comments, including any personal information the commenter provides, to www.regulations.gov as described in the system of records notice DOT/ALL 14 (Federal Docket Management System (FDMS)), which can be reviewed under the "Department Wide System of Records Notices" at <https://www.transportation.gov/individuals/privacy/privacy-act-system-records-notices>. The comments are posted without edit and are searchable by the name of the submitter.

II. Legal Basis

FMCSA has authority under 49 U.S.C. 31136(e) and 31315(b)(2) and 49 CFR 381.300(b) to renew an exemption from the FMCSRs for subsequent 5-year periods if it finds that such exemption would likely maintain a level of safety that is equivalent to, or greater than, the level that would be achieved by the current regulation (49 CFR 381.305(a)). VSNA has requested a 5-year extension of its current exemption.

III. Background

Current Regulatory Requirements

Section 393.80(a) of the FMCSRs requires that each bus, truck, and truck tractor be equipped with two rear-vision mirrors, one at each side. The mirrors must be positioned to reflect to the driver a view of the highway to the rear and the area along both sides of the CMV. Section 393.80(a) also requires that the National Highway Traffic Safety Administration's standard for mirrors on motor vehicles in Federal Motor Vehicle Safety Standard (FMVSS) No. 111 be met. Paragraph S7.1 of FMVSS No. 111 provides requirements for mirrors on multipurpose passenger vehicles and trucks with a gross vehicle weight rating (GVWR) greater than 4,536 kg and less than 11,340 kg and each bus, other than a school bus, with a GVWR of more than 4,536 kg. Paragraph S8.1

provides requirements for mirrors on multipurpose passenger vehicles and trucks with a GVWR of 11,340 kg or more.

Original Exemption

In its original exemption application, VSNA noted that the Smart-Vision system consists of multiple digital cameras firmly mounted high on the exterior of the vehicle, enclosed in an aerodynamic package that provides both environmental protection for the cameras and a mounting location for optimal visibility. Each camera has proprietary video processing software that presents a clear, high-definition image to the driver by means of a monitor firmly mounted to each A-pillar of the CMV, *i.e.*, the structural member between the windshield and door of the cab. VSNA explained that attaching the monitors to the A-pillars avoids the creation of incremental blind spots while eliminating the blind spots associated with conventional mirrors. VSNA stated that its Smart-Vision system meets or exceeds the visibility requirements provided in FMVSS No. 111 based on the following factors:

- *Increased field of view (FOV) when compared to conventional mirrors*—The Smart-Vision system enables the driver to see (1) vehicles and pedestrians in the "No-Zone," (2) multiple lanes of traffic and overtaking vehicles that are entering the commercial vehicle "No-Zone," (3) tire fires, and (4) loose straps, ropes, or chains when transporting open cargo.

- *Increased Image Quality*—The Smart-Vision system provides enhanced vision in inclement weather, higher visibility in low light conditions, and filters out dawn and dusk sunlight glare, improving driver visibility.

- *Fail-safe design*—The Smart-Vision system elements have a fail-safe design due to the independent video processing of multiple camera images, additionally supported by software diagnostics to ensure that "real time images" are displayed and that any unlikely partial failure is clearly identified.

- *Reduced Driver Fatigue*—The Smart-Vision system results in less lateral head and eye movement by the driver due to the monitor location on the A-pillar, and VSNA believes that this may result in lower levels of driver fatigue after extended driving times.

VSNA believed that mounting the system as described would maintain a level of safety that is equivalent to, or greater than, the level of safety achieved without the exemption.

On January 15, 2020, following notice and consideration of the comments received, FMCSA determined that use of

VSNA's Smart-Vision system would likely maintain a level of safety that is equivalent to or greater than the level of safety that would be obtained by complying with § 393.80(a) and granted VSNA's exemption request for a 5-year period (85 FR 2486). In its decision, FMCSA noted that the use of the Smart-Vision system provides CMV drivers with an enhanced field of view when compared to the required rear-vision mirrors because (1) it eliminates the blind spots on both sides of the vehicle created by the required rear-vision mirrors; (2) the multi-camera system expands the field of view compared to the required rear-vision mirrors by an estimated 25 percent; and (3) the system uses high definition cameras and monitors that include features such as color night vision, low light sensitivity, and light and glare reduction that together help provide drivers with improved vision in the field of view when compared to traditional rear-vision mirrors.

FMCSA highlighted that the Smart-Vision system was currently being used in a number of European countries as a legal alternative to the traditional rear-vision mirrors under the requirements of ISO (International Organization for Standardization) 16505:2019. That standard provides minimum safety, ergonomic, and performance requirements for camera monitor systems to replace mandatory inside and outside rearview mirrors for road vehicles. The ISO standard addresses camera monitor systems that will be used in road vehicles to present the required outside information of a specific field of view inside the vehicle. According to VSNA, there were approximately 300 European vehicles certified with the Smart-Vision system.

Additionally, FMCSA pointed out that the Smart-Vision system is designed with a fail-safe mechanism, utilizing independent video processing for multiple camera feeds. In the rare event of a camera failure, the remaining camera images will continue to be displayed, ensuring uninterrupted real-time visuals. The system's proprietary software guarantees continuous image display without delay. Furthermore, the high placement of the camera housing on the vehicle, along with features such as power-folding and breakaway capabilities, minimizes the risk of damage during normal operations.

Finally, FMCSA noted that the FMCSRs impose several operational controls that will help ensure that the Smart-Vision system is functioning properly at all times. Section 396.7 of the FMCSRs, "Unsafe operations forbidden," prohibits any vehicle from

being operated in such a condition as to likely cause an accident or breakdown of the vehicle. Section 392.7(a) requires each CMV driver to satisfy himself/herself that a vehicle is in safe condition before operating the vehicle, which would include ensuring that the rear-vision mirrors (or in this case, the Smart-Vision system)—are in good working order. Similarly, section 396.13(a) of the FMCSRs requires that, before driving a vehicle, a driver must be satisfied that the vehicle is in safe operating condition. If the Smart-Vision system (effectively functioning as the rear vision mirrors) fails during operation, the driver must complete a driver vehicle inspection report at the completion of the workday as required by section 396.11 of the FMCSRs, and the motor carrier must ensure that the defect is corrected.

Application for Renewal of Exemption

In its renewal application, VSNA reiterated its previous statements in support of the original exemption request. Since the exemption was granted in 2020, the Smart-Vision system has been installed on 15,000 vehicles worldwide, logging millions of miles. In North America, approximately 700 CMVs are currently equipped with the Smart-Vision system, and VSNA forecasts that an additional 1,500 CMVs will be equipped with the technology by 2025. A copy of VSNA's request to renew the exemption is available in the docket.

IV. Applicant's Method To Ensure an Equivalent or Greater Level of Safety

VSNA states that its commitment to safety remains unchanged and emphasized that in the five years since the original exemption was granted, the use of Smart-Vision as an alternative to the two rear-vision mirrors required by 49 CFR 393.80(a) has demonstrated a level of safety equivalent to, or greater than, that provided by the regulation.

V. Request for Comments

In accordance with 49 U.S.C. 31315(b), FMCSA requests public comment from all interested persons on VSNA's application for renewal of its exemption from § 393.80. All comments received before the close of business on the comment closing date indicated at the beginning of this notice will be considered and will be available for examination in the docket at the location listed under the Addresses section of this notice. Comments received after the comment closing date will be filed in the public docket and will be considered to the extent practicable. In addition to late

comments, FMCSA will also continue to file, in the public docket, relevant information that becomes available after the comment closing date. Interested persons should continue to examine the public docket for new material.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2024–24102 Filed 10–17–24; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2024–0018]

Qualification of Drivers; Exemption Applications; Hearing

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

ACTION: Notice of denials.

SUMMARY: FMCSA announces its decision to deny applications from four individuals for an exemption from the hearing requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) to operate a commercial motor vehicle (CMV) in interstate commerce.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, FMCSA, Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, (202) 366–4001, fmcsamedical@dot.gov. Office hours are from 8:30 a.m. to 5 p.m. ET Monday through Friday, except Federal holidays. If you have questions regarding viewing material in the docket, contact Dockets Operations, (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation

A. Comments

To view comments go to www.regulations.gov. Insert the docket number (FMCSA–2024–0018) in the keyword box, and click “Search.” Next, choose the only notice listed, and click “Browse Comments.” If you do not have access to the internet, you may view the docket online by visiting Dockets Operations on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m. ET Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366–9317 or (202) 366–9826 before visiting Dockets Operations.

B. Privacy Act

In accordance with 49 U.S.C. 31315(b)(6), DOT solicits comments from the public on the exemption request. DOT posts these comments, without edit, including any personal information the commenter provides, to www.regulations.gov. As described in the system of records notice DOT/ALL 14 (Federal Docket Management System), which can be reviewed at <https://www.transportation.gov/individuals/privacy/privacy-act-system-records-notices>, the comments are searchable by the name of the submitter.

II. Background

FMCSA received applications from four individuals for an exemption from the hearing requirement in § 391.41(b)(11) to operate a CMV in interstate commerce.

FMCSA has evaluated the eligibility of these applicants and concluded that granting these exemptions would not provide a level of safety that would be equivalent to, or greater than, the level of safety that would be obtained by complying with § 391.41(b)(11).

III. Basis for Exemption Determination

Under 49 U.S.C. 31136(e) and 31315(b), FMCSA may grant an exemption from the FMCSRs for no longer than a 5-year period if it finds such exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption. The statute also allows the Agency to renew exemptions at the end of the 5-year period. FMCSA grants medical exemptions from the FMCSRs for a 2-year period to align with the maximum duration of a driver's medical certification. The Agency's decision regarding these exemption applications is based on the eligibility criteria, the terms and conditions for Federal exemptions, and an individualized assessment of each applicant's medical information provided by the applicant.

IV. Conclusion

The Agency has determined that these applicants do not satisfy the eligibility criteria or meet the terms and conditions of the Federal exemption and granting these exemptions would not provide a level of safety that would be equivalent to, or greater than, the level of safety that would be obtained by complying with § 391.41(b)(11). Therefore, the four applicants in this notice have been denied exemptions from the physical qualification standards in § 391.41(b)(11).

Each applicant has, prior to this notice, received a letter of final

disposition regarding his/her exemption request. Those decision letters fully outlined the basis for the denial and constitute final action by the Agency. This notice summarizes the Agency's recent denials as required under 49 U.S.C. 31315(b)(4) by periodically publishing names and reasons for denial.

The following four applicants do not meet the eligibility criteria or meet the terms and conditions of the Federal exemption:

Paul Hoover (PA)
Paris Noonon (IN)
Jesus Perez (IL)
Kevin Young (AL)

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2024-24101 Filed 10-17-24; 8:45 am]

BILLING CODE 4910-EX-P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Safety Advisory 2024-01; Roadway Maintenance Machines—Importance of Communications and Compliance With Red Zone Procedures

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Notice of safety advisory.

SUMMARY: FRA is issuing Safety Advisory 2024-01 to emphasize the importance of rules and procedures regarding the safety of roadway workers who operate or work near roadway maintenance machines (RMMs). This safety advisory recommends that railroads and contractors review and update their rules regarding communication between roadway workers who work near RMMs and the operators of those RMMs, and increase monitoring of their employees for compliance with existing rules and procedures (including through operational testing). This safety advisory also recommends that railroads review and update their rules regarding work/red zones and evaluate the work/red zone distances for each type of RMM. In addition, this safety advisory recommends that railroads and contractors conduct additional safety briefings to raise worker awareness of the hazards associated with operating and working around RMMs.

FOR FURTHER INFORMATION CONTACT: Yu-Jiang Zhang, Staff Director, Track and Structures Division, Office of Railroad Safety, FRA, 1200 New Jersey Avenue SE, Washington, DC 20590, at

telephone: (202) 493-6460, or email: yujiang.zhang@dot.gov.

Disclaimer: This Safety Advisory is considered guidance pursuant to DOT Order 2100.6A (June 7, 2021). Except when referencing laws, regulations, policies, or orders, the information in this Safety Advisory does not have the force and effect of law and is not meant to bind the public in any way. This document does not revise or replace any previously issued guidance.

SUPPLEMENTARY INFORMATION:

Background

In September 2023, FRA issued Safety Advisory 2023-06, titled *Roadway Maintenance Machines—Importance of Clear Communications and Compliance with Applicable Rules and Procedures*. FRA addressed two accidents in that Safety Advisory, each involving a railroad contractor working on a main line and being fatally injured by an RMM. In Safety Advisory 2023-06, FRA recommended that railroads and contractors review and update their rules regarding the safety of roadway workers who operate or work near RMMs, communicate any resulting changes to their employees, and increase monitoring of roadway workers, railroad employees, and contractors for compliance with all applicable rules and procedures.

To date, in calendar year 2024, two roadway workers have been fatally injured while working in the vicinity of RMMs. This Safety Advisory is based on FRA's preliminary findings and the respective railroads' latest reporting and is not intended to attribute a cause or assign responsibility for these incidents on the acts or omissions of any person or entity.

The following is a summary of the circumstances involved in the incidents:

In February 2024, an RMM struck and fatally injured a track foreman working on CSX's main line in Roanoke Rapids, North Carolina. FRA's preliminary investigation shows that at the time the incident, the track foreman was part of a four-person work group tasked to flag a highway-rail grade crossing for a ballast regulator that would be entering the crossing. When the work group arrived at the crossing, the track foreman walked to the north of the ballast regulator and stood in the gage of the track approximately seventeen feet from the ballast regulator. As the ballast regulator moved north to pull ballast into the track, the foreman was not visible to the operator of the ballast regulator and the machine struck and fatally injured the track foreman.

In April 2024, a Union Pacific manager was fatally injured when he

was struck by an RMM while working on the main line in McNeil, Arkansas.¹ The manager was serving as the roadway worker in charge (RWIC) of a work group filling areas along an embankment with ballast. The RWIC was directing the on-track operations of a track-hoe excavator (e.g., instructing the excavator operator where to dump ballast). The RWIC positioned himself alongside the excavator, which was in a blind spot of the operator, and was struck and fatally injured by the bucket while it was being retracted.

These incidents represent the worst-case scenario that can occur when roadway workers are working on or near RMMs. These incidents highlight the continued need for railroads to examine their rules and procedures for protecting roadway workers who operate or work near RMMs and the need for roadway workers to be vigilant in maintaining a safe distance from any operating RMM.

Recommendations

Considering the above discussion, FRA recommends that railroads and railroad contractors:

1. Review and update work/red zone procedures² to:

a. Address differences in sight distances and line of sight for different types of RMMs; and

b. Prohibit a roadway worker from entering the work/red zone of any RMM unless communication is established and maintained between that roadway worker and the RMM operator.

2. Ensure work/red zones are discussed in job briefings anytime an RMM will be part of a work group.

3. Increase monitoring (including operational testing under 49 CFR part 217) of roadway workers, railroad employees, and contractors for compliance with all existing applicable rules and procedures (and any updated rules and procedures to result from paragraphs (1 and 2)), particularly those involving the operation of RMMs and roadway workers working on and in the vicinity of RMMs.

4. Conduct additional safety briefings to raise worker awareness of the hazards associated with operating and working around RMMs.

5. Review Safety Advisory 2023-06; *Roadway Maintenance Machines—*

¹ FRA issued a Safety Bulletin in response to this incident. See Safety Bulletin 2024-03 (available at <https://railroads.dot.gov/elibrary/safety-bulletin-2024-03-employee-fatality-working-around-track-equipment>).

² Although individual railroads define the "work zone" or "red zone" surrounding RMMs differently, generally the "work zone" or "red zone" is the area surrounding the RMM, which, if entered by an individual creates the potential for injury as a result of being struck by the equipment.

Importance of Clear Communications and Compliance with Applicable Rules and Procedures during the additional safety briefings.

FRA considers this Safety Advisory responsive to NTSB Safety Recommendation R-23-23³ and FRA encourages all railroad industry members to take actions consistent with the recommendations of this Advisory. FRA may modify this Safety Advisory, issue additional safety advisories, or take other appropriate action necessary to ensure the highest level of safety on the Nation's railroads, including pursuing other corrective measures under its rail safety authority.

Issued in Washington, DC.

John Karl Alexy,

*Associate Administrator for Railroad Safety,
Chief Safety Officer.*

[FR Doc. 2024-24118 Filed 10-17-24; 8:45 am]

BILLING CODE 4910-06-P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

Voluntary Intermodal Sealift Agreement; Extension and Modification

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Notice.

SUMMARY: The Maritime Administration (MARAD) announces the extension of the Voluntary Intermodal Sealift Agreement (VISA) until October 1, 2029, pursuant to Section 708 of the Defense Production Act of 1950, as amended. VISA is intended to make intermodal shipping services/systems, including ships, ships' space, intermodal facilities and equipment, and related management services, available to the Department of Defense (DoD) as required to support the emergency deployment and sustainment of U.S. Armed Forces through cooperation among the maritime industry, the Department of Transportation (DOT), and DoD. In addition to extending VISA for an additional 5 years for existing participants, MARAD is modifying VISA for new applicants by making certain modifications to the Agreement, including clarification of what is meant by shipping services/systems, and the required vessel certifications for

program entry. MARAD has also updated references to authorities and statutory and regulatory citations.

DATES: This agreement will be effective on October 1, 2024, superseding the existing VISA agreement, as published in the **Federal Register** on October 29, 2014 (79 FR 64462-70) and renewed on September 30, 2019 (84 FR 51710-11).

FOR FURTHER INFORMATION CONTACT:

David J. Hatcher, Office of Sealift Support, Room W25-310, Maritime Administration, 1200 New Jersey Avenue SE, Washington, DC 20590, (202) 366-0688, Fax (202) 366-5904.

SUPPLEMENTARY INFORMATION: Section 708 of the Defense Production Act of 1950, as amended (50 U.S.C. 4558) (DPA Sec. 708), authorizes the President to consult with representatives of industry, business, finance, agriculture, labor, and other interests to establish voluntary emergency preparedness agreements, following a finding that conditions exist which may pose a direct threat to the national defense or its preparedness programs. It further authorizes the President to delegate that authority to individuals who are appointed by and with the advice and consent of the Senate, upon the condition that such individuals obtain the prior approval of the Attorney General after the Attorney General's consultation with the Federal Trade Commission (FTC). Section 401 of Executive Order (E.O.) 13603 (Mar. 16, 2012) delegated this authority of the President to the Secretary of Transportation (SecTrans), among others. In accordance with 49 CFR 1.93(l), SecTrans delegated VISA's sponsorship authority to the Maritime Administrator, in consultation and coordination with the DOT's Office of Intelligence, Security and Emergency Response. Through advance arrangements in joint planning, VISA participants will provide capacity to support a significant portion of surge and sustainment requirements in the deployment of U.S. military forces during a time of war or national emergency, or whenever the Secretary of Defense (or delegate) determines that it is necessary for national security or contingency operations.

The text of VISA was first published in the **Federal Register** on February 13, 1997, effective for an initial two-year term expiring on February 13, 1999 (62 FR 6838-46). The VISA document had been extended and subsequently published in the **Federal Register** every two years. Effective September 30, 2009, Congress amended DPA Sec. 708 to note that each voluntary agreement expires five (5) years after the date it becomes effective. MARAD updated the VISA

agreement language most recently in 2014, as published in the **Federal Register** on October 29, 2014 (79 FR 64462-70), and extended the effective period of that language by five years until October 1, 2024, by notice in the **Federal Register** on September 30, 2019 (84 FR 51710-11). The agreement published in this notice incorporates, among other changes: (1) updates to vessel eligibility requirements, as first published in the **Federal Register** on January 31, 2018 (83 FR 4552-54); (2) changes to the requirements for coastwise trading waivers under 46 U.S.C. 501, pursuant to statutory amendments enacted in 2021 and 2022; (3) clarifications of certain definitions and obligations on VISA stakeholders; and (4) certain non-substantive clerical updates.

In accordance with DPA Sec. 708(f)(2), the Maritime Administrator continues to find that VISA is necessary to respond to direct threats to the national defense or its preparedness programs, and sought a concurrent finding from the Assistant Attorney General for the Antitrust Division, Department of Justice (whose authority has been delegated from the Attorney General in accordance with 28 CFR 0.40(l)), in consultation with the Chair of the Federal Trade Commission, that the objectives of VISA may not be reasonably achieved through either a voluntary plan having fewer anticompetitive effects or the absence of such a voluntary agreement or plan of action. By notice in the **Federal Register** on October 2, 2024 (89 FR 80264-65), the Assistant Attorney General for the Antitrust Division, Department of Justice, in consultation with the Chair of the Federal Trade Commission, made such a concurrent finding on September 26, 2024. Therefore, in accordance with DPA Sec. 708(f)(2), VISA may be extended for another five-year term. The text published herein supersedes the 2014 language, as renewed in 2019, for an effective period of five years, ending October 1, 2029. Copies of this agreement will be made available to the public upon request.

Voluntary Intermodal Sealift Agreement (VISA)

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³ NTSB Safety Recommendation R-23-23 recommends that FRA "[i]ssue a safety alert to railroads regarding the importance of establishing roadway maintenance machine standoff distances that take into account the ability of an operator to see a worker or object in the track gauge behind a roadway maintenance machine."

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Abbreviations

CCA—Carrier Coordination Agreement
 CFR—Code of Federal Regulations
 CONOPS—Concept of Operations
 DoD—United States Department of Defense
 DOJ—United States Department of Justice
 DOT—United States Department of Transportation
 DPA—Defense Production Act of 1950, as amended (50 U.S.C. Chapter 55)
 E.O.—Executive Order
 FEMA—Federal Emergency Management Agency
 FMC—Federal Maritime Commission
 FOIA—Freedom of Information Act (5 U.S.C. 552)
 FTC—Federal Trade Commission
 JCS—Joint Chiefs of Staff
 JPAG—Joint Planning Advisory Group
 MARAD—Maritime Administration
 MSP—Maritime Security Program (46 U.S.C. 53101–11)
 SecDef—United States Secretary of Defense
 SecTrans—United States Secretary of Transportation
 U.S.C.—United States Code
 USCG—United States Coast Guard
 USTRANSCOM—United States Transportation Command, inclusive of its military service component commands Air Mobility Command, Military Sealift Command, and Military Surface Deployment and Distribution Command, and its subordinate command Joint Enabling Capabilities Command
 VISA—Voluntary Intermodal Sealift Agreement
 VSA—Vessel Sharing Agreement

Definitions

For purposes of this Agreement, the following definitions apply:

Administrator—Maritime Administrator, unless otherwise stipulated.
 Agreement—Agreement (proper noun) refers to VISA.
 Attorney General—Attorney General of the United States.
 Broker—A person who arranges for transportation of cargo for a fee.
 Carrier Coordination Agreement (CCA)—An agreement between two or more Participants or between Participant and non-Participant carriers to coordinate their services in a Contingency, including agreements to: (1) charter vessels or portions of the cargo-carrying capacity of vessels; (2) share cargo handling equipment, chassis, containers and ancillary transportation equipment; (3) share wharves, warehouse, marshaling yards and other marine terminal facilities; and (4) coordinate the movement of vessels.
 Charter—Any agreement or commitment by which the possession or services of a vessel are secured for a period, or for one or more voyages, whether or not by a demise of the vessel.
 Combatant Commander—Any of the military officers defined under 10 U.S.C. 164.
 Commander—Combatant Commander, USTRANSCOM, unless otherwise stipulated.
 Commercial—Transportation service provided for profit by privately owned (not government owned) vessels to a private or government shipper. The type of service may be either common carrier or contract carriage.
 Contingency—A military operation that is either designated by the Secretary of Defense as a contingency operation or becomes a contingency operation as a matter of law, in accordance with 10 U.S.C. 101(a)(13).
 Contract carrier—A for-hire carrier who does not hold out regular service to the general public, but instead contracts, for agreed compensation, with a particular shipper for the carriage of cargo in all or a particular part of a ship for a specified period of time or on a specified voyage or voyages.
 Controlling interest—More than a 50-percent interest by stock ownership.
 Dry cargo—Includes (1) any non-liquid good or commodity and (2) liquids shipped in pre-packaged containers (such as bottled drinking water). It does not include any bulk liquid cargo shipped directly in the holds of vessels.
 Foreign-flag vessel—A vessel registered or documented under the laws of a country other than the United States of America.
 Intermodal equipment—Containers (including specialized equipment), chassis, trailers, tractors, cranes, and other materiel handling equipment, as well as other ancillary items.
 Management services—Management expertise and experience, intermodal terminal management, information resources, and control and tracking systems.
 Military Services—Includes the armed services identified in 10 U.S.C. 101(a)(4): United States Army, United States Navy, United States Air Force, United States

Marine Corps, United States Space Force, and United States Coast Guard.
 Ocean common carrier—In accordance with 46 U.S.C. 40102, an entity holding itself out to the general public to provide transportation by water of passengers or cargo for compensation that (1) assumes responsibility for transportation from port or point of receipt to port or point of destination, and (2) operates and utilizes a vessel operating on the high seas for all or part of that transportation.
 Operator—An ocean common carrier or contract carrier that owns or controls or manages vessels by which ocean transportation is provided.
 Organic sealift—For the purposes of this Agreement, ships considered to be under government control or long-term charter, including Fast Sealift Ships, Ready Reserve Force vessels and commercial ships under long-term charter to DoD.
 Participant—A vessel operator that (1) successfully applies to join VISA, in accordance with Section VII of this document, and (2) enters into a USTRANSCOM VISA Contingency Contract. This may be augmented under the terms of Section VI(A) of this document.
 Person—Includes individuals and corporations, partnerships, and associations existing under or authorized by the laws of the United States or any state, territory, district, or possession thereof, or of a foreign country.
 Service contract—As defined in 46 U.S.C. 40102(21), a contract between a shipper (or a shipper's association) and an ocean common carrier (or conference) in which the shipper makes a commitment to provide a certain minimum quantity of cargo or freight revenue over a fixed time period, and the ocean common carrier or conference commits to a certain rate or rate schedule, as well as a defined service level (such as assured space, transit time, port rotation, or similar service features). The contract may also specify provisions in the event of nonperformance on the part of either party.
 Standby—The interval between the effective date of a Participant's acceptance into VISA and the activation of any stage, and the periods between deactivation of all stages and any later activation of any stage.
 U.S.-flag Vessel—A commercial vessel registered or documented under the laws of the United States of America in accordance with 46 U.S.C. Chapter 121 and any associated regulations and instructions promulgated by USCG.
 USTRANSCOM VISA Contingency Contract—The contract between a signatory party to VISA and USTRANSCOM establishing the minimum terms and conditions for VISA capacity activation. Attachment I of the contract is executed and signed by MSC, MARAD, USTRANSCOM and the individual carrier to enroll that carrier's vessel capacity into VISA Stages I, II and III.
 Vessel Sharing Agreement (VSA) Capacity—Space chartered to a Participant for carriage of cargo, under its commercial contracts, service contracts or in common

carriage, aboard vessels shared with another carrier or carriers pursuant to a commercial vessel sharing agreement under which the carriers may compete with each other for the carriage of cargo. In U.S. foreign trades the agreement is filed with the Federal Maritime Commission (FMC) in conformity with the Shipping Act of 1984 and implementing regulations.

Volunteer—Any vessel owner or operator who is an ocean carrier and who offers to make capacity, resources, or systems available to support contingency requirements.

Preface

The Administrator, pursuant to the authority contained in Section 708 of the Defense Production Act of 1950, as amended (50 U.S.C. 4558), in cooperation with DoD, developed the Voluntary Intermodal Sealift Agreement (VISA) to provide DoD with assured access to the commercial sealift and intermodal shipping services/systems necessary to meet wartime, national emergency, national security, or contingency operation requirements.

United States Transportation Command (USTRANSCOM) procures commercial shipping capacity to meet requirements for ships and intermodal shipping services/systems through arrangements with common carriers, with contract carriers and by charter. DoD (through USTRANSCOM) and DOT (through MARAD) maintain and operate a fleet of ships owned by or under charter to the Federal Government to meet the logistics needs of the Military Services and Combatant Commanders that cannot be met by existing commercial service. Government-controlled ships are selectively activated for peacetime military tests and exercises, and to satisfy military operational requirements that cannot be met by commercial shipping in time of war, national emergency, or military contingency. Foreign-flag shipping is used in accordance with applicable laws, regulations, and policies.

VISA has been established to provide DoD with a coordinated, seamless transition from peacetime to armed conflict for the acquisition of commercial sealift and intermodal capability to augment DoD's organic sealift capabilities. This Agreement establishes the terms, conditions, and general procedures by which persons or parties may become VISA Participants. Through advance joint planning among USTRANSCOM, MARAD and the Participants, Participants may provide predetermined capacity in designated stages to support DoD Contingency requirements. During contingencies, Participants are afforded maximum flexibility to adjust commercial

operations by Carrier Coordination Agreements (CCAs), in accordance with applicable law.

Participants will be afforded the first opportunity to meet DoD peacetime and Contingency sealift requirements within applicable law and regulations, to the extent that the Government's operational requirements are met. In the event VISA Participants are unable to fully meet Contingency requirements, the shipping capacity made available under VISA may be supplemented by ships/capacity from non-Participants in accordance with applicable law and by ships requisitioned under 46 U.S.C. 56301. In addition, containers and chassis made available under VISA may be supplemented by services and equipment acquired by USTRANSCOM or accessed by the Administrator.

I. Purpose

A. The Administrator has determined, in accordance with DPA Section 708(c)(1), that conditions exist that may pose a direct threat to the national defense of the United States or its preparedness programs and, under the provisions of Section 708, has certified to the Attorney General that an emergency preparedness agreement for utilization of U.S.-flag commercial vessels and intermodal shipping services/systems is necessary for the national defense. The Attorney General, in consultation with the FTC Chair, has issued a finding that dry cargo shipping capacity to meet national defense requirements cannot be provided by the industry through a voluntary agreement having less anticompetitive effects or without a voluntary agreement.

B. VISA provides a responsive transition from peace to contingency operations through pre-coordinated agreements for sealift capacity to support DoD contingency requirements and establishes procedures for the commitment of intermodal shipping services/systems to satisfy such requirements.

VISA will change from standby to active status upon activation by appropriate authority of any of the stages described in Section V.

C. VISA promotes and facilitates DoD's use of existing commercial transportation resources and integrated intermodal transportation systems, in a manner which minimizes disruption to commercial operations, whenever possible.

D. Participants' capacity which may be committed pursuant to this Agreement may include all intermodal shipping services/systems/facilities and all ship types, including container, geared container, partial container,

container/bulk, container/roll-on/roll-off, roll-on/roll-off (of all varieties), multi-purpose/heavy lift, breakbulk ships, and tug and barge combinations.

E. 46 U.S.C. 53107 directs SecTrans to establish an Emergency Preparedness Agreement in conjunction with SecDef, as part of the Maritime Security Program (MSP), that requires MSP participants to make their commercial transportation resources (including services) available to SecDef during times of armed conflict, national emergency, or whenever SecDef determines that such resources are necessary for national security or Contingency operations. VISA is the designated Emergency Preparedness Agreement for MSP, and participation in VISA fulfills the requirements of 46 U.S.C. 53107 on MSP participants.

II. Authorities

A. Department of Transportation and MARAD

1. DPA Section 708, as amended (50 U.S.C. 4558); E.O. 13603; E.O. 12656; 49 CFR 1.93(l); 49 CFR 1.81(a)(10).

2. Section 401 of E.O. 13603 delegated the authority of the President under Section 708 to SecTrans, among others. By 49 CFR 1.93(l), in consultation and coordination with DOT's Office of Intelligence, Security and Emergency Response, SecTrans delegated to the Administrator the authority under which VISA is sponsored.

3. 46 U.S.C. 53107.

4. 46 U.S.C. 501(b).

B. Department of Defense and USTRANSCOM

1. 10 U.S.C. 113, 161–69.

2. Unified Command Plan, designating the Commander as the DoD Single Manager for Transportation, including “[p]roviding common-user and commercial transportation, terminal management, and aerial refueling.”

3. DoD Directive (DoDD) 4500.09, Transportation and Traffic Management, designating the Commander as the DoD single manager for transportation for other than Service-unique or theater-assigned assets and provide common-user and commercial air, land, and sea transportation and delegating functions to serve as the DoD representative for Maritime Security Fleet actions that SecDef is authorized to take under 46 U.S.C. Ch. 531.

4. DoD Instruction 4500.57, which further designates the Commander as the DoD authority to request MARAD activation of Ready Reserve Force (RRF) vessels pursuant to 46 U.S.C. 57100, which may be used for contingency operations, exercises, training and

testing, and other defense purposes for which scheduled or chartered commercial sealift assets are not available or suitable.

III. General

A. Concept

1. VISA provides for the staged, time-phased availability of Participants' shipping services/systems to meet SecDef-directed DoD Contingency requirements in the most demanding defense-oriented sealift emergencies and for less demanding defense-oriented situations through pre-negotiated Contingency contracts between the government and Participants. Such arrangements will be jointly planned among MARAD, USTRANSCOM, and Participants in peacetime to allow for effective, efficient, and best valued use of commercial sealift capacity, provide DoD assured access, and minimize commercial disruption, whenever possible.

a. Stages I and II provide for pre-negotiated contingency contracts between USTRANSCOM and Participants to provide sealift capacity against all projected DoD Contingency requirements. These agreements will be executed in accordance with approved DoD contracting methodologies.

b. Stage III will provide for additional capacity to DoD when Stages I and II commitments or volunteered capacity are insufficient to meet Contingency requirements, and adequate shipping services from non-participants are not available through established DoD contracting practices or U.S. Government treaty agreements.

2. Activation will be in accordance with procedures outlined in Section V of this Agreement.

3. Following is the prioritized order for utilization of commercial sealift capacity to meet DoD peacetime and Contingency requirements:

a. U.S.-flag vessel capacity operated by a Participant and U.S.-flag VSA capacity of a Participant.

b. U.S.-flag vessel capacity operated by a non-Participant.

c. Combination U.S./foreign-flag vessel capacity operated by a Participant and combination U.S./foreign-flag VSA capacity of a Participant.

d. Combination U.S./foreign-flag vessel capacity operated by a non-Participant.

e. U.S. owned or operated foreign-flag vessel capacity and VSA capacity of a Participant.

f. U.S. owned or operated foreign-flag vessel capacity and VSA capacity of a non-Participant.

g. Foreign-owned or operated foreign-flag vessel capacity of a non-Participant.

4. Under Section VI.F. of this Agreement, Participants may implement CCAs to fulfill their contractual commitments to meet VISA requirements.

B. Responsibilities

1. SecDef, through USTRANSCOM, will:

a. Define time-phased requirements for Contingency sealift capacity and resources required in Stages I, II, and III to augment DoD sealift resources.

b. Keep MARAD and Participants apprised of Contingency sealift capacity required and resources committed to Stages I and II.

c. Obtain Contingency sealift capacity through the implementation of specific pre-negotiated USTRANSCOM Contingency contracts with Participants.

d. Notify the Administrator upon activation of any stage of VISA.

e. Co-chair (with MARAD) the Joint Planning Advisory Group (JPAG) (see section IV).

f. Establish procedures, in accordance with applicable law and regulation, providing Participants with necessary determinations for use of foreign-flag vessels to replace an equivalent U.S.-flag capacity to transport a Participant's normal peacetime DoD cargo, when Participant's U.S.-flag assets are removed from regular service to meet VISA Contingency requirements.

g. Provide a reasonable time to permit an orderly return of a Participant's vessel(s) to its regular schedule and termination of its foreign-flag capacity arrangements as determined through coordination between USTRANSCOM and the Participants.

h. Review and endorse Participants' requests to MARAD for use of foreign-flag replacement capacity for non-DoD government cargo, when U.S.-flag capacity is required to meet Contingency requirements.

2. SecTrans, through MARAD, will:

a. Review the amount of sealift resources committed under USTRANSCOM contracts to Stages I and II and notify USTRANSCOM if a particular level of VISA commitment will have serious adverse impact on the U.S.-flag Merchant Marine's ability to provide essential maritime transportation and intermodal shipping services. MARAD's analysis will be based on the consideration that all VISA Stage I and II capacity committed will be activated. This notification will occur on an as required basis upon the Commander's acceptance of VISA commitments from the Participants. If advised by MARAD, USTRANSCOM will adjust the size of the stages or provide MARAD with justification for

maintaining the size of those stages. USTRANSCOM and MARAD will coordinate to ensure that the volume of sealift assets committed to Stages I and II will not have an adverse national economic impact.

b. Coordinate with DOJ for the expedited approval of CCAs.

c. Upon request by the Commander and approval by SecDef to activate Stage III, allocate sealift capacity and intermodal assets to meet DoD Contingency requirements. DoD will have priority consideration in any allocation situation.

d. Establish procedures, pursuant to 46 U.S.C. 53107(f), for determinations regarding the selection, equivalency, and duration of the use of foreign-flag vessels to replace U.S.-flag vessel capacity to transport the cargo of a Participant which has entered into an operating agreement under 46 U.S.C. 53103 whose U.S.-flag vessel capacity has been removed from regular service to meet VISA contingency requirements. Such foreign-flag vessels shall be eligible to transport cargo that is subject to U.S.-flag preference cargo requirements of 10 U.S.C. 2631 (with respect to military cargo or cargo otherwise transported by DoD) and 46 U.S.C. 55302-05 (with respect to all other cargoes shipped by, or on account of, an agency of the United States Government). However, any procedures regarding the use of such foreign-flag vessels to transport cargo subject to 10 U.S.C. 2631 must have an approved waiver in accordance with 10 U.S.C. 2631 and its implementing delegations and regulations.

e. Co-chair (with USTRANSCOM) the JPAG.

f. Review requests by Participants to the Secretary of Homeland Security under 46 U.S.C. 501(b) to waive compliance with the coastwise transportation requirements under 46 U.S.C. 55102 if U.S. coastwise-qualified vessels are activated under VISA and make determinations of U.S. coastwise-qualified vessel non-availability during a VISA activation. To the extent feasible, participants with U.S. coastwise-qualified vessels or vessel capacity will use CCAs or other arrangements to fulfill their VISA commitments to protect their ability to maintain domestic services for their commercial customers and to fulfill their commercial peacetime commitments with U.S.-flag vessels. In situations where the activation of VISA deprives a Participant of all or a portion of its U.S. coastwise-qualified vessels or vessel capacity and, at the same time, creates a general shortage of U.S. coastwise-qualified vessel(s) or vessel

capacity on the domestic market, based on market surveys, Participants with coastwise-qualified tonnage may apply for vessel-specific waivers under 46 U.S.C. 501(b). The vessel(s) or vessel capacity for which such waivers are requested will be approximately equal to the U.S. coastwise-qualified vessel(s) or vessel capacity chartered or under contract to DoD.

C. Termination of Charters, Leases and Other Contractual Arrangements

1. USTRANSCOM will notify the Administrator as soon as possible of the prospective termination of charters, leases, management service contracts or other contractual arrangements made by DoD under this Agreement.

2. In the event of general requisitioning of ships under 46 U.S.C. 56301, the Administrator will consider commitments made with DoD under this Agreement when selecting those vessels designated for requisition by, purchase by, or charter for the use of, the Government.

D. Modification of This Agreement

1. The Attorney General may modify this Agreement, in writing, after consultation with the FTC Chair, SecTrans, through their representative MARAD, and SecDef, through their representative the Commander. Although Participants may withdraw from this Agreement pursuant to Section VI.D, they remain subject to VISA as modified until such withdrawal.

2. The Administrator, Commander, and Participants may modify this Agreement at any time by mutual agreement, but only in writing with the approval of the Attorney General and the FTC Chair.

3. Participants may propose modifications to this Agreement at any time.

E. Administrative Expenses

Administrative and out-of-pocket expenses incurred by a participant must be borne solely by the Participant.

F. Record Keeping

1. MARAD will maintain carrier VISA application records in accordance with applicable DOT directives. Once a carrier is selected as a VISA Participant, MARAD will forward a copy of the VISA application form to USTRANSCOM.

2. In accordance with 44 CFR 332.2(c), MARAD will record JPAG meetings and make a full and verbatim transcript available for public inspection upon request, subject to FOIA exemptions under 5 U.S.C. 552(b).

MARAD will send this transcript, and any voluntary agreement resulting from the meeting, to the Attorney General, the FTC Chair, the FEMA Administrator, any other party or repository required by law, and to Participants upon their request.

3. USTRANSCOM will be the official custodian of records related to the Contingency contracts to be used under this Agreement, including specific information on enrollment of a Participant's capacity in VISA.

4. In accordance with 44 CFR 332.3(d), a Participant must maintain for five (5) years all minutes of meetings, transcripts, records, documents, and other data, including any communications with other Participants or with any other member of the industry or their representatives, related to the administration of VISA, including planning related to and implementation of Stage activations of this Agreement. Each Participant agrees to make such records available to the Administrator, the Commander, the Attorney General, and the FTC Chair for inspection and copying at reasonable times and upon reasonable notice. Any record maintained by MARAD or USTRANSCOM pursuant to paragraphs 1, 2, or 3 of this subsection must be available for public inspection and copying unless exempted under FOIA on the grounds specified in 5 U.S.C. 552(b)(1), (b)(3), or (b)(4), in accordance with DPA Section 708 and implementing regulations at 44 CFR part 332.5.

G. MARAD Reporting Requirements

MARAD will report to the FEMA Administrator, as required, on the status and use of this Agreement.

IV. Joint Planning Advisory Group (JPAG)

A. The Joint Planning Advisory Group (JPAG) provides USTRANSCOM, MARAD and VISA Participants a planning forum to:

1. Analyze DoD Contingency sealift/intermodal service and resource requirements.

2. Identify commercial sealift capacity that may be used to meet DoD requirements, related to Contingencies and, as requested by USTRANSCOM, exercises and special movements.

3. Develop and recommend CONOPS to meet DoD-approved Contingency requirements and, as requested by USTRANSCOM, exercises and special movements.

B. JPAG will be co-chaired by MARAD and USTRANSCOM and will convene as jointly determined by the co-chairs.

C. JPAG will consist of designated representatives from MARAD, USTRANSCOM, each Participant, and maritime labor. Other attendees may be invited at the discretion of the co-chairs as necessary to meet JPAG requirements. Representatives will provide technical advice and support to ensure maximum coordination, efficiency, and effectiveness in the use of Participants' resources. All Participants will be invited to all open JPAG meetings. For selected JPAG meetings, attendance may be limited to designated Participants to meet specific operational requirements.

1. The co-chairs may establish working groups within JPAG. Participants may be assigned to working groups as necessary to develop specific CONOPS.

2. Each working group will be co-chaired by representatives designated by MARAD and USTRANSCOM.

D. JPAG will not be used for contract negotiations and/or contract discussions between carriers and DoD; such negotiations and/or discussions will be in accordance with applicable DoD contracting policies and procedures.

E. The JPAG co-chairs will:

1. Notify the Attorney General, the FTC Chair, Participants, and the maritime labor representative of the time, place, and nature of each JPAG meeting.

2. Provide for publication in the **Federal Register** of a notice of the time, place, and nature of each JPAG meeting. If the meeting is open, a **Federal Register** notice will be published reasonably in advance of the meeting. If a meeting is closed, a **Federal Register** notice will be published within ten (10) days after the meeting and will include the reasons for closing the meeting.

3. Establish the agenda for each JPAG meeting and be responsible for adherence to the agenda.

4. Provide for a full and complete transcript or other record of each meeting and provide one copy each of transcript or other record to the Attorney General, the FTC Chair, and to Participants, upon request.

F. Security Measures—The co-chairs will develop and coordinate appropriate security measures so that Contingency planning information can be shared with Participants to enable them to plan their commitments.

V. Activation of VISA Contingency Provisions

A. General

VISA may be activated at the request of SecDef as needed to support Contingency operations. Activating voluntary commitments of capacity to

support such operations will be in accordance with pre-negotiated Contingency contracts between USTRANSCOM and Participants.

B. Notification of Activation

1. The Commander will notify the Administrator of the activation of Stages I, II, and III.

2. The Administrator will notify the Attorney General and the FTC Chair when it has been determined by DoD that activation of any Stage of VISA is necessary to meet DoD Contingency requirements.

C. Voluntary Capacity

1. Throughout the activation of any Stages of this Agreement, DoD may utilize voluntary commitment of sealift capacity or systems.

2. Requests for volunteer capacity will be extended simultaneously to both Participants and other carriers. First priority for utilization will be given to Participants who have signed Stage I and/or II USTRANSCOM Contingency contracts and are capable of meeting the operational requirements. Participants providing voluntary capacity may request USTRANSCOM to activate their pre-negotiated Contingency contracts; to the maximum extent possible, USTRANSCOM, where appropriate, will support such requests. Volunteered capacity will be credited against Participants' staged commitments, in the event such stages are subsequently activated.

3. In the event Participants are unable to fully meet Contingency requirements, or do not voluntarily offer to provide the required capacity, the shipping capacity made available under VISA may be supplemented by ships/capacity from non-Participants.

4. When voluntary capacity does not meet DoD Contingency requirements, DoD will activate the VISA stages as necessary.

D. Stage I

1. Stage I will be activated in whole or in part by the Commander, with approval of SecDef, when voluntary capacity commitments are insufficient to meet DoD Contingency requirements. The Commander will notify the Administrator upon activation.

2. USTRANSCOM will implement Stage I Contingency contracts as needed to meet operational requirements.

E. Stage II

1. Stage II will be activated, in whole or in part, when Contingency requirements exceed the capability of Stage I and/or voluntarily committed resources.

2. Stage II will be activated by the Commander, with approval of SecDef, following the same procedures discussed in paragraph D above.

F. Stage III

1. Stage III will be activated, in whole or in part, when Contingency requirements exceed the capability of Stages I and II, and other shipping services are not available. This stage involves DoD use of capacity and vessels operated by Participants which will be furnished to DoD when required in accordance with this Agreement. The capacity and vessels are allocated by MARAD on behalf of SecTrans to the Commander.

2. Stage III will be activated by the Commander upon approval by SecDef. Upon activation, SecDef will request SecTrans to allocate sealift capacity based on DoD requirements, in accordance with Title 1 of DPA (50 U.S.C. 4511–18), to meet the Contingency requirement. All Participants' capacity committed to VISA is subject to use during Stage III.

3. Upon allocation of sealift assets by SecTrans, through its designated representative MARAD, the Commander will execute Contingency contracts with Participants, using standard negotiating procedures. Until execution of such contract, the Participant agrees that the assets remain subject to the provisions 46 U.S.C. 56301.

G. Partial Activation

As used in this Section V, the term *activation in part* of any Stage under this Agreement means one of the following:

1. Activation of only a portion of the committed capacity of some, but not all, of the Participants in any Stage that is activated; or

2. Activation of the entire committed capacity of some, but not all, of the Participants in any Stage that is activated; or

3. Activation of only a portion of the entire committed capacity of all the Participants in any Stage that is activated.

VI. Participant Terms and Conditions

A. Participation

1. Any U.S.-flag vessel operator organized under the laws of a State or Territory of the United States, or the District of Columbia, may become a Participant in this Agreement by submitting an executed copy of the form referenced in Section VII, and by entering into a VISA Contingency Contract with USTRANSCOM, which establishes a legal obligation to perform

and the compensation methodology for all services rendered.

2. Consideration of a Participant's overall vessel capacity, intermodal resources, facilities and equipment includes (1) assets owned or operated by the applicant vessel operator described in VI.A.1 above, and (2) all United States subsidiaries and affiliates of the vessel operator that own, operate, control, or bareboat charter vessels and intermodal equipment in the regular course of their business and in which the vessel operator holds a controlling interest.

3. Upon request of the applicant executing the form referenced in Section VII, Participants may include their controlled non-domestic subsidiaries and affiliates as part of their capacity commitment, provided that the Administrator, in coordination with the Commander, grants specific approval for their inclusion.

4. Any vessel owner or operator receiving payments under a Maritime Security Program (MSP) Operating Agreement, in accordance with 46 U.S.C. 53106, must become a Participant with respect to all vessels enrolled in MSP at all times until the date the MSP Operating Agreement would have terminated according to its original terms. The MSP operator must be enrolled in VISA as a Stage III Participant, at a minimum. Such participation will satisfy the requirement for an MSP participant to be enrolled in an emergency preparedness program approved by SecDef as provided in 46 U.S.C. 53107.

5. A Participant is subject only to the provisions of this Agreement.

6. MARAD shall publish a list of Participants periodically in the **Federal Register**.

B. Agreement of Participant

1. Each Participant agrees to provide commercial sealift and/or intermodal shipping services/systems in accordance with USTRANSCOM VISA Contingency contracts. USTRANSCOM will review and approve each Participant's commitment to ensure it meets DoD Contingency requirements. A Participant's capacity commitment to Stages I and II will be one of the considerations in determining the level of DoD peacetime contracts awarded, except for U.S. coastwise-qualified vessel capacity as discussed in paragraph 4, below.

2. USTRANSCOM may also enter into Contingency contracts, not linked to peacetime contract commitments, with Participants, as required to meet Stage I and II requirements.

3. Commitment of Participants' resources to VISA is as follows:

a. Stage III: A carrier desiring to participate in DoD peacetime contracts/traffic must commit no less than 50% of its total U.S.-flag capacity into Stage III. Carriers receiving payments under MSP Operating Agreements will have vessels receiving such assistance enrolled in Stage III. Participants' capacity under long-term charter to DoD will be considered organic to DoD and does not count towards the Participant's Contingency commitment during the period of the charter. Participants whose capacity is utilized under Stage III activation will be compensated based upon the negotiated rates by the Participant and USTRANSCOM within the USTRANSCOM Contingency Contract.

b. Stages I and II: DoD will annually develop and publish minimum commitment requirements for Stages I and II. Normally, the awarding of a long-term DoD contract (*i.e.*, one year or longer), exclusive of charters, will include the annual predesignated minimum commitment to Stages I and/or II. Participants desiring to bid on DoD peacetime contracts will be required to provide commitment levels to meet DoD-established Stage I and/or II minimums on an annual basis. Participants may gain additional consideration for peacetime contract cargo allocation awards by committing capacity to Stages I and II beyond the specified minimums. If the Participant is awarded a contract reflecting such a commitment, that commitment must become the actual amount of a Participant's U.S.-flag capacity commitment to Stages I and II. A Participant's Stage III U.S.-flag capacity commitment must represent its total minimum VISA commitment. That Participant's Stage I and II capacity commitments, as well as any volunteer capacity contribution by Participant, are portions of Participant's total VISA commitment. Participants activated during Stages I and II will be compensated in accordance with pre-negotiated USTRANSCOM VISA Contingency contracts.

4. Participants exclusively operating vessels engaged in domestic trades will be required to commit 50% of that capacity to Stage III. Such Participants will not be required to commit capacity to Stages I and II as a consideration of domestic peacetime traffic and/or contract award. However, such Participants may voluntarily agree to commit capacity to Stages I and/or II.

5. The Participant owning, operating, or controlling an activated ship or ship capacity will provide intermodal

equipment and management services needed to utilize the ship and equipment at not less than the Participant's normal efficiency, in accordance with the pre-negotiated USTRANSCOM VISA Contingency contracts implementing this Agreement.

6. Each Participant acknowledges and agrees to abide by all provisions of DPA Section 708, as amended, and regulations related thereto which are promulgated by SecTrans, the Attorney General, and the FTC Chair. 49 CFR part 33 establishes procedures for assigning the priority for use and the allocation of shipping services, containers, and chassis to meet emergency requirements. JPAG will inform Participants of new and amended rules and regulations as they are issued in accordance with law and administrative due process. Although Participants may withdraw from VISA, they remain subject to all of the terms of this Agreement.

C. Effective Date and Duration of the Agreement

1. Participation in this Agreement is effective upon execution by MARAD of the submitted form referenced in Section VII, and approval by USTRANSCOM by execution of an USTRANSCOM VISA Contingency Contract, for Stage III, at a minimum.

2. VISA participation remains in effect until the Participant terminates the Agreement in accordance with paragraph D below, or termination of the Agreement in accordance with 44 CFR Sec. 332.4. Notwithstanding termination of VISA or participation in VISA, obligations pursuant to executed DoD peacetime contracts must remain in effect for the term of such contracts and are subject to all terms and conditions thereof.

D. Participant Termination of VISA

1. Except as provided in paragraph 2 below, a Participant may terminate its participation in VISA upon written notice to the Administrator. Such termination will become effective 30 days after written notice is received, unless obligations incurred under VISA by virtue of activation of any Contingency contract cannot be fulfilled prior to the termination date, in which case the Participant must complete the performance of such obligations. Voluntary termination by a carrier of its VISA participation shall not act to terminate or otherwise mitigate any separate contractual commitment entered into with DoD.

2. A Participant having an MSP Operating Agreement with MARAD must not withdraw from this Agreement

at any time during the original term of the MSP Operating Agreement.

3. A Participant's withdrawal, or termination of this Agreement, will not deprive a Participant of an antitrust defense otherwise available to it in accordance with DPA Section 708 for the fulfillment of obligations incurred prior to withdrawal or termination.

E. Carrier Coordination Agreements (CCA)

1. When any Stage of VISA is activated or when DoD has requested volunteer capacity pursuant to Section V.B. of VISA, Participants may implement approved CCAs to meet the needs of DoD and to minimize the disruption of their services to the civil economy.

2. A CCA for which the parties seek the benefit of DPA Section 708(j) must be identified as such and be submitted to the Administrator for approval and certification in accordance with DPA Section 708(f)(1)(A). Upon approval and certification, the Administrator will transmit the Agreement to the Attorney General for a finding in accordance with DPA Section 708(f)(1)(B). Parties to approved CCAs may avail themselves of the antitrust defenses set forth in DPA Section 708(j). Nothing in VISA precludes Participants from engaging in lawful conduct (including carrier coordination activities) that lies outside the scope of an approved CCA; but antitrust defenses will not be available pursuant to DPA Section 708(j) for such conduct.

3. Participants may seek approval for CCAs at any time.

F. Vessel Qualifications

1. All vessels enrolled in VISA must be capable of operating in worldwide/intercontinental trades for dry cargoes (*i.e.*, not tankers) and must be capable of carrying military cargoes, including hazardous cargoes, on transoceanic voyages. Participants must provide evidence of this capability for all vessels they seek to enroll by submitting USCG certificates of inspection, international load line certificates, classification society survey reports, and/or documents of compliance for the carriage of certain goods or operation in certain worldwide geographic regions, as appropriate.

2. Participants may apply to enroll either self-propelled vessels, tugs-and-barges, or both. If applying with tugs-and-barges, Participants or applicants must provide MARAD satisfactory evidence that tug service of sufficient horsepower will be available for all barges proposed for enrollment in VISA,

and of the barges' capacity to carry military cargoes intercontinentally.

3. If Participants offer vessels that they operate under bareboat charter, such charters must state that the vessel's owner will not interfere with the charterer's obligation to commit the chartered vessels to VISA for the duration of the charter. If a Participant offering tug-and-barge capacity does not own or bareboat charter sufficient tug service for the barges it owns, then it must submit time charters for the additional tugs needed to cover its barge capacity, valid through the period of its VISA enrollment.

G. Enrollment of Intermodal Capacity Vessels, Facilities, and Equipment

1. Participant will prepare a list identifying the ships/capacity and intermodal facilities, connections, and equipment committed by a Participant to each Stage of VISA and submit such list to USTRANSCOM within seven calendar days after a carrier has become a Participant. USTRANSCOM will maintain a record of all such commitments. Participants will notify USTRANSCOM of any changes not later than seven days prior to the change.

2. USTRANSCOM will provide a copy of each Participant's VISA commitment data and all changes to MARAD.

3. In accordance with DPA Section 708, as amended, and implementing regulations at 44 CFR part 332.5, any information made available to administer this agreement or plan of action must be made available for public inspection and copying subject to FOIA exemptions under 5 U.S.C. 552(b)(1), (b)(3), or (b)(4). Information which a Participant identifies as privileged or business confidential/proprietary data shall be withheld from public disclosure in accordance with DPA Sections 708(h)(3) and 705(e), or which qualifies for exemption from public disclosure under 5 U.S.C. 552(b).

4. Enrolled ships are required to comply with 46 CFR part 307, Establishment of Mandatory Position Reporting System for Vessels.

H. War Risk Insurance

1. Where commercial war risk insurance is not available on reasonable terms and conditions, DOT will provide non-premium government war risk insurance, subject to the provisions of 46 U.S.C. 53905.

2. Pursuant to 46 CFR 308.1(c), the Administrator will find each ship enrolled or utilized under this Agreement eligible for U.S. Government war risk insurance.

I. Antitrust Defense

1. Under the provisions of DPA Section 708(j), each carrier must have available as a defense to any civil or criminal action brought under the antitrust laws of the United States, or any similar law of any State, Territory, or the District of Columbia, with respect to any action taken to develop or carry out this Agreement, that such act was taken in the course of developing or carrying out this Agreement and that the Participant complied with the provisions of DPA and any regulation thereunder, and acted in accordance with the terms of this Agreement.

2. This defense will not be available to the Participant for any action occurring after termination of this Agreement. This defense will not be available upon the modification of this Agreement with respect to any subsequent action that is beyond the scope of the modified text of this Agreement, except that no such modification will be accomplished in a way that will deprive the Participant of antitrust defense for the fulfillment of obligations incurred.

3. This defense will be available only if and to the extent that the Participant asserting it demonstrates that the action, which includes a discussion or agreement, was within the scope of this Agreement.

4. The person asserting the defense bears the burden of proof.

5. The defense will not be available if the person against whom it is asserted shows that the action was taken for the purpose of violating the antitrust laws.

6. As appropriate, the Administrator, on behalf of SecTrans, and DoD will support agreements filed by Participants with FMC that are related to the standby or Contingency implementation of VISA.

J. Breach of Contract Defense

Under the provisions of DPA Section 708, in any action in any Federal court or the courts of any State, Territory, or the District of Columbia for breach of contract, there will be available as a defense that the alleged breach of contract was caused predominantly by action taken by a Participant during an emergency (including action taken in imminent anticipation of an emergency) to carry out this Agreement. Such defense will not release the party asserting it from any obligation under applicable law to mitigate damages to the greatest extent possible.

K. Vessel Sharing Agreements (VSA)

1. VISA allows Participants the use of a VSA to utilize non-Participant U.S.-

flag or foreign-owned and operated foreign-flag vessel capacity as a substitute for VISA Contingency capability provided that:

a. The foreign-flag capacity is utilized in accordance with 10 U.S.C. 2631, 46 U.S.C. 55302-05, and associated delegations and/or regulations.

b. The use of a VSA, either currently in use or a new proposal, as a substitution to meet DoD Contingency requirements is agreed upon by USTRANSCOM and MARAD.

c. The Participant carrier demonstrates adequate control over the offered VSA capacity during the period of utilization.

d. Participant's service requirements are satisfied.

e. Participant is responsible to DoD for the carriage or services contracted for. Though VSA capacity may be utilized to fulfill a Contingency commitment, a Participant's U.S.-flag VSA capacity in another Participant's vessel will not act in a manner to increase a Participant's capacity commitment to VISA.

2. Participants will apprise MARAD and USTRANSCOM in advance of any change in a VSA of which it is a member, if such changes reduce the availability of Participant capacity provided for in any approved and accepted Contingency Concept of Operations.

3. Participants will not act as a broker for DoD cargo unless requested by USTRANSCOM.

VII. Application and Agreement

The Administrator, in coordination with the Commander, has adopted the following form, titled *Application to Participate in the Voluntary Intermodal Sealift Agreement*, by which intermodal ship operators may apply to become a Participant in this Agreement. The form incorporates, by reference, the terms of this Agreement.

United States of America, Department of Transportation, Maritime Administration

Application To Participate in the Voluntary Intermodal Sealift Agreement

The applicant identified below hereby applies to participate in the Maritime Administration's agreement entitled "Voluntary Intermodal Sealift Agreement." The text of said Agreement is published in _____ **Federal Register** _____, _____, 20__.

This Agreement is authorized under Section 708 of the Defense Production Act of 1950, as amended (50 U.S.C. 4558). Regulations governing this Agreement appear at 44 CFR part 332

The applicant, if selected, hereby acknowledges and agrees to the incorporation by reference into this Application and Agreement of the entire text of the Voluntary Intermodal Sealift Agreement published in _____ **Federal Register** _____, _____, 20____, as though said text were physically recited herein.

The Applicant, as a Participant, agrees to comply with the provisions of Section 708 of the Defense Production Act of 1950, as amended, the regulations of 44 CFR part 332 and the terms of the Voluntary Intermodal Sealift Agreement. Further, the applicant, if selected as a Participant, hereby agrees to contractually commit to make specifically enrolled vessels or capacity, intermodal equipment and management of intermodal transportation systems available for use by the Department of Defense and to other Participants as discussed in this Agreement and the subsequent USTRANSCOM Voluntary Intermodal Sealift Agreement Contingency Contract for the purpose of meeting national defense requirements. Attest:

(Corporate Secretary)

Effective Date:

(Secretary)

(Applicant-Corporate Name)

(Signature)

(Position Title)

United States of America, Department of Transportation, Maritime Administration

By:

Maritime Administrator

(Authority: Section 708 of the Defense Production Act, as amended (50 U.S.C. 4558), 49 CFR 1.93(l), E.O. 13603, 49 CFR 1.81(a)(10), E.O. 12656)

By Order of the Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2024-23974 Filed 10-17-24; 8:45 am]

BILLING CODE 4910-81-P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Notice of OFAC Sanctions Actions

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The U.S. Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing the names

of one or more persons that have been placed on OFAC's Specially Designated Nationals and Blocked Persons List (SDN List) based on OFAC's determination that one or more applicable legal criteria were satisfied. All property and interests in property subject to U.S. jurisdiction of these persons are blocked, and U.S. persons are generally prohibited from engaging in transactions with them.

DATES: This action was issued on October 15, 2024. See **SUPPLEMENTARY INFORMATION** section for relevant dates.

FOR FURTHER INFORMATION CONTACT: OFAC: Associate Director for Global Targeting, 202-622-2420; Assistant Director for Licensing, 202-622-2480; or Assistant Director for Sanctions Compliance, 202-622-2490 or <https://ofac.treasury.gov/contact-ofac>.

SUPPLEMENTARY INFORMATION:

Electronic Availability

The SDN List and additional information concerning OFAC sanctions programs are available on OFAC's website: <https://ofac.treasury.gov>.

Notice of OFAC Actions

On October 15, 2024, OFAC determined that the property and interests in property subject to U.S. jurisdiction of the following persons are blocked under the relevant sanctions authorities listed below.

Individual

1. BARAKAT, Khaled (a.k.a. "Rabah"), Canada; DOB 01 Jun 1972; POB Ramallah, Palestinian Territories; Gender Male; Secondary sanctions risk: section 1(b) of Executive Order 13224, as amended by Executive Order 13886; Passport AG669835 (Canada) expires 25 May 2028 (individual) [SDGT] (Linked To: POPULAR FRONT FOR THE LIBERATION OF PALESTINE).

Designated pursuant to section 1(a)(iii)(A) of Executive Order 13224 of September 23, 2001, "Blocking Property and Prohibiting Transactions With Persons Who Commit, Threaten to Commit, or Support Terrorism," 66 FR 49079, as amended by Executive Order 13886 of September 9, 2019, "Modernizing Sanctions To Combat Terrorism," 84 FR 48041 (E.O. 13224, as amended), for having acted or purported to act for or on behalf of, directly or indirectly, the POPULAR FRONT FOR THE LIBERATION OF PALESTINE, a person whose property and interests in property are blocked pursuant to E.O. 13224.

Entity

1. SAMIDOUN PALESTINIAN PRISONER SOLIDARITY NETWORK (a.k.a. LE RESEAU DE SOLIDARITE AUX PRISONNIERS PALESTINIENS SAMIDOUN; a.k.a. SAMIDOUN; a.k.a. "HIRAK"), Vancouver, British Columbia, Canada; London, United Kingdom; Secondary sanctions risk: section 1(b) of Executive Order 13224, as amended

by Executive Order 13886; Organization Established Date 2011 to 2012; National ID No. 12793741 (Canada); UK Company Number 13885242 (United Kingdom) [SDGT] (Linked To: POPULAR FRONT FOR THE LIBERATION OF PALESTINE).

Designated pursuant to section 1(a)(iii)(A) of E.O. 13224, as amended, for being owned, controlled, or directed by, or has acted or purported to act for or on behalf of, directly or indirectly, the POPULAR FRONT FOR THE LIBERATION OF PALESTINE, a person whose property and interests in property are blocked pursuant to E.O. 13224.

Lisa M. Palluconi,

Acting Director, Office of Foreign Assets Control.

[FR Doc. 2024-24134 Filed 10-17-24; 8:45 am]

BILLING CODE 4810-AL-P

DEPARTMENT OF VETERANS AFFAIRS

Privacy Act of 1974; System of Records

AGENCY: Department of Veterans Affairs (VA).

ACTION: Notice of a modified system of records.

SUMMARY: Pursuant to the Privacy Act of 1974, notice is hereby given that the Department of Veterans Affairs (VA) is modifying the system of records titled, "VA Child Care Subsidy Program Records-VA" (165VA05CCSP). This system contains the records used by the Child Care Records Management System (CCRMS) which provides a mechanism for online application processing; subsidy benefit requests; and the tracking, filing, retrieving, and storing of documents.

DATES: Comments on this modified system of records must be received no later than November 18, 2024. If no public comment is received during the period allowed for comment or unless otherwise published in the **Federal Register** by VA, the modified system of records will become effective a minimum of 30 days after the date of publication in the **Federal Register**. If VA receives public comments, VA shall review the comments to determine whether any changes to the notice are necessary.

ADDRESSES: Comments concerning the modified system of records may be submitted through www.Regulations.gov or mailed to VA Privacy Service, 810 Vermont Avenue NW, (005X6F), Washington, DC 20420. Comments should indicate they are submitted in response to "VA Child Care Subsidy Program Records—VA" (165VA05CCSP). Comments received

will be available at www.Regulations.gov for public viewing, inspection, or copies.

FOR FURTHER INFORMATION CONTACT:

Willie Swailes, Chief, Office of Human Resources and Administration/Operations, Security, and Preparedness, Child Care Subsidy Program, telephone (202) 578-7759 and email at willie.swailes@va.gov or Martha Ramirez, Director, Operations Management, telephone (202) 461-5805 or email at martha.ramirez@va.gov.

SUPPLEMENTARY INFORMATION: VA is modifying the system by revising the System Location; System Manager; Routine Uses of Records Maintained in the System; Policies and Practices for Storage of Records; Practices for Retention and Disposal of Records; and Administrative, Technical, and Physical Safeguards.

Routine Uses 2 and 3 are added in accordance with Office of Management and Budget memorandum M-17-12, which permits disclosure to respond to a suspected or confirmed data breach. Routine Use 7 is being added to permit disclosure to the Office of Personnel Management in connection with the application or effect of civil service laws, rules, regulations, or guidelines in particular situations. Additionally, the language of the existing routine uses has been modified for clarity.

VA is republishing the system notice in its entirety.

Signing Authority

The Senior Agency Official for Privacy, or designee, approved this document and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the Department of Veterans Affairs. Kurt D. DelBene, Assistant Secretary for Information and Technology and Chief Information Officer, approved this document on September 11, 2024 for publication.

Dated: October 15, 2024.

Amy L. Rose,

Government Information Specialist, VA Privacy Service, Office of Compliance, Risk and Remediation, Office of Information and Technology, Department of Veterans Affairs.

SYSTEM NAME AND NUMBER:

“Child Care Subsidy Program—VA” (165VA05CCSP).

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Applications to participate in the Department of Veterans Affairs (VA) Child Care Subsidy Program are

submitted through the Child Care Records Management System (CCRMS) located at VA Web Operation, Capital Region Readiness Center (CRRC), 221 Butler Avenue, Martinsburg, West Virginia 25405-9700.

SYSTEM MANAGER(S):

Willie Swailes, Chief, Office of Human Resources and Administration/Operations, Security, and Preparedness, Child Care Subsidy Program, telephone (202) 578-7759 and email at willie.swailes@va.gov or Martha Ramirez, Director, Operations Management, telephone (202) 461-5805 or email at martha.ramirez@va.gov, 810 Vermont Avenue NW, Washington, DC 20420.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Law 106-58, Section 643; Executive Order 9397.

PURPOSE(S) OF THE SYSTEM:

To establish and verify VA employees' eligibility for childcare subsidies for VA to provide monetary assistance to its employees.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

VA employees who voluntarily apply for childcare subsidy program.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records in the system contain personally identifiable information, including employee (parent) name; social security number; pay grade; telephone numbers; total family income; names of children on whose behalf the parent is applying for the childcare subsidy; children's date of birth; information on childcare providers, including childcare provider's names, addresses, provider license numbers, and states where issued; provider tax identification numbers; and copies of IRS Form 1040 and 1040A for verification purposes.

RECORD SOURCE CATEGORIES:

Information is provided by VA employees who apply for childcare subsidy, furnishing the information is voluntary.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

1. Congress

To a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of, and at the request of, the individual who is the subject of the record.

2. Data Breach Response and Remediation for VA

To appropriate agencies, entities, and persons when (a) VA suspects or has confirmed that there has been a breach of the system of records; (b) VA has determined that as a result of a suspected or confirmed breach, there is a risk of harm to individuals, VA (including its information systems, programs, and operations), the Federal Government, or national security; and (c) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with VA's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

3. Data Breach Response and Remediation for Another Federal Agency

To another Federal agency or Federal entity when VA determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (a) responding to a suspected or confirmed breach or (b) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

4. Law Enforcement

To a Federal, state, local, territorial, tribal, or foreign law enforcement authority or other appropriate entity charged with the responsibility of investigating or prosecuting a violation or potential violation of law, whether civil, criminal, or regulatory in nature, or charged with enforcing or implementing such law, provided that the disclosure is limited to information that, either alone or in conjunction with other information, indicates such a violation or potential violation. A disclosure of information about veterans or their dependents from VA claims files under this routine use must also comply with the requirements of 38 U.S.C. 5701(f).

5. DoJ, Litigation, Administrative Proceeding

To the Department of Justice (DoJ), or in a proceeding before a court, adjudicative body, or other administrative body before which VA is authorized to appear, when:

- (a) VA or any component thereof;
- (b) A VA employee in his or her official capacity;

(c) A VA employee in his or her individual capacity where DoJ has agreed to represent the employee; or

(d) The United States, where VA determines that litigation is likely to affect the agency or any of its components

is a party to such proceedings or has an interest in such proceedings, and VA determines that use of such records is relevant and necessary to the proceedings.

6. Contractors

To contractors, grantees, experts, consultants, students, and others performing or working on a contract, service, grant, cooperative agreement, or other assignment for VA, when reasonably necessary to accomplish an agency function related to the records.

7. EEOC

To the Equal Employment Opportunity Commission (EEOC) in connection with investigations of alleged or possible discriminatory practices, examination of Federal affirmative employment programs, or other functions of the Commission as authorized by law.

8. FLRA

To the Federal Labor Relations Authority (FLRA) in connection with the investigation and resolution of allegations of unfair labor practices, the resolution of exceptions to arbitration awards when a question of material fact is raised, matters before the Federal Service Impasses Panel, and the investigation of representation petitions and the conduct or supervision of representation elections.

9. MSPB

To the Merit Systems Protection Board (MSPB) in connection with appeals, special studies of the civil service and other merit systems, review of rules and regulations, investigation of alleged or possible prohibited personnel practices, and such other functions promulgated in 5 U.S.C. 1205 and 1206, or as authorized by law.

10. NARA

To the National Archives and Records Administration (NARA) in records management inspections conducted under 44 U.S.C. 2904 and 2906 or other functions authorized by laws and policies governing NARA operations and VA records management responsibilities.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Records are maintained in/records are stored in the Child Care Records Management System (CCRMS) in an electronic format.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Records are retrieved by use of individual names and may also be cross-referenced to social security numbers or other personal identifying numbers.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

Records in this system are retained and disposed of in accordance with the schedule approved by the Archivist of the United States, Records Control Schedule VHA RCS 3075.12.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

When the system is not in use by an authorized person with a valid Personal Identification Verification (PIV/Smart Card), the system will not allow access. Electronic records are secured and require the employee's Personal Identification Verification (PIV/Smart Card) to access, and the system will self-lock within 5–7 minutes of no-activity within the system.

RECORD ACCESS PROCEDURES:

Individuals seeking information on the existence and content of records in this system pertaining to them should contact the system manager in writing as indicated above. A request for access to records must contain the requester's full name, address, telephone number, signed by the requester, and a description of the records sought in sufficient detail to enable VA personnel to locate them with a reasonable amount of effort.

CONTESTING RECORD PROCEDURES:

Individuals seeking to contest or amend records in this system pertaining to them should contact the system manager in writing as indicated above. A request to contest or amend records must state clearly and concisely what record is being contested, the reasons for contesting it, and the proposed amendment to the record.

NOTIFICATION PROCEDURE:

Generalized notice is provided by the publication of this notice. For specific notice, see Record Access Procedure, above.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY:

77 FR 54660 (September 5, 2012).
[FR Doc. 2024–24119 Filed 10–17–24; 8:45 am]
BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0740]

Agency Information Collection Activity Under OMB Review: Request for Substitution of Claimant Upon Death of Claimant

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995, this notice announces that the Veterans Benefits Administration, Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden, and it includes the actual data collection instrument.

DATES: Comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice by clicking on the following link 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. 2900–0740.”

FOR FURTHER INFORMATION CONTACT:

VA PRA information: Maribel Aponte, 202–461–8900, vacopaperworkreduact@va.gov.

SUPPLEMENTARY INFORMATION:

Title: Request for Substitution of Claimant Upon Death of Claimant.

OMB Control Number: 2900–0740
<https://www.reginfo.gov/public/do/PRASearch>.

Type of Review: Revision of a previously approved collection.

Abstract: VA Form 21P–0847, will be used to allow claimants to request a substitution for a claimant who passed away prior to VA processing a claim to completion. This is only allowed when a claimant dies while a claim or appeal for any benefit under a law administered by the VA is pending. The substitute claimant would be eligible to receive accrued benefits due to a deceased claimant under Section 5121(a). The substitute claim must be filed no later than one year after the

claimant's death date. By law, VA must have a claimant's or beneficiary's written permission (an "authorization") to be a substitute claimant. The claimant or beneficiary may revoke the authorization at any time, except if VA has already acted based on the permission.

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 65721, August 12, 2024.

Affected Public: Individuals or Households.

Estimated Annual Burden: 1,200 hours.

Estimated Average Burden per Respondent: 5 minutes.

Frequency of Response: One time.

Estimated Number of Respondents: 15,000.

Authority: 44 U.S.C. 3501 *et seq.*

Maribel Aponte,

VA PRA Clearance Officer, Office of Enterprise and Integration, Data Governance Analytics, Department of Veterans Affairs.

[FR Doc. 2024-24094 Filed 10-17-24; 8:45 am]

BILLING CODE 8320-01-P

DEPARTMENT OF VETERANS AFFAIRS

Privacy Act of 1974; Matching Program

AGENCY: Department of Veterans Affairs (VA).

ACTION: Notice of a modified matching program.

SUMMARY: This is an 18-month re-establishment computer matching agreement (CMA) with the Defense Manpower Data Center (DMDC), Department of Defense (DoD) and the Department of Veterans Affairs (VA), Veterans Benefits Administration (VBA), regarding Veterans who are in drilling status and also in receipt of compensation or pension benefits. The purpose of this CMA is to re-establish the agreement between VA, Veterans Benefits Administration (VBA) and the DoD, Defense Manpower Data Center (DMDC). DoD will disclose information about individuals who are in drill pay status. VBA will use this information as a match for recipients of Compensation and Pension benefits for adjustments of awards.

DATES: Comments on this matching program must be received no later than November 18, 2024. If no public comment is received during the period

allowed for comment or unless otherwise published in the **Federal Register** by VA, the new agreement will become effective a minimum of 30 days after date of publication in the **Federal Register**. If VA receives public comments, VA shall review the comments to determine whether any changes to the notice are necessary. This matching program will be valid for 18 months from the effective date of this notice.

ADDRESSES: Comments may be submitted through www.Regulations.gov or mailed to VA Privacy Service, 810 Vermont Avenue NW, (005R1A), Washington, DC 20420. Comments should indicate that they are submitted in response to "CMA 89 Drill Pay". Comments received will be available at regulations.gov for public viewing, inspection or copies.

FOR FURTHER INFORMATION CONTACT: Delonda Garmon (VBA), Program Analyst, Department of Veterans Affairs, 1800 G Street NW, Washington, DC 2006, 202-461-9700, Delonda.Garmon2@va.gov.

SUPPLEMENTARY INFORMATION: This agreement continues an arrangement for a periodic computer-matching program between the United States Department of Veterans Affairs (VA), Veterans Benefits Administration (VBA) as the matching recipient agency and the Department of Defense (DoD), Defense Manpower Data Center (DMDC) as the matching source agency. This agreement sets forth the responsibilities of VBA and DoD with respect to information disclosed pursuant to this agreement and takes into account both agencies' responsibilities under the Privacy Act of 1974, 5 U.S.C. 552a, as amended by the Computer Matching and Privacy Protection Act of 1988, as amended, and the regulations promulgated thereunder, including computer matching portions of a revision of OMB Circular No. A-130, 65 FR 77677 dated December 12, 2000.

Participating Agencies: The United States Department of Veterans Affairs (VA), Veterans Benefits Administration (VBA) as the matching recipient agency and the Department of Defense (DoD), Defense Manpower Data Center (DMDC) as the matching source agency.

Authority for Conducting the Matching Program: The legal authority for conducting the matching program for use in the administration of VA's Compensation and Pension Benefits Programs is contained in 38 U.S.C. 5304(c), Prohibition Against Duplication of Benefits, which precludes pension, compensation, or retirement pay on account of any person's own service, for

any period for which he receives active duty pay. The law (10 U.S.C. 12316) prohibits the receipt of reserve pay and DVA compensation for the same time period, however, it does permit waiver of DVA compensation to draw reserve pay."

Purpose(s): The purpose of this matching program between VBA and DoD is to identify those Veterans and VA beneficiaries who are in receipt of certain VA benefit payments and are in drilling status. VBA has the obligation to reduce or suspend compensation and pension benefit payments to veterans who are in drilling status. VBA will use the DoD records provided in the match to update the master records of veterans and VA beneficiaries receiving benefits and to adjust their VA benefits, accordingly, if needed.

Categories of Individuals:

1. Veterans who have applied for compensation for service-connected disability under 38 U.S.C. chapter 11.
2. Veterans who have applied for nonservice-connected disability under 38 U.S.C. chapter 15.
3. Veterans entitled to burial benefits under 38 U.S.C. chapter 23.
4. Surviving spouses and children who have claimed pensions based on nonservice-connected death of a veteran under 38 U.S.C. chapter 15.
5. Surviving spouses and children who have claimed death compensation based on service-connected death of a veteran under 38 U.S.C. chapter 11.
6. Surviving spouses and children who have claimed dependency and indemnity compensation for service-connected death of a veteran under 38 U.S.C. chapter 13.
7. Parents who have applied for death compensation based on service-connected death of a veteran under 38 U.S.C. chapter 11.
8. Parents who have applied for dependency and indemnity compensation for service-connected death of a veteran under 38 U.S.C. chapter 13.
9. Individuals who applied for educational assistance benefits administered by VA under title 38 of the U.S. Code.
10. Individuals who applied for educational assistance benefits maintained by the Department of Defense under title 10 of the U.S. Code that are administered by VA.
11. Veterans who apply for training and employers who apply for approval of their programs under the provisions of the Emergency Veterans' Job Training Act of 1983, Public Law 98-77.
12. Any VA employee who generates or finalizes adjudicative actions using the Benefits Delivery Network (BDN) or

the Veterans Service Network (VETSNET) computer processing systems.

13. Veterans who apply for training and employers who apply for approval of their programs under the provisions of the Service Members Occupational Conversion and Training Act of 1992, Public Law 102–484.

14. Representatives of individuals covered by the system.

Categories of Records: The record, or information contained in the record, may include: 1. Name; 2. Social Security Number 3. Date of birth 4. Paid Inactive-duty training days 5. Paid Active-duty days.

System(s) of Records: Compensation, Pension, Education, and Vocational Rehabilitation and Employment Records—VA (58 VA 21/22/28), published at 86 FR 61858 (November 8, 2021). DMDC 01, entitled “Defense Manpower Data Center Data Base,” last published in the **Federal Register** on May 27, 2022, 87 FR 32145 and “Veterans Affairs/Department of Defense Identity Repository (VADIR)—VA (138VA005Q)”, last amended at 87 FR 79066 (December 23, 2022).

Signing Authority

The Senior Agency Official for Privacy, or designee, approved this document and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the Department of Veterans Affairs. John Oswalt, Chief Privacy Officer and Chair of the Data Integrity Board, Department of Veterans Affairs approved this document on September 11, 2024 for publication.

Dated: October 15, 2024.

Amy L. Rose,

Government Information Specialist, VA Privacy Service, Office of Compliance, Risk and Remediation, Office of Information and Technology, Department of Veterans Affairs.

[FR Doc. 2024–24123 Filed 10–17–24; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

Public Availability of the Department of Veterans Affairs Fiscal Year (FY) 2021 Service Contract Inventory Analysis Report

AGENCY: Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In accordance with Section 743 of Division C of the Consolidated Appropriations Act of 2010 the Department of Veterans Affairs (VA) is

notifying the public of the availability of the VA FY 2021 Service Contract Inventory Analysis Report and the associated inventory. The report discusses the methodology, analysis, and special interest functions studied from the FY 2021 inventory. The inventory provides information on service contracts over \$150,000. VA developed the analysis report and the inventory in accordance with guidance the Office of Management and Budget’s Office of Federal Procurement Policy (OFPP) issued on November 5, 2010, and updated on December 19, 2011. OFPP’s guidance is available at <https://www.whitehouse.gov/omb/management/office-federal-procurement-policy>. VA posted the VA FY 2021 Service Contract Inventory Analysis Report and a link to the associated inventory is on the VA Office of Acquisition and Logistics website at <https://www.va.gov/oal/business/pps/scalInventory.asp>.

FOR FURTHER INFORMATION CONTACT:

Questions regarding the service contract inventory may be directed to Forrest Browne, Procurement Policy and Warrant Management Service (PPS) via email at VA.Procurement.Policy@va.gov or by telephone at 202–632–9677. (This is not a toll-free number.)

Signing Authority

Denis McDonough, Secretary of Veterans Affairs, signed and approved this document on October 11, 2024, and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the Department of Veterans Affairs.

Luvenia Potts,

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

[FR Doc. 2024–24159 Filed 10–17–24; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0915]

Agency Information Collection Activity: VBA Contractor Background Investigation Request and VBA Affiliate Background Investigation Request

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: Veterans Benefits Administration (VBA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed new collection, and allow 60 days for public comment in response to the notice.

DATES: Comments must be received on or before December 17, 2024.

ADDRESSES: Comments must be submitted through www.regulations.gov.

FOR FURTHER INFORMATION CONTACT:

Program-Specific information: Nancy Kessinger, 202–632–8924, nancy.kessinger@va.gov.

VA PRA information: Maribel Aponte, 202–461–8900, vacopaperworkreduact@va.gov.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995, Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) whether the proposed collection of information is necessary for the proper performance of VBA’s functions, including whether the information will have practical utility; (2) the accuracy of VBA’s estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: VBA Contractor Background Investigation Request and VBA Affiliate Background Investigation Request (VA Form 20–10276a).

OMB Control Number: 2900–0915. <https://www.reginfo.gov/public/do/PRAsearch> (Once at this link, you can enter the OMB Control Number to find the historical versions of this Information Collection).

Type of Review: Revision of a currently approved collection.

Abstract: VA Forms 20–10276 and 20–10276a are used to gather the mandatory information to determine eligibility for employment and have physical and logical access for VBA.

Without this information, determination of eligibility for employment and access would not be possible.

The new form (VA Form 20–10276a) added to this collection is used to collect information from Affiliates who are applying to work/volunteer for VBA. After the collection, personnel security specialists can perform background

investigation work to determine eligibility for employment and to have physical and logical access to VBA Systems.

Affected Public: Individuals and households.

Estimated Annual Burden: 2,167.

Estimated Average Burden per

Respondent: 10 minutes.

Frequency of Response: Once.

Estimated Number of Respondents: 10,000 per year.

Authority: 44 U.S.C. 3501 *et seq.*

Maribel Aponte,
VA PRA Clearance Officer, Office of Enterprise and Integration/Data Governance Analytics, Department of Veterans Affairs.

[FR Doc. 2024–23991 Filed 10–17–24; 8:45 am]

BILLING CODE 8320–01–P



FEDERAL REGISTER

Vol. 89

Friday,

No. 202

October 18, 2024

Part II

Department of Transportation

Federal Transit Administration

49 CFR Part 674

State Safety Oversight; Final Rule

DEPARTMENT OF TRANSPORTATION**Federal Transit Administration****49 CFR Part 674****[Docket No. FTA–2023–0008]****RIN 2132–AB42****State Safety Oversight**

AGENCY: Federal Transit Administration (FTA), Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: The Federal Transit Administration (FTA) is publishing a final rule for State Safety Oversight (SSO). This final rule implements new requirements of the Bipartisan Infrastructure Law (enacted as the Infrastructure Investment and Jobs Act (IIJA)), removes outdated references, and simplifies notification requirements.

DATES: The effective date of this rule is January 1, 2025.

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I. Executive Summary**A. Purpose of Regulatory Action**

This final rule updates the existing regulations for state safety oversight of rail fixed guideway public transportation systems. In the Moving Ahead for Progress in the 21st Century Act (MAP–21) (Pub. L. 112–141, July 6, 2012), Congress directed FTA to establish a comprehensive public transportation safety program, one element of which is the State Safety Oversight (SSO) Program. (See 49 U.S.C. 5329). Section 30012 of the Bipartisan Infrastructure Law (BIL), enacted as the Infrastructure Investment and Jobs Act (IIJA) (Pub. L. 117–58, November 15, 2021), amended 49 U.S.C. 5329 and established new requirements for FTA’s Public Transportation Safety Program. Consequently, FTA is revising 49 CFR part 674 to address requirements related to the BIL, remove requirements related to the initial establishment of this part,

and clarify requirements of the existing part.

B. Statutory Authority

Section 5329 of title 49, United States Code, includes several provisions that require FTA to establish a comprehensive public transportation safety program, the elements of which include a National Public Transportation Safety Plan; a training and certification program for Federal, state, and local transportation agency employees with safety responsibilities; Public Transportation Agency Safety Plans; and a strengthened State Safety Oversight Program.

C. Summary of Major Provisions

This final rule makes the following changes to strengthen the existing SSO program:

- Updates terminology to reflect current use across programs.
- Clarifies existing requirements consistent with FTA expectations.
- Removes language relating to the period of transition from 49 CFR part 659, FTA’s previous SSO regulation, to 49 CFR part 674, the current SSO regulation.
- Addresses BIL requirements.

D. Benefits and Costs

The final rule requires additional oversight of safety-related activities of rail transit agencies (RTAs) by state safety oversight agencies (SSOAs). The rule also has additional costs for SSOAs and RTAs to comply with the requirements.

Table 1 summarizes the economic effects of the rule over the first ten years of the rule (2025 to 2034) in 2022 dollars. The benefits of the increased oversight are unknown and unquantified. On an annualized basis, the rule will have costs of \$11.0 million at a 7 percent discount rate (discounted to 2024), \$10.9 million at 3 percent, and \$10.9 million at 2 percent.

TABLE 1—SUMMARY OF ECONOMIC EFFECTS, 2025–2034

[\$2022, discounted to 2024]

Item	Total (undiscounted)	Annualized (7%)	Annualized (3%)	Annualized (2%)
Benefits	Unquantified	.....	.....	.....
Costs:				
SSOA documentation of enforcement authority	\$118,140	\$16,820	\$13,446	\$12,894
SSOA oversight	80,338,058	8,093,373	8,058,697	8,050,279
SSOA safety event tracking	183,879	18,388	18,388	18,388
SSOA investigations	7,355,168	735,517	735,517	735,517
SSOA annual reporting to FTA	609,755	60,975	60,975	60,975
RTA investigations and reporting	20,456,560	2,045,656	2,045,656	2,045,656
Total costs	109,061,560	10,970,730	10,932,680	10,923,710

TABLE 1—SUMMARY OF ECONOMIC EFFECTS, 2025–2034—Continued
[\$2022, discounted to 2024]

Item	Total (undiscounted)	Annualized (7%)	Annualized (3%)	Annualized (2%)
Net benefits	Unquantified	.....	.....	.....

Note: Totals may not sum due to rounding.

II. Notice of Proposed Rulemaking and Response to Comments

FTA published the State Safety Oversight NPRM on November 15, 2023 (88 FR 78269), with the public comment period closing on February 15, 2024. During this time, FTA received 27 unique and substantive comment submissions to the rulemaking docket. Commenters included SSOAs, RTAs, labor organizations, trade associations, and individuals. FTA has considered these comments and addresses them in the corresponding sections below. Some comments expressed support for the NPRM without advocating for specific changes, and FTA acknowledges those comments were received and considered.

FTA reviewed all relevant comments and took them into consideration when developing the final rule. Below, the NPRM comments and responses are subdivided by their corresponding sections of the proposed rule and subject matter.

A. Section 674.5—Policy

Comments: FTA received comments from two SSOA commenters regarding § 674.5. One commenter questioned how FTA defines the terms “resources,” “qualified personnel,” and “complexity” and asked FTA to clearly define its expectations for SSOAs. Another commenter asked why FTA removed the first sentence in 674.5(b) related to funding of SSOAs.

FTA Response: FTA notes that these terms originate in statute and defining the terms is not necessary to carry out the statute, as evidenced by their use in the rule since 2016. As with previous regulatory action, FTA declines to establish formal definitions for these terms to avoid conflicts in instances where associated statutes or regulations are revised. FTA notes that SSOAs have differing levels of State-based authority and resources to oversee the safety of the rail fixed guideway public transportation systems in their State. Further, FTA notes that the number, size, and complexity of rail fixed guideway public transportation systems that SSOAs oversee vary across States. The language in § 674.5(a) ensures the SSO program is not a “one size fits all”

program and instead provides States the flexibility to establish an SSOA sized and resourced to meet the State’s oversight needs. Ultimately, as defined at § 674.19, the FTA Administrator may issue or deny certification of an SSOA based on an assessment of whether the SSOA has the authority, resources, and expertise to oversee the number, size, and complexity of the rail fixed guideway public transportation systems that operate within the State.

In response to the comment regarding the proposed removal of the first sentence in § 674.5(b), FTA removed the first sentence in subsection (b) because the availability of funding is addressed in § 674.17(a) and is not necessary to repeat here.

B. Section 674.7—Definitions

FTA received submissions from 14 commenters that included specific comments related to § 674.7 and proposed definitions.

1. Accountable Executive

Comments: Two SSOA commenters suggested FTA revise the definition of Accountable Executive to include language that specifies a rail transit agency’s Agency Safety Plan (ASP) is “designed and approved by the transit agency’s board [of directors].”

FTA Response: FTA declines to revise the definition of “Accountable Executive” to describe the role of a transit agency’s board of directors or equivalent entity. FTA notes that it may be inaccurate to state that a transit agency’s board of directors designs the transit agency’s ASP.

2. Collision

Comments: Three SSOA commenters and one RTA commenter submitted comments related to FTA’s proposed definition of “collision.” The RTA commenter recommended definitional alignment with the NTD program. One SSOA suggested that without additional clarification regarding the terms “impact” and “object” used in the definition of “collision,” FTA would see a significant increase in the number of events that would require reporting, resulting in an increased burden for transit agencies. Both SSOA commenters recommended that FTA

replace the word “impact” with “contact,” asserting that “contact” simply means touching, while “impact” implies a certain level of force, which could be confusing to SSOAs and RTAs. One SSOA commenter requested that FTA clarify whether this definition means that some collisions do not require two-hour notification.

FTA Response: FTA appreciates the recommendation that definitions align with the NTD and notes that FTA has coordinated terminology to ensure consistency across programs. As for the use of the terms “impact” and “object,” FTA notes that for consistency, the definition of “collision” in the final rule uses the same terms as the NTD, including both “impact” and “object.” FTA disagrees that the term “impact” is confusing to RTAs and SSOAs and notes the NTD has used this term in its definition of “collision” for many years. FTA also disagrees that interpretations of the definition will result in an increase in collision events that require notification. FTA notes that all notification criteria are described at § 674.33 and include thresholds for collisions, such as injuries, fatalities, and disabling damage, that define the set of collisions that require two-hour notification. Finally, FTA confirms that not all collisions require two-hour notification. Two-hour notifications are required for any safety event meeting the notification criteria at § 674.33, including any collision between two rail transit vehicles and any collision resulting in one or more injuries, a fatality, or disabling damage to a rail transit vehicle.

3. Corrective Action Plan

Comments: Two SSOA commenters recommended FTA revise the proposed definition of “corrective action plan” and add a definition of “safety risk mitigation” to help distinguish between corrective action plans and safety risk mitigations. The commenters pointed out the relationship between corrective action plans and safety risk mitigations and noted that corrective action plans address compliance with requirements and that safety risk mitigations address actual performance to ensure an RTA meets the safety intent behind the corrective action plan requirements.

FTA Response: The proposed rule included a definition of “safety risk mitigation” and FTA retains that definition in the final rule. FTA agrees with the suggestion that FTA revise the definition of corrective action plan to support the distinction between safety risk mitigations and corrective action plans more clearly. FTA generally agrees with the commenter’s description that corrective action plans focus more on resolving issues related to compliance, whereas safety risk mitigations result from safety risk assessments and focus on addressing safety risk by reducing the likelihood and/or severity of a hazard’s potential consequence. FTA has revised the definition of corrective action plan in this final rule to reflect this distinction by removing the phrase “minimize, control, correct, or eliminate risks and hazards” and replacing it with “address an identified deficiency or safety concern.” This change removes language more closely related to safety risk mitigations from the definition of corrective action plan and adds language that more appropriately describes corrective action plans.

4. Derailment

Comments: Two SSOA commenters suggested clarifications to the definition of “derailment” and use of the term “event” within the definition. One of the SSOA commenters suggested the proposed definition was insufficient and there was a risk of events not being reported that should be (e.g., split switch, run-throughs, etc.). The commenter offered an alternative definition that explicitly identified and included split switches, switch run-throughs, wheel lifts, wheel climbs, flange running, and web running. One transit agency requested that the definition of “derailment” apply the NTD exclusion for events that occur during the engineering or construction phases of a new rail transit system or the extension of an existing rail transit system unless they involve transit-related activities such as operations, testing, simulated service or pre-revenue service, or a transit-related maintenance activity.

FTA Response: On the use of the word “event” within the definition of “derailment,” FTA agrees that, given removal of the definition of “event” from the rule, use of the term “safety event” is appropriate, and has made that change for the definition of “derailment” for the purposes of the two-hour notification requirements in § 674.33. FTA appreciates the commenter’s request for clarification regarding the NTD program’s exclusion

of events that occur during the engineering or construction phases of a new rail transit system or the extension of an existing rail transit system, unless they involve transit-related activities such as operations, testing, simulated service or pre-revenue service, or a transit-related maintenance activity. FTA confirms that the SSO program applies this same exclusion for purposes of safety event notification and investigation criteria and notes that FTA has added language at subsection § 674.25(c) that establishes, for the purposes of §§ 674.33 and 674.35, notification criteria are limited to safety events that involve transit-related activities such as operations, testing, simulated service or pre-revenue service, or a transit-related maintenance activity.

5. Designated Personnel

Comments: Two SSOA commenters suggested non-substantive edits to the definition of “designated personnel” to match the definition in the Public Transportation Safety Certification Training Program (PTSCTP) NPRM.

FTA Response: FTA has ensured the “designated personnel” definition at § 674.7 matches the definition from part 672.

6. Disabling Damage

Comments: FTA received comments from two RTA commenters and two SSOA commenters regarding the new term “disabling damaged” used to support safety event notification criteria. One RTA commenter expressed support for the new term and the fact that it is limited to damage that physically prevents a rail transit vehicle or train from operating under its own power. One RTA commenter suggested FTA modify the proposed definition to specify the physical prevention of movement. Two SSOA commenters suggested that the definition include additional clarification to exclude mechanical failures or other malfunctions that may impact operations. One SSOA commenter suggested that FTA modify the definition to replace “preventing the vehicle from operating under its own power” to “towed from the scene.”

FTA Response: After consideration of the comments, FTA declines to revise the definition. FTA notes the term “disabling damage” is referring to physical damage preventing operation. For some collision examples like mirror strikes, a rail transit vehicle could still operate on its own power, and FTA does not consider this disabling damage. FTA notes that even in such an example, local policy may require taking the rail

transit vehicle out of service, but this decision could vary agency to agency. It is disabling damage only if the damage itself prevents the vehicle from operating under its own power. Further, modifying the definition to replace “preventing the vehicle from operating under its own power” with “towed from the scene” could include certain collisions that do not result in damage that physically prevents rail transit vehicle movement. FTA confirms that disabling damage includes damage from a collision that requires towing for the rail transit vehicle.

7. Evacuation for Life Safety Reasons

Comments: FTA received comments from two SSOAs and two RTAs about the definition of “evacuation for life safety reasons.” One SSOA suggested the definition should not include all evacuations of passengers into the rail right of way, including for events such as mechanical failures, because this would “skew the data.” Another SSOA requested clarification regarding self-evacuations when the RTA may not be aware of certain self-evacuations and the circumstances that prompted them. One RTA commenter recommended FTA ensure this definition aligns with the definition used by the NTD, specifically relating to passenger self-evacuations into the right of way. Finally, one RTA commenter requested FTA state these evacuations are not due to preceding events, such as collisions, as this could distort data.

FTA Response: Existing SSO program and NTD reporting policy support retaining in the definition the concept that any evacuation into the rail right of way is an evacuation for life safety reasons, and thus FTA does not believe the definition will skew existing data sets or trending. FTA appreciates the opportunity to clarify self-evacuations and notes that RTAs cannot notify SSOAs and FTA of events of which they are not aware. The inclusion of self-evacuations ensures that evacuations resulting from hazards still trigger notification, even if the evacuation was not directed by the RTA. FTA agrees with the recommendation for alignment with the NTD definition of “evacuation for life safety reasons” and the treatment of self-evacuations and confirms the definition aligns with the NTD definition and treatment of self-evacuations. FTA disagrees with the suggestion that evacuations for life safety reasons should exclude those evacuations that result from preceding events, as evacuations commonly follow preceding events. An evacuation for life safety reasons is one of the notification criteria described in § 674.33. Further,

FTA notes that a single safety event may meet multiple notification criteria. For example, a single event may involve a collision, injuries, fatalities, an evacuation for life safety reasons, and disabling damage. This is still considered a single safety event that requires notification because it meets at least one of the safety event notification criteria described in § 674.33.

8. Fatality

Comments: FTA received comments from three SSOAs and one RTA regarding the definition of “fatality.” Two SSOAs expressed concern over the 30-day window for confirmation of death, suggesting the word “confirmed” should be replaced with the word “determined” because confirmation implies that an answer exists, whereas determination implies that follow-up is required. The two SSOAs also suggested that the 30-day window requires SSOAs and RTAs to solicit information protected under the Health Insurance Portability and Accountability Act of 1996 (HIPAA). One SSOA commenter and one RTA commenter requested clarification on the inclusion of homicides in the definition of “fatality,” noting that homicides are considered security events and should be excluded from notification and investigation requirements.

FTA Response: FTA declines to revise the definition of “fatality” as suggested. FTA confirms that the definition of fatality used by both the NTD and part 674 are consistent. Further, FTA notes that it has not substantively changed the definition of “fatality” that has been used by both the SSO and NTD programs for many years and is not aware of any situation where the current definition has prevented an SSOA or RTA from complying with SSO program notification requirements. Further, FTA notes that part 674 does not establish any requirement to solicit HIPAA-protected information and reiterates that RTAs are not required to notify SSOAs and FTA of events of which they are not aware. However, if an RTA becomes aware that a safety event resulted in a fatality as defined at § 674.7, the RTA is required to notify the SSOA and FTA within two hours of being made aware of the fatality. FTA confirms the notification requirements of § 674.33 exclude criminal actions such as homicides. These events are excluded from the safety events requiring SSOA investigation. Accordingly, the final rule does not require RTAs to notify SSOAs and FTA of homicides. FTA notes that the final rule does not preclude an SSOA from establishing notification requirements in addition to those

established at § 674.33. Finally, given removal of the definition of “event” from the rule, FTA has replaced the term “event” with “safety event” in the definition of “fatality” for purposes of the two-hour notification requirements in § 674.33.

9. Hazard

Comments: FTA received comments from two SSOAs and one RTA regarding the definition of “hazard.” The RTA commenter recommended changing the term “hazard” to “safety hazard” to parallel the change from “risk” to “safety risk.” The two SSOA commenters recommended adding the phrase “of a public transportation system” to match the definition published in 49 CFR part 673.

FTA Response: FTA declines to change the term “hazard” to “safety hazard” and instead chooses to maintain definitional consistency with 49 CFR part 673. FTA agrees with the commenters who recommended FTA revise the definition of “hazard” proposed in the NPRM to match the definition of “hazard” published in the final 49 CFR part 673. FTA has included the phrase “of a public transportation system” in the definition of “hazard” at § 674.7 to mirror the definition of “hazard” published in 49 CFR 673.5.

10. Injury

Comments: FTA received comments from three SSOAs, two RTAs, and one industry association regarding the definition of “injury.” One RTA expressed support for the definition of “injury,” noting that it will help simplify notifications. One RTA commenter requested that FTA clarify why the definition uses the words “medical attention” instead of “medical transport” and asked FTA to define the timeframe for “immediate” medical attention. Two SSOAs and an industry association asked if “event” should be changed to “safety event.” One SSOA requested an explicit definitional exclusion of injuries resulting from security events. Another SSOA suggested that FTA move toward a methodology like the one created by the Association of Transportation Safety Information Professionals and an approved American National Standard via the Manual on Classification of Motor Vehicle Traffic Crashes to help promote reporting uniformity. Additionally, the commenter suggested that FTA replace “requires” with “results in” to ensure consistent reporting.

FTA Response: FTA appreciates the support received regarding the definition of “injury” and agrees that it

provides a simpler criterion to support safety event notifications. FTA confirms that the term “immediate medical attention” as used in the definition of “injury” serves to exclude first aid received onsite and to include physical harm that results in medical transport from the safety event scene. This excludes medical attention sought by an individual at a later time. The definition of “injury” used in this rulemaking is consistent with the definition of “injury” in the NTD. Given that FTA removed the definition of “event” and instead uses “safety event,” FTA has made this edit in the final rule, but otherwise retains the definition in the NPRM. With respect to the requested clarification regarding the definition’s application to security events versus safety events, FTA declines to revise the definition of “injury” to exclude those resulting from security events. FTA notes, as stated in other comment responses, that criminal actions such as homicides and assaults are excluded from RTA notification requirements and SSOA investigation requirements. FTA believes it is appropriate to preserve definitional alignment with the NTD for the term “injury” and to establish security event exclusions in the requirements for RTA notification and SSOA investigation. FTA notes that the final rule does not preclude an SSOA from establishing notification requirements in addition to those established at § 674.33.

FTA appreciates the recommendations regarding crash data classifications and will consider these methodologies when evaluating data management changes in the future. Finally, FTA appreciates the comments suggesting minor changes to the injury definition, including replacing “requires” with “results in” but declines to revise the definition, to ensure consistency with the other FTA programs.

Finally, given removal of the definition of “event” from the rule, FTA has replaced the term “event” with “safety event” in the definition of “injury” for purposes of the two-hour notification requirements in § 674.33.

11. Inspection

Comments: FTA received comments from three SSOAs and one RTA regarding the definition of “inspection.” One SSOA expressed concern that the definition of “inspection” did not include personnel. The RTA and two SSOAs requested clarification of what is meant by “physical observation,” with two commenters noting inspections may include non-invasive inspection methods (ultrasonic, leak tests, video

review, other inspection methods, etc.) that may be conducted via other means that do not require the physical onsite presence of the person conducting the inspection.

FTA Response: The definition of “inspection” does not include personnel in the list of items observed during an inspection. FTA agrees with this commenter and has added the term “personnel” within the definition of “inspection,” which would include the inspection of training records and the observation of an RTA’s designated personnel. FTA appreciates the request for clarification on the use of “physical observation” in the definition of “inspection” and notes this term is intended to distinguish an inspection, which would involve observation of physical system elements, from other types of activities that do not rely on physical observations, such as a document review. Physical observation, therefore, may include virtual observation or other observation of system elements.

12. Investigation

Comments: An SSOA asserted the proposed definition of “investigation” is too limited and conflicts with the use of the term in § 674.25(e), specifically the investigation of allegations of noncompliance with an RTA’s ASP.

FTA Response: FTA first notes the definition is the same as the 2016 definition, except FTA has replaced “accident, incident, or hazard” with “safety event.” Further, § 674.25(e) is the same as § 674.25(d) in the 2016 rule. Thus, FTA disagrees the purpose is too narrow or that the definition would not encompass investigations of noncompliance required by § 674.25(e). FTA notes that hazards may include procedural noncompliance, which are within the purpose of an investigation, so FTA declines to amend the definition.

13. Person

Comments: Two SSOAs requested that FTA define the terms “volunteer,” “official worker,” and “associated infrastructure” used in the definition of “person.”

FTA Response: FTA does not believe it is necessary to define commonly understood terms such as “volunteer,” “official worker,” and “associated infrastructure” to ensure understanding of the rule.

14. Potential Consequence

Comments: Two SSOAs asserted the definition of “potential consequence” was confusing and recommended that FTA restate the definition.

FTA Response: FTA disagrees that the definition requires revision. Further, FTA notes that the definition of “potential consequence” at § 674.7 mirrors the definition of “potential consequence” published in 49 CFR 673.5.

15. Rail Fixed Guideway Public Transportation System

Comments: FTA received comments from one RTA, one SSOA, and one industry association about the definition of “rail fixed guideway public transportation system.” The RTA commented that including the phrase “or any such system in engineering or construction” may cause conflict with State occupational safety regulators. The industry association and SSOA recommended that FTA edit the definition to explicitly refer to streetcar systems.

FTA Response: The phrase “or any such system in engineering or construction” has been a part of the definition since the original part 674 was published in 2016, and FTA is not aware of any conflict this definition has for the purposes of State safety regulators. As for the inclusion of streetcar in the definition, the list of transit modes in the definition is not exhaustive and includes the text, “. . . include but are not limited to . . .” Further, FTA notes this definition mirrors FTA’s definition of “rail fixed guideway public transportation system” published in 49 CFR 673.5.

16. Safety Committee

Comments: FTA received comments from two SSOAs, one RTA, and one industry association related to the definition of “safety committee.” The RTA commenter suggested that FTA provide more clarity in the definition because their agency includes different safety committees. The two SSOAs and industry association suggested that FTA use the term “Joint Labor-Management Committee” instead of “Safety Committee” to provide additional specificity.

FTA Response: FTA understands RTAs may have a variety of safety-related committees. FTA notes that the term “safety committee” is not used in this final rule and has been removed from § 674.7.

17. Safety Event

Comments: FTA received comments from four RTAs, four SSOAs, and two industry associations related to the proposed definition of “safety event.” Several commenters, including one RTA and the two industry associations,

commented on FTA’s simplification of event categorization and the elimination of the terms “accident,” “incident,” and “occurrence,” which were used by FTA in the previous rule to establish criteria for event notification and investigation. Two SSOAs and one industry association expressed support for the simplification of existing terminology related to safety events. The two industry associations and one RTA commenter noted that the previous event tiers can be useful for analysis and trending purposes. Two RTAs and an industry association commented that FTA should not remove the three event subcategories from the rule and asserted that agencies are accustomed to using these terms to support existing SSOA notification activities and that the proposed definition of “safety event” is insufficient to determine which events require notification to FTA and the SSOA. One SSOA recommended that FTA retain the definition of the word “incident” because the word is used in 49 U.S.C. 5329.

One RTA requested additional clarity on whether the definition was intended to be limited to events related to or affecting transit operations. One SSOA commented that the use of the term “damage to the environment” would result in the need for additional SSOA personnel with very specific expertise. Two RTAs and one industry association commented that FTA should ensure the definitions in part 674 align with NTD definitions to reduce confusion and to avoid the underreporting of events.

One RTA and one SSOA commented on the use of the term “unexpected” in the “safety event” definition. The RTA suggested replacing the term “unexpected” with “unintentional.” The SSOA requested clarification on FTA’s use of the phrases “unexpected outcome” and “general criminal action” and questioned whether it was the responsibility of the RTA to determine intent when applying this definition. One SSOA commented that FTA’s focus should be on the reduction of safety events that can be realistically prevented by an RTA and asserted FTA should not use data that includes safety events that could not realistically be prevented by an RTA as the sole determination of the safety of an RTA or the effectiveness of an SSOA.

FTA Response: FTA agrees with the commenters that noted safety event stratification can be useful to support safety performance analysis and encourages RTAs and SSOAs to conduct data analysis to support safety performance monitoring and safety oversight activities as necessary but notes the final rule does not establish

any requirement that necessitates the definition of additional safety event tiers. As to the sufficiency of the “safety event” definition to define events requiring notification, FTA notes the definition of “safety event” in § 674.7 does not establish criteria for SSOA and FTA two-hour notifications or SSOA investigations. Instead, FTA describes safety event notification criteria at § 674.33. FTA does not believe the statutory usage of the term “incident” warrants a severity-based stratification of safety events, nor does it require FTA to define the term in part 674.

FTA confirms that safety events generally are related to or affect operations. Further, FTA notes that neither the definition of safety event nor the notification criteria at § 674.33 would necessitate SSOA staff to obtain specialized skills related to assessing environmental damage. FTA has coordinated terminology to ensure consistency across programs.

FTA considered the suggestion to replace the word “unexpected” with “unintentional,” and declines to make the suggested revision. The word “unexpected” is used to distinguish planned outcomes from unexpected outcomes. FTA notes the definition in § 674.7 mirrors the definition of “safety event” published in 49 CFR part 673. FTA confirms the exclusion of criminal actions such as homicides and assaults from the two-hour notification requirements in § 674.33 and notes that the final rule does not preclude an SSOA from establishing notification requirements in addition to those established at § 674.33. FTA confirms the RTA is responsible for making this determination as well as determinations regarding all notification criteria established at § 674.33. FTA agrees the determination of the effectiveness of an RTA or an SSOA should not be made solely on the use of data related to safety events that could not “realistically be prevented by an RTA.”

18. Unintended Train Movement

Comments: FTA received comments from six commenters regarding the proposed definition of “unintended train movement,” including three SSOAs, two RTAs, and one industry association. One RTA recommended that FTA align this definition with the NTD definition of “Runaway Train.” Two SSOAs, one RTA, and one industry association recommended that FTA replace the word “driver” in the definition with the word “operator,” noting that the definition excludes non-revenue vehicles, so the term “operator” would be more appropriate. One SSOA recommended that FTA not exclude

non-revenue vehicles from the definition. One RTA asked for clarification on whether a runaway train would still meet the two-hour notification criteria. Two SSOAs requested clarification on the application of unintended train movement to the automated guideway mode.

FTA Response: FTA declines to change “driver” to “operator” or to broaden the definition to include non-revenue vehicles as the definition is consistent with the 2024 NTD Safety & Security Policy Manual definition of runaway train. FTA confirms that under this final rule, the term “runaway train” has effectively been replaced by the term “unintended train movement.” This means that an event involving a runaway train according to past terminology would now be said to involve an unintended train movement and would trigger the two-hour notification requirements at § 674.33. Further, the definition of “unintended train movement” applies to automated guideway systems when a revenue vehicle of the automated guideway system experiences uncontrolled movement and is no longer under the control of the automated control system.

19. Additional Comments

Comments: In addition to comments related to specific definitions, described above, FTA received general comments related to definitions. Several comments were related to part 672, including requests for additional definitions or text in part 672. Other commenters asked whether definitions amended by this rulemaking would be amended in the NTD. Those comments are outside the scope of this rulemaking and are not addressed. Commenters generally recommended that definitions align with the NTD and other safety rulemakings and FTA has aligned definitions where needed.

Some commenters requested that additional terms be defined, including “project,” “State Safety Oversight Program,” and “audit.” FTA declines to define “project” as it is a commonly understood term. FTA believes it is unnecessary to add a definition for “State Safety Oversight Program” and notes the final rule describes the scope of and requirements for a State Safety Oversight program, including the minimum expectations for a State Safety Oversight program. Similarly, the term “audit” does not need to be defined as § 674.31 describes requirements for SSOA triennial audits of rail transit agencies.

C. Section 674.11—State Safety Oversight Program

Comments: FTA received comments from two SSOAs related to § 674.11. One commenter asked FTA to clarify in this section that only rail fixed guideway public transit systems that receive Federal funding must have an SSOP. Both commenters asked for clarification regarding whether FTA can evaluate an SSOA’s staffing level after FTA has issued an initial certification. The commenters also requested that FTA define its process and criteria for auditing an SSOA. One SSOA commenter requested clarification on FTA SSOA audits, including State Management Reviews and the FTA SSO Audit Program, asking what the difference is between these audits/reviews and what the specific requirements are that must be met for compliance. Further, the SSOA noted that State leadership, not the SSOA, should be FTA’s point of contact because the SSOA does not have the authority to change State law.

FTA Response: Section 674.3 describes the entities to which this rule applies, and FTA declines to restate part 674 applicability criteria within § 674.11. With respect to SSOA staffing levels, FTA certified the compliance of every SSOA in 2018. FTA notes that 49 U.S.C. 5329(e)(9) requires FTA to continually evaluate an SSOA’s implementation of its State Safety Oversight program, which is not limited to staffing levels, but how effectively those staff resources are used. The NTSB, through their investigations, has also identified SSOA staffing levels as a potential concern. Therefore, FTA will continue to conduct audits to confirm SSOAs are staffed at appropriate levels. If FTA identifies a pattern of SSOA noncompliance, it will consider the impact of SSOA resourcing on the agency’s noncompliant status.

The rule does not define FTA audit procedures for the SSO program or other programs identified by the commenter, such as State Management Reviews. FTA believes it is not practicable to publish criteria that would govern the audit or evaluation process, given the diversity of the 31 SSOAs currently under the program, and the number, size, and complexity of the fixed guideway systems under their oversight. FTA notes that FTA SSO program audits are performed to confirm compliance with 49 CFR part 674, and each SSOA is evaluated on a case-by-case basis. Finally, FTA appreciates the comment received regarding FTA SSO audit points of contact and will consider this

recommendation during future SSO audit program updates.

D. Section 674.17—Use of Federal Financial Assistance

Comments: FTA received comments from three SSOAs, three individuals, and one industry association regarding the use of Federal financial assistance. Three individuals recommended FTA establish additional requirements that limit the amount of Federal financial assistance SSOAs can use to procure contractor support and encouraged strengthening SSOA internal capabilities. Two of these commenters suggested that FTA require that no more than 10% of annual SSO grant funding should be used for contractor support. The third commenter suggested FTA require that no more than 15% be used for contractor support. Four commenters, including two SSOAs, one industry association, and one individual commented on the revised, broader reference to 49 U.S.C. 5329 generally instead of the specific reference to section 5329(e)(4) and sought clarification on whether this change means that SSO funds are now eligible for States to expend on PTASP-related activities that were previously prohibited, such as drafting ASPs for small public transportation providers. One SSOA recommended that FTA adjust the Federal share of 80% to 85% to help SSOAs implement SSO programs at a faster rate. Finally, one SSOA recommended that FTA's apportionment for 49 U.S.C. 5329 take into consideration the number, size, and complexity of the rail fixed guideway public transportation systems in the State to ensure adequate funding is available to the State to best meet the Federal requirements.

FTA Response: FTA does not have the authority to place restrictions on the percentage of SSOA grant funds that can be used for contractor support and FTA encourages the professional development of internal SSOA staff. FTA confirms the reference to 49 U.S.C. 5329 is no longer limited to subsection (e) as the Bipartisan Infrastructure Law amended section 5329 and established additional SSOA-related requirements at 49 U.S.C. 5329(k). The revised reference incorporates the requirements at both 49 U.S.C. 5329(e) and (k), and ensures the rule remains valid even if Congress further amends the law. This change does not mean that SSO grant funds are now eligible for States to expend on PTASP-related activities that were previously, and remain, prohibited (e.g., drafting ASPs for small public transportation agencies). FTA does not have the authority to increase the

Federal share for SSOA grants, as that is established by statute (49 U.S.C. 5329(e)(6)(C)). Finally, the apportionment formula in 49 U.S.C. 5329(e)(6)(B) specifically takes into consideration the number, size, and complexity of the rail fixed guideway public transportation systems in the State to ensure adequate funding is available to the State to best meet the Federal requirements. FTA published an explanation of the formula and basis of calculation in a March 10, 2014, **Federal Register** Notice (79 FR 13380).

E. Section 674.19—Certification of a State Safety Oversight Program

FTA received comments from four commenters regarding certification of a State Safety Oversight program, including three SSOAs and one industry association.

1. Section 674.19(a)—Administrator's Determination

Comments: One SSOA commenter asked for clarification regarding FTA's National Public Transportation Safety Plan (National Safety Plan). Specifically, the commenter asked if the National Safety Plan established a ceiling for requirements that an SSOA can establish. The commenter expressed concerns over potential situations where information in the National Safety Plan conflicts with a State's SSO program. The commenter requested clarification on what elements within the SSO program and an RTA's ASP require consistency with the National Safety Plan. Further, the commenter asked if a State's SSO program would require recertification in light of the updates to the National Safety Plan. Finally, the commenter asked about any timelines that FTA has defined related to updating program documentation to address the updated NSP. The SSOA also asked for clarification on certification in relation to the RTA development process and at which phase of RTA development a State needs to have an approved State Safety Oversight program.

FTA Response: In response to comments regarding the National Safety Plan, FTA confirms that § 674.19(a) states, "the Administrator must determine whether an SSO program is adequate to promote the purposes of 49 U.S.C. 5329, including, but not limited to, the National Public Transportation Safety Plan, the Public Transportation Safety Certification Training Program, and the Public Transportation Agency Safety Plans." The National Safety Plan presents (1) safety performance criteria for all recipients that must develop ASPs under 49 CFR part 673, including

safety performance measures related to the safety risk reduction program, and (2) voluntary minimum safety standards and recommended practices to support mitigation of safety risk and to improve safety performance. FTA confirms the National Safety Plan does not establish a ceiling related to a State's SSO program requirements and reiterates that the standards and recommended practices presented in Chapter III of the National Safety Plan are voluntary in nature. In terms of standards with which an SSO program must be consistent, FTA notes Chapter II of the National Safety Plan outlines the safety performance measures required of all agencies subject to the PTASP regulation for which each RTA must set safety performance targets and document them in their ASP. Finally, if any changes are needed to program documentation, FTA expects SSOAs and RTAs to make any needed changes to program documentation through the organizations' next review and update cycles based on existing SSO and ASP review processes. FTA confirms that the publication of a revised National Safety Plan does not require a new certification for each State. A State must have a certified State Safety Oversight Program by the time a rail fixed guideway public transit system reaches the engineering or construction phase.

2. Section 674.19(c) and (d)—Issuance of Denial

Comments: An industry association requested that FTA provide criteria in the rule for how FTA or the FTA Administrator would make a determination regarding certification, including a determination of whether an SSOA is "inadequate" or "incapable," as described in statute at 49 U.S.C. 5329(e)(8)(A). Two SSOAs requested clarification on the timeframe for certification or denial of certification and any related follow-up timeframes. One SSOA expressed support for the regulatory language that accommodates an SSOA developmental plan and schedule to support the FTA Administrator's evaluation of the SSOA. The commenter recommended that such a plan and schedule should be able to accommodate related processes such as hiring that may involve a different group and/or agency. Two SSOAs asked for clarification on the term "cognizant."

Two SSOAs expressed concern that withholding of funds for SSOAs that are unable to meet the requirements for certification may be counterproductive. One SSOA commenter expressed the need for clarification regarding the distinction between the terms SSO

program, SSOA, and State as they relate to the requirements of § 674.19(d) and 49 U.S.C. 5329.

FTA Response: FTA first notes § 674.19 of this rule is substantially similar to the 2016 rule. With respect to the request to define criteria in part 674 that FTA would use to evaluate SSO agency capabilities, FTA declines to establish additional criteria beyond the requirements established in this final rule. In an instance where an SSO program does not meet the requirements of 49 U.S.C. 5329, the Administrator will provide a written explanation and allow the State an opportunity to modify and resubmit SSO program documentation for the Administrator's approval. FTA has not defined a set timeframe for issuing a certification or denial of certification or deadlines for any necessary follow-up activity. FTA appreciates the support for the regulatory language addressing the developmental plan and schedule to support the FTA Administrator's evaluation of an SSOA and notes that the developmental plan and schedule should include and address the issues identified by the commenter, including hiring and interagency communications. The term "cognizant SSOA" is used to refer to the relevant or recognized SSOA and means the entity is aware of its role as an SSOA for the State. Further, FTA notes that this language has been used in part 674 since its promulgation in 2016.

In response to the comments received regarding the effectiveness of withholding funds, FTA confirms that the withholding of funds is an option available to the Administrator under 49 U.S.C. 5329(e)(7)(D)(ii), 5329(e)(8)(C), and 5329(g). Further, FTA notes that statutory and regulatory language does not require the Administrator to withhold funds but states that the Administrator "may" withhold funds.

As to the relationship between a State, SSOA Program, and SSOA, the SSOA is the agency within a State that carries out the State's SSO Program. Necessarily, FTA monitors SSOA compliance with regulatory requirements in addition to other inputs to ensure a State is meeting its statutory requirements to establish an SSO Program that is adequate to promote the purposes of 49 U.S.C. 5329.

F. Section 674.21—Withholding of Federal Financial Assistance for Noncompliance

Comments: FTA received comment submissions from two SSOAs and one industry association regarding the withholding of funds for non-compliance and the requirement for an

SSO program to be approved by the FTA Administrator prior to a rail fixed guideway public transportation system entering the engineering or construction phase in a State without any rail fixed guideway public transit systems (new entrants). All three commenters noted that with the previous transition from part 659 to part 674, States were afforded three years to develop compliant programs and achieve certification. The commenters asserted the proposed change to base the timeline on the developmental progress of an RTA does not afford a new SSOA sufficient time to achieve SSO program certification. The commenters recommended FTA establish a three-year timeframe for a new State to establish a compliant SSO program.

FTA Response: The statute at 49 U.S.C. 5329(e)(2) requires States to provide safety oversight for any rail fixed guideway public transportation system in the engineering or construction phase of development within the jurisdiction of the State that will not be subject to regulation by the Federal Railroad Administration (FRA). This is not new. Therefore, a State without any rail transit systems is obligated to stand up an SSO program before a new rail transit system enters the engineering or construction phase of development. FTA notes the three-year timeframe defined in the previous part 674 was established by statute to support the transition of existing SSO programs to a new rule (from part 659 to part 674). To ensure a State meets its statutory requirement to provide safety oversight for any rail fixed guideway public transportation system in the engineering or construction phase of development, a three-year certification process is not feasible. FTA encourages States without an SSOA and with a new rail transit project in the planning stage to coordinate with FTA and the rail transit project sponsor early in the project development process to support the development of compliant SSO programs.

G. Section 674.23—Confidentiality of Information

Comments: One SSOA commenter requested clarification on the criteria that a State or RTA should use to withhold a report from being admitted as evidence or used in a civil action for damages resulting from a matter mentioned in the report. The commenter also asked for clarification on the use of the term "security" in § 674.23(b).

FTA Response: Section 674.23(b) provides that part 674 does not require security-sensitive information to be

publicly available. This language is unchanged from the previous version of part 674 and stems from FTA's relationship with the Transportation Security Administration (TSA) and the elimination of requirements for System Security Plans previously required under 49 CFR part 659. As FTA noted in the publication of the original part 674 in 2016, TSA, an agency of the United States Department of Homeland Security (DHS), has the prerogative and responsibility for all rulemakings on security in public transportation. Specifically, under the Implementing the Recommendations of the 9/11 Commission Act of 2007 (Pub. L. 110–53), the September 2004 Memorandum of Agreement between DOT and DHS, and the September 2005 modal annex between FTA and TSA, DHS is tasked with the responsibility for carrying out a national strategy for public transportation security to minimize security threats and to maximize the ability of public transportation agencies to mitigate damage from terrorist attacks and other major incidents. While this does not preclude RTAs from implementing measures securing their assets, it is no longer the responsibility of the SSOAs to oversee those measures. FTA recognizes, of course, that some of the steps an RTA takes to ensure the personal safety and security of its riders and employees will overlap with steps it takes to secure its system from a terrorist attack, such as the steps an agency takes that are part of a threat and vulnerability assessment.

H. Section 674.25—Role of the State Safety Oversight Agency

FTA received comments from twelve commenters regarding § 674.25, including seven SSOAs, two RTAs, one industry association, one individual, and one contractor.

1. General

Comments: One RTA commenter recommended that FTA consider acknowledging the role of the SSOA engaging in active assistance of the RTA. The commenter noted that FTA's transition away from the "system safety" approach codified within the former part 659 to the current SMS approach of part 674 relies on the design of workable and effective processes to manage safety risk and evaluate the results of those efforts. To achieve success, the commenter asserted, SSO programs should not only entail compliance-based processes but should include engagement in continuous improvement processes, best practices, and other assistance.

FTA Response: FTA agrees that effective SSO programs will focus on more than just compliance. FTA encourages SSOAs to develop and implement oversight practices that support an SMS and that apply continuous improvement principles and best practices. FTA notes that new SSOA requirements related to risk-based inspections, oversight of safety risk mitigations, and data to support oversight of safety risk management activity align with this focus.

2. Section 674.25(a)—Minimum Standards

Comments: Two SSOAs and one industry association requested that FTA clarify the meaning of the term “minimum standards for safety” in § 674.25(a), asserting that without a clear understanding of this term, SSOAs would not know what baseline or criteria FTA would use to audit SSOA compliance. One SSOA commenter requested clarification on whether the National Safety Plan reference in § 674.25(a) means that SSO program standards cannot go beyond the requirements established within FTA’s National Safety Plan. Further, the commenter expressed concerns over potential situations where information in the National Safety Plan conflicts with a State’s SSO program. The commenter requested clarification on what elements within the National Safety Plan require consistency with the SSO program and an RTA’s ASP.

FTA Response: Subsection 674.25(a) remains unchanged from the 2016 rule and FTA is not aware of any difficulties in SSOAs implementing the rule. FTA defines the requirements for SSO programs and SSO program standards in this final rule, with § 674.27 describing the required components of an SSO program standard. FTA notes that in this way the regulation establishes minimum safety requirements and confirms that an SSOA may establish standards and requirements beyond the minimum requirements of part 674 in their SSO program standard. FTA will audit SSOAs to ensure that the SSO program standard meets the requirements of part 674 and that the SSO program standard is being carried out as written.

FTA confirms that § 674.25(a) requires an SSOA to establish minimum standards for the safety of all rail fixed guideway public transportation systems within its oversight that are consistent with the National Safety Plan. As noted in section E.1 of this preamble, the National Safety Plan presents (1) safety performance criteria for all recipients that must develop ASPs under 49 CFR

part 673, including safety performance measures related to the safety risk reduction program and (2) voluntary minimum safety standards and recommended practices to support mitigation of safety risk and to improve safety performance. The National Safety Plan does not establish a limit or ceiling related to a State’s SSO program requirements and the standards and recommended practices presented in Chapter III of the National Safety Plan are voluntary in nature. FTA notes that Chapter II of the National Safety Plan outlines the safety performance measures required of all agencies subject to the PTASP regulation for which each RTA must set safety performance targets and document them in their ASP.

3. Section 674.25(b)—Agency Safety Plan Review and Approval

Comments: One RTA commenter asked if § 674.25(b) establishes a requirement for an annual ASP review and approval. One SSOA commenter recommended that FTA revise regulatory text to include a reference to a State’s “SSO program” and suggested that the use of general terms makes compliance difficult if not impossible. Further, the commenter recommended that FTA revise the existing regulatory text in § 674.25(b) from “enforce the execution” to “enforce the compliance,” asserting that execution is the responsibility of the RTA’s Accountable Executive and the SSOA is responsible for compliance.

FTA Response: Subsection 674.25(b) is substantially unchanged from the 2016 rule. Subsection 673.25(b) does not establish timeframe requirements for an RTA’s ASP review process. FTA notes that the PTASP regulation at § 673.11(a)(5) requires each transit agency to conduct an annual review of its ASP. Subsection 673.25(b) requires an SSOA to review and approve an RTA’s ASP and subsequent updates to the ASP that may result from the required annual review. FTA disagrees with the commenter who suggested the language in § 673.25(b) makes compliance difficult if not impossible and notes the language at § 673.25(b) remains unchanged from the original publication in 2016 and to date has not resulted in compliance issues. Further, FTA declines to replace the word “execution” with “compliance” and notes SSOAs are charged with overseeing compliance, which means ensuring that an RTA executes its ASP. Subsection 673.25(b) suggests that SSOAs can do this through a CAP or other enforcement means based on which type of enforcement tool would

be appropriate or necessary given the specifics of the compliance issue.

4. Section 674.25(c)—Engineering and Construction

Comments: Six SSOAs, one RTA, and one contractor submitted comments related to § 674.25(c) and the requirement for SSOAs to provide oversight of an RTA’s project(s) in the engineering and construction phase to verify compliance with Federal and State safety requirements.

Two SSOA commenters requested that FTA develop guidance on the SSOA’s role in oversight of major capital projects, including instances where FTA is utilizing its Project Management Oversight (PMO) program. One contractor commented that the project phase terminology used in the rule is not the same as the project phases of the PMO program.

One SSOA commenter requested clarification on the SSOA’s responsibilities to ensure proper compliance during engineering and construction and whether the SSOA is responsible for overseeing all aspects of a capital project. One contractor and one SSOA commenter asserted the phrase “applicable Federal and State safety requirements” is very broad. These commenters and an additional SSOA commenter sought clarification on the scope of oversight, including clarification that FTA does not intend for SSOAs to perform the oversight functions of FTA’s PMO contractors for certain rail projects, including things that are normally outside of the purview of the SSOA, such as budgeting, financial planning, social and economic equity, and environmental protection. Three SSOA commenters recommended that there be a clear distinction between the roles and responsibilities of FTA’s PMO contractors and the SSOA and clarity regarding SSOA responsibility.

Two SSOA commenters recommended that FTA extend oversight responsibility earlier in the life of an RTA project, to the planning phase. One SSOA commenter and one individual objected to the requirements for oversight of projects in the engineering or construction phase. The SSOA commenter asserted the language of § 674.25(c) is too vague, impractical, and duplicative of existing processes, including FTA’s PMO program. The SSOA commenter recommended FTA convene an industry working group to evaluate the provision before implementation. The SSOA commenter requested FTA provide additional clarification regarding applicable projects, scope for compliance, and relationship with existing oversight

programs. Further, the SSOA commenter disagreed with FTA's assertion that the language in this subsection parallels the statutory language in 49 U.S.C. 5329(e)(2)(B) and clarifies FTA's intent that SSOAs take an active oversight role during a project's pre-revenue phases. Instead, the commenter suggested, the terminology is used in statute only to define "eligible states" and should not be interpreted by FTA to define the scope of safety oversight.

One RTA commenter requested revising the language of § 674.25(c) to add "on a rail fixed guideway public transportation system" to add additional qualifying language for the term "RTA project."

FTA Response: FTA appreciates the request for additional guidance related to the SSOA's role in oversight of engineering and construction of major capital projects, including instances where FTA is utilizing its PMO program, and will consider this topic for future guidance and technical assistance. FTA confirms that the terminology "engineering or construction phase" is not the same as the terminology used in FTA's PMO program. The terminology at § 674.25(c) comes from 49 U.S.C. 5329(e)(2)(B) whereas the PMO phases are based on project development standards. FTA is not establishing a new interpretation but is using existing statutory language. Under the original 49 CFR part 659, FTA established revenue service as the start of State safety oversight. Under the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA, Pub. L. 102–240), Congress moved the start of State oversight to planning and design phases. Under Moving Ahead for Progress in the 21st Century Act (MAP–21, Pub. L. 112–141), Congress moved the start of State oversight to the construction or engineering phase where it remains today. FTA's understanding of Congressional intent establishes the engineering or construction phase as the start of required safety oversight responsibility for States. However, States may choose to oversee the safety of rail projects earlier in the process at their discretion. FTA notes § 674.25(c) provides SSOAs flexibility, and SSOAs should address the determination of "engineering or construction phase" in the SSO program standard. Criteria examples may include triggering events such as project groundbreaking, solicitation of bids for construction activity, a finding of no significant impact under the National Environmental Policy Act (NEPA), etc.

FTA confirms that an SSOA is not responsible for overseeing aspects of a

project that are traditionally addressed through FTA's PMO program, including areas such as budgeting, financial planning, social and economic equity, and environmental protection, and notes the SSOAs oversight responsibilities are limited to safety. FTA agrees with commenters who recommended a clear distinction between the roles and responsibilities of FTA's PMO contractors and the SSOA and notes that SSOAs are not expected to conduct PMO reviews of grantees or recreate such processes. Instead, FTA expects SSOAs to work with RTAs to ensure the development of necessary program elements, processes, and documentation that address the requirements of 49 CFR part 673, 49 CFR part 674, and the State's SSO program standard.

As for the comments that recommended extending a State's oversight responsibility to earlier in the life of an RTA project, to the planning phase, FTA declines to make this change and notes that, as mentioned above, ISTEA provided SSOAs with this authority, but under MAP–21, Congress moved the start of oversight from the design phase to the construction or engineering phase where it remains today. Further, FTA notes that mandating an earlier involvement would represent a significant change from existing requirements and would require additional notice and comment.

FTA declines to remove of the requirement for States to ensure the safety oversight of projects in the engineering or construction phase and notes the requirements and language of § 674.25(c) are established in statute and are not new. Further, FTA reiterates the requirement for a State to oversee safety of a rail project during the engineering or construction phase is not duplicative of the PMO process and is not intended to recreate PMO-related processes. FTA does not believe it is necessary to establish an industry working group to evaluate the provision before implementation. As mentioned earlier in this section, FTA will consider the topic of the SSOA's role in oversight of major capital projects and the relationship to the PMO program for future guidance and technical assistance. Further, FTA disagrees with the commenter's assessment that the statutory language should not be used to establish the scope of safety oversight. FTA notes that this interpretation has been applied by FTA since the publication of the first Section 5329 apportionment on March 10, 2014 (79 FR 13380) and this was reiterated in the publication of the original 49 CFR part 674 in 2016 (81 FR 14256).

Finally, declines to add the phrase "on a rail fixed guideway public transportation system" to § 674.25(c) as FTA does not believe such a change serves to clarify the existing requirement.

5. Section 674.25(d)—Agency Safety Plan Requirements

Comments: One SSOA commenter recommended FTA amend § 674.25(d) to reflect the requirements in 49 U.S.C. 5329(k) for SSOAs to conduct risk-based inspections, asserting that ASPs should address an SSOA's risk-based inspection program. One SSOA commenter requested clarification on SSOA jurisdiction over transit systems and projects that are not related to rail transit, noting that currently SSOAs have no such jurisdiction unless they are granted that authority on a State level.

FTA Response: This provision is in § 675.25(b) of the 2016 rule. The intent of § 674.25(d) is to address the SSOA's obligation to assure the RTA is in compliance with PTASP provisions at 49 U.S.C. 5329(d) and the PTASP rule at 49 CFR part 673. Part 673, at § 673.11(a)(6) addresses the new requirement in 49 U.S.C. 5329(k) so is already captured in regulatory text. Further, FTA has revised the definition of "State Safety Oversight Agency" at § 674.7 to include the reference to 49 U.S.C. 5329(k) to incorporate the risk-based inspection requirements established by the BIL. FTA confirms that part 674 does not establish any requirement for SSOAs to oversee the safety of bus systems, even bus services operated by transit agencies that also provide rail service applicable under part 674. SSOAs are responsible for overseeing an RTA and ensuring its ASP meets the requirements for part 673. FTA notes that some ASPs address both rail and bus operations. Part 674 does not require SSOAs to evaluate part 673 compliance for bus services. However, this final rule does not prevent SSOAs from performing additional oversight activities at their discretion pursuant to their State laws.

6. Section 674.25(e)—Allegations of Noncompliance

Comments: One SSOA commenter expressed concern at the language within § 674.25(e) that assigns the SSOA with the primary responsibility for investigating "any allegation of noncompliance," asserting this puts undue responsibility on an SSOA and fails to address the RTA's responsibility to address and respond. The commenter also noted there is no SSOA notification or reporting requirement in the

proposed rule or other FTA regulations for allegations of noncompliance. One individual requested that FTA add a reference to 49 U.S.C. 5330 when describing the Administrator's authority.

FTA Response: This subsection is identical to § 675.25(d) of the 2016 rule. The final rule continues to require SSOAs to investigate allegations of noncompliance when those allegations are brought to the attention of the SSOA. Further, FTA does not believe that the requirement for SSOAs to investigate allegations of noncompliance absolves an RTA for carrying out its own processes to address such safety concerns according to processes defined in the RTA's ASP. FTA declines to add a reference to 49 U.S.C. 5330, noting the statute was repealed in 2019 in accordance with section 20030(e) of MAP-21, and 49 U.S.C. 5329(f) provides the Administrator's authority.

7. Section 674.25(f)—Investigations

Comments: Two SSOA commenters suggested that § 674.25(f) include additional language explicitly authorizing the SSOA to delegate investigation authority to the RTA. One individual commenter suggested FTA include an additional requirement in § 674.25(f) for investigation reports to clarify corrective actions to prevent recurrence and assign a corrective action plan identification number.

FTA Response: FTA declines to add additional language to § 674.25(f) regarding the delegation of investigation responsibility to the RTA and notes this is addressed at § 674.35(b). FTA declines to require CAPS to be included in investigation reports and notes FTA has established requirements for CAPs at § 674.35. Further, nothing in the rule prevents an SSOA from requiring the documentation of CAPs within a final investigation report.

8. Section 674.25(g)—Contractor Investigation Support

Comments: One individual commenter suggested FTA add additional text to § 674.25(g) to reference incidents and occurrences and to note that the SSOA is responsible for the investigations.

FTA Response: FTA declines to revise § 674.25(g) and notes that part 674 has eliminated references to incidents and occurrences with the transition to the new definition of "safety event" in parts 673 and 674. Further, FTA it is not necessary to restate the SSOA's primary responsibility for investigation, as that is stated in § 674.25(f).

9. Section 674.25(h)—SSOA Compliance With PTSCTP

Comments: One commenter noted that FTA has removed the PTSCTP curriculum in the proposed revisions to 49 CFR part 672 (88 FR 73573). The commenter asked where they could find guidance on PTSCTP to ensure minimum standards are developed consistent with PTSCTP. The commenter also recommended FTA revise the language of § 674.25(h) to include the term "designated personnel" or simply state, "SSOAs must comply with Part 672."

FTA Response: FTA notes that information on PTSCTP can be found at FTA's safety training website: <https://www.transit.dot.gov/regulations-and-guidance/safety/safety-training>. FTA has revised § 674.25(h) to include the term "designated personnel."

I. Section 674.27—State Safety Oversight Program Standards

1. Section 674.27(a)(3)—Disposition of RTA Comments

Comments: FTA received comments from three SSOAs, two RTAs, and one individual related to § 674.27(a)(3). The three SSOA commenters generally agreed with FTA's proposal. Two of these SSOA commenters requested clarification that SSOAs would not be required to accept all suggestions made by the RTA. The other SSOA commenter noted that the process described in § 674.27(a)(3) is already being implemented and documented in SSO program standards. One RTA commenter requested FTA define additional minimum requirements for this process, including specifically how comments are submitted, request and response timeframes, expectations, and approval processes. One RTA commenter supported the proposed requirement and urged FTA to formalize its role in settling jurisdictional questions and interpretations of FTA regulations by establishing a process for SSOAs and RTAs to bring matters of disagreement before a hearing with FTA. Similarly, one individual commenter suggested FTA needs to collaborate with SSOAs to develop and formalize a conflict resolution and escalation process for FTA and SSOAs.

FTA Response: FTA appreciates commenters' support for the provisions at § 674.27(a)(3) and thanks those SSOAs and RTAs that are already implementing this process. FTA confirms the requirement at § 674.27(a)(3) does not require the SSOA to accept all suggestions made by the RTA. FTA declines to establish additional minimum requirements

related to this process and preserves the flexibility of SSOAs to define these aspects but notes that an SSOA is responsible for defining how it will address the requirements and documenting this in the SSO program standard. FTA declines to establish a hearing process for conflicts between SSOAs and RTAs, noting that is outside the scope of this regulation. Further, FTA notes that it does not serve in a mediator role between RTAs and SSOAs and can use existing mechanisms to support intervention with RTAs and SSOAs if necessary. Similarly, developing a conflict resolution process is outside the scope of this current regulatory effort. However, FTA will consider these suggestions for SSOAs and RTAs as topics for future rulemakings.

2. Section 674.27(a)(5)—Oversight of RTA Public Transportation Agency Safety Plans and Internal Safety Reviews

Comments: FTA received comments from three SSOAs and one contractor related to § 674.27(a)(5). One SSOA commenter noted that SSOAs are already implementing the activities required in the proposed rule. Two SSOA commenters requested clarification on the use of the term "internal safety review" and noted that in the past, FTA had referred to these activities as "internal audits." Further, the two commenters noted that State Safety Oversight Reporting Tool (SSOR) uses the phrase "internal audit" and that other programs, such as PTSCTP, refer to "audits and examinations," and pointed out that the Transportation Safety Institute (TSI) delivers courses titled "Transit Safety and Security Audits." The commenters sought clarification on whether the terminology change in the rule is intended to "lower the bar" for internal safety reviews. One contractor suggested the phrase "the SSOA will receive and evaluate all material submitted under the signature of an RTA's Accountable Executive" was too broad and, taken literally, could mean any document the Accountable Executive signs. The contractor also commented that 49 CFR part 673 does not include the specific internal safety review requirements established in § 674.27(a)(5)(i-iv) and that FTA should require RTAs to document the associated processes in their ASP.

FTA Response: Paragraph 675.27(a)(5) is substantially similar to paragraph 675.27(a)(4) of the 2016 rule, so FTA is encouraged to know SSOAs and RTAs are complying with the 2016 rule. FTA notes that under part 659, FTA referred to this activity as "internal safety and

security audits.” With the transition to 49 CFR part 674 in 2016, FTA used the term “internal safety reviews” to describe this activity at § 674.27(a)(4). With this final rule, FTA continues to use the term “internal safety review,” and the terminology does not “lower the bar” for this RTA function. To the contrary, FTA has defined explicit requirements for internal safety reviews at §§ 674.27(a)(5)(i–iv). FTA confirms the SSOR uses the terminology “internal safety review.” Finally, FTA confirms that § 674.27(a)(5) does not require the SSOA to evaluate all material that an Accountable Executive may sign. Instead, in alignment with the title of the paragraph, the requirement at § 674.27(a)(5) applies to the oversight of RTA ASPs and internal safety reviews and includes documents the RTA submits to the SSOA under signature of the Accountable Executive to address SSO program requirements, such as an RTA’s ASP and the RTA’s annual report on internal safety reviews. Further, FTA confirms that § 673.27(d)(1)(iii) requires RTAs to address any specific internal safety review requirements established by their SSOA in the ASP.

3. Section 674.27(a)(6)—Oversight of Safety Risk Mitigations

Comments: FTA received comments from three SSOAs and one RTA related to § 674.27(a)(6) and the requirements for the oversight of RTA safety risk mitigations. One SSOA commenter noted that SSOAs are already implementing the activities required in the proposed § 674.27(a)(6). Two SSOA commenters noted that under the requirements of 49 CFR part 673, RTAs determine mitigation effectiveness through their safety assurance processes. Further, the commenters noted the SSOA receives and reviews information on RTA safety risk mitigations for oversight of compliance, but the RTA Accountable Executive and Chief Safety Officer are empowered to dictate the action of the RTA. One RTA commenter noted their safety risk mitigation processes have been documented, approved by the SSOA, and implemented since 2020, but if the SSOA were to establish new requirements related to safety risk mitigations, it could be disruptive to the maturation of the RTA’s SMS and burdensome. The commenter recommended FTA encourage SSOAs to review existing mitigation processes instead of establishing completely new requirements. One SSOA commenter asked for confirmation that the requirements of § 674.27(a)(6) were considered in the rule’s cost estimate.

FTA Response: FTA appreciates the support for this provision and thanks SSOAs that currently oversee the safety risk mitigations of an RTA as required at § 674.27(a)(6). FTA generally agrees with the statement that while an SSOA receives information regarding safety risk mitigations, it is RTA’s Accountable Executive and Chief Safety Officer that are empowered to direct the action of the RTA, and notes it is not in conflict with the requirements at § 674.27(a)(6). FTA notes that these requirements do not charge SSOAs with monitoring the effectiveness of safety risk mitigations but instead require SSOAs to define a process in the SSO program standard for reviewing information and data related to safety risk mitigations to ensure that the RTA is developing, implementing, and monitoring safety risk mitigations according to the documented and approved processes in their ASP. FTA confirms that nothing in this final rule establishes new requirements for how an RTA identifies, implements, and monitors safety risk mitigations, nor does the rule require SSOAs to establish new requirements for how an RTA identifies, implements, and monitors safety risk mitigations. Finally, FTA confirms that § 674.27(a)(6) was considered when developing the rule’s cost estimate. FTA notes that § 674.27(a)(6) does not establish a new oversight requirement but explicitly identifies existing oversight responsibility. Safety risk mitigations are an existing required element of an SMS that must be addressed in an ASP and are included in SSOA oversight responsibilities. As such, this provision does not create additional oversight burdens.

4. Section 674.27(a)(7)—Oversight of RTA Compliance With the Public Transportation Safety Certification Training Program

Comments: FTA received comments from five SSOAs, one RTA, one industry association, and one contractor related to § 674.27(a)(7) and the requirements for the oversight of RTA compliance with the PTSCTP. One SSOA commenter noted that SSOAs are, for the most part, already implementing the activities required in § 674.27(a)(7). The remaining four SSOAs, one RTA, and one industry association expressed concern with language that seems to require the SSOAs to formally review and approve each RTA designation for the purposes of PTSCTP designated personnel and to formally review and approve each refresher training administered by the RTA. Three SSOA commenters and one industry association commenter disagreed that

SSOAs should be approving these PTSCTP designations and trainings, noting that this should be the responsibility of the RTA. One RTA commenter noted that under part 672, this responsibility is given to the RTA. Several commenters also noted that this would place an additional burden on SSOAs and would be duplicative of existing efforts, and one SSOA asked for confirmation that required approvals were considered in the estimate of burden.

FTA Response: FTA appreciates the support for this provision and acknowledges those SSOAs that currently oversee the RTA compliance with the PTSCTP consistent with § 674.27(a)(7). FTA appreciates the concerns raised by commenters regarding the proposed language that seemed to require the SSOAs to formally review and approve each RTA designation for the purposes of PTSCTP designated personnel and to formally review and approve each refresher training administered by the RTA. FTA has revised the language in this final rule to address the concerns raised by these commenters. FTA clarifies that § 674.27(a)(7) requires SSOAs to oversee RTA compliance with PTSCTP requirements and that SSOAs may define in their SSO program standard how they will oversee RTA compliance. FTA confirms that the rule’s cost estimate does not include costs associated with formal SSOA approval of designations and refresher training development because the final rule does not require these approvals.

5. Section 674.27(a)(8)—Triennial SSOA Audits of RTA Public Transportation Agency Safety Plans

Comments: One SSOA commenter requested clarification on the use of the term “agree” and whether that meant if an RTA does not agree to an ongoing review over the three-year period, would the SSOA be forced to perform one triennial audit, or could the SSOA determine, at its own discretion, to do audits on an ongoing basis.

FTA Response: The language in paragraph 674.27(a)(8) is identical to § 674.27(a)(5) of the 2016 rule and FTA believes this language is sufficient to support SSOA audit scheduling with RTAs. The scheduling of the SSOA’s triennial audit is expected to be cooperative between the SSOA and RTA while recognizing the SSOA is responsible for conducting triennial audits in compliance with part 674 and as specified in the SSO program standard. If an RTA takes issue with the triennial audit schedule as outlined in the SSO program standard, the RTA

may provide a comment or suggestion to the SSOA as permitted under § 674.27(a)(3).

6. Section 674.27(a)(9)—Safety Event Notifications

Comments: Two SSOA commenters requested clarification on the notifications referenced in § 674.27(a)(9) and suggested that FTA not require the notification of events that do not meet the notification criteria in § 674.33.

FTA Response: Except for changing “accident” to “safety event” and adding FTA as an entity the RTA needs to report to, this provision is the same as the provision at § 674.27(a)(6) of the 2016 rule. FTA has designated safety events in § 674.33 as minimum requirements and does not want to limit SSOAs if they wish to have RTAs report on safety events that do not appear in § 674.33.

7. Section 674.27(a)(10)—Investigations

Comments: Two SSOA commenters requested FTA clarify that an SSOA may delegate investigation responsibility to the RTA and adopt the final report as its own. One of the SSOA commenters noted that it may be difficult to detail the role of the SSOA in supporting any safety event investigation conducted by the NTSB or FTA as those entities will be leading the safety event investigation and utilize the resources of the SSOA on a case-by-case basis.

FTA Response: More detail on this requirement is in § 674.35(b), “The SSOA is ultimately responsible for the sufficiency and thoroughness of all investigations, whether conducted by the SSOA or RTA. If the SSOA requires an RTA to investigate a safety event, the SSOA must conduct an independent review of the RTA’s findings of causation.” Further, § 674.35(b) states, “The SSOA must formally adopt the report of a safety event . . .”

FTA recognizes the involvement of the NTSB and FTA in safety event investigations processes may vary based on the investigating body and defining the role of the SSOA may be difficult. Given this circumstance, the regulation deliberately does not define the SSOA’s role and processes in the regulation with respect to the NTSB or FTA role in leading safety event investigations. Safety event investigations are not always routine, and agencies, particularly the SSOA and RTA, may need to be flexible during the investigation process when the NTSB and FTA are involved.

8. Section 674.27(a)(11)—Corrective Actions

Comments: One SSOA questioned FTA’s use of the word “order” and recommended that SSOAs use wording within their SSOA’s authority to outline how an RTA must develop and carry out a CAP. Further, the commenter noted the conflict management language proposed in § 674.27(a)(11) would also be useful for other required SSO program activity.

FTA Response: FTA acknowledges the commenter’s concern with the use of the phrase “the SSOA must order the RTA to develop and carry out a CAP.” In this case, the term “order” is a synonym used in place of the word “require.” Moreover, this language is identical to that found in the 2016 rule at § 674.37(b).

9. Section 674.27(a)(12)—Inspections

Comments: The NTSB, one SSOA, two RTAs, and two individuals commented on the proposed requirements at § 674.27(a)(12). The NTSB commented that effective risk-based inspection programs rely on adequate staffing and noted that it is reviewing whether staffing shortages at an SSOA may have played a role in a 2023 rail safety event in Chicago. Further, the NTSB expressed support for the proposal for a risk-based inspections program but noted that FTA should develop and issue minimum inspection requirements for a basic list of safety topics that SSOAs should have in their risk-based inspection programs, which would include required topics such as roadway worker protection, hours of service, and fatigue risk management.

One SSOA commenter suggested FTA retitle this paragraph from “Inspections” to “Risk-Based Inspections” because the specific requirements are associated with risk-based inspections programs. One RTA commented that an SSOA’s risk-based inspection program should follow the principles of SMS in utilizing safety risk information to prioritize oversight action and stated that an SSOA’s risk-based inspection program procedures should include presenting the transit agency with the SSOA’s basis for conducting any given inspection, and this basis should be expressed in safety risk terms. The RTA noted that focus on areas that are not risk-based or not associated with the highest levels of safety risk can result in an inappropriate allocation of transit agency resources as the agency pursues corrective actions or other responses that may not effectively mitigate safety risk.

One SSOA commenter asked for FTA to define the terms “resources,” “qualified personnel,” and “complexity,” asserting FTA will evaluate SSOAs based on these criteria and SSOAs need to understand these terms to ensure compliance. One individual commented that SSOAs should have the authority to enter rail transit facilities without prior notice to perform safety inspections to show “normal” conditions, that inspections should be proactive to confirm or improve safety, and that there should be no punitive consequence for the transit agency unless inspections show little or no improvement.

One RTA commenter requested that FTA add language in § 674.27(a)(12)(iii) requiring SSOAs to design risk-based inspections programs in consultation with the RTA to parallel language at 49 U.S.C. 5329(k)(1)(B). One SSOA commenter asked FTA to consider adding language to § 674.27(a)(12)(iii) that addresses announced inspections. The SSOA commenter also asked FTA to consider additional language requiring RTAs to grant SSOA personnel access for inspections. One individual commented that while the proposed rule ensures that SSOAs have the authority to enter rail transit facilities without prior notice to perform safety inspections, FTA should also develop consequences for RTAs that refuse to allow FTA officials to enter their right of way that include fines to individuals and the RTA. In addition, FTA should require RTAs to share track charts to provide FTA with an understanding of the right of way they are accessing and require FTA officials to carry a radio compatible with the RTAs they inspect to communicate with dispatchers regarding their presence and itinerary.

FTA Response: FTA agrees that adequate staffing is critical to ensuring the effectiveness of an inspection program. Proper staffing for SSOA programs, including inspection responsibilities, is also covered at § 674.11(d) and is examined during initial certification and regular audits of the SSOAs. In the instance an SSOA is discovered to be short of staffing or in need of increased resources, FTA may address this through issuing special directives. With respect to the comment asking for clarity of defining and setting expectations on appropriate SSOA staffing levels and resources, FTA recognizes that all SSOA programs are unique and face different challenges. Additionally, SSOA oversight responsibilities may change over time, requiring a modification in staffing resources. For instance, the opening of

a new rail transit system, major extension of a system, or significant safety challenges at a system may require additional SSOA staffing resources to support more oversight. Further, the closing of a rail transit system may require less SSOA staffing resources. FTA declines to amend the regulatory text, to ensure the regulation can accommodate everchanging circumstances at rail transit agencies and allow the SSOA programs to adjust staffing resources and oversight responsibilities as necessary.

FTA appreciates the request for more specific and/or minimum SSOA risk-based inspection requirements, such as roadway worker protection, hours of service, and fatigue management. FTA will maintain the risk-based inspection program as practice driven and prioritized by SSOA and RTA risk management rather than prescribing areas for the inspection program to regularly examine. However, FTA will keep this comment in mind as safety programs continue to be developed, including current and future rulemakings (see, e.g., 88 FR 74107 and 89 FR 20605).

FTA declines to change the heading from “Inspections” to “Risk-based Inspections” in order to recognize other types of inspections that may be appropriate for oversight, such as CAP verification inspections, field inspections for audits, and others. FTA notes that SSO program standards should document or incorporate by reference risk-based inspection processes.

FTA agrees with the comment that risk-based inspections should follow the principles of SMS. FTA expects risk-based inspection activities to synchronize and be built into an RTA’s existing SMS activities. This information will be considered as a topic for FTA guidance and workshops. FTA has determined it is unnecessary to revisit the definition of “risk-based inspections,” “SMS,” or “safety risk management” in this section of the regulation.

The importance of cooperation between the SSOA and RTAs with respect to facility and location access will be defined in the SSO program standard and, as required at § 674.27(a)(3), the RTA is provided the opportunity to comment on the SSO program standard through the comment disposition process.

FTA appreciates the several comments received related to facility access and inspection activities and agrees that these inspections are designed to improve a rail transit agency’s safety. Actions taken by the

SSOA in response to RTA non-compliance are not prescribed by this rule and such actions will be determined by the SSOA. As a matter of defining when or how the RTA will grant access to the SSOA for inspection, this detail shall be developed by the SSOA in concert with what is appropriate for each rail transit agency and memorialized in the SSO program standard or related procedure. In response to the commenter that suggested FTA add language requiring RTAs to grant SSOA personnel access for inspections, FTA notes this is included in the regulation and referenced as “unannounced” inspections.

FTA recognizes that each RTA has developed track right-of-way access protocols for their systems to ensure the safety of personnel and transit operations. SSOA and FTA officials must adhere to the rail transit agency’s access protocols, including radio practices and specialized training as determined by the rail transit agency. FTA will address access restrictions faced specifically by FTA officials on a case-by-case basis. FTA will not issue citations directly to an RTA if violations are found while FTA officials are on-site. However, FTA shall enforce authority granted in 49 U.S.C. 5329 and 49 CFR part 670 when appropriate.

10. Section 674.27(a)(13)—Vehicle Maintenance and Testing

Comments: Four SSOAs, two RTAs, one contractor, and the NTSB commented on the proposed requirements of § 674.27(a)(13) related to vehicle maintenance and testing requirements. Two SSOA commenters and one RTA commenter sought clarification on who is being required to perform the periodic testing of rail transit vehicle braking systems, the RTA or the SSOA. Two RTA commenters expressed serious concerns if the new requirements mean that the SSOA will direct the RTA to undertake a new vehicle maintenance or brake testing regime or change the frequency of its testing instead of following manufacturer recommendations and established RTA procedure (unless or until the need for such changes is demonstrated through the agency’s own testing or the oversight process). One commenter requested that FTA consider developing additional guidance to support SSOA compliance with this new requirement, issuing a Safety Advisory that addresses the NTSB recommendation R-17-04 and providing additional detail to support RTA and SSOA compliance. Further, the contractor suggested the proposed

requirement appears to go beyond rail vehicle braking system testing to address the entire RTA vehicle maintenance program. Two SSOA commenters recommended against FTA establishing vehicle maintenance inspections as a distinct program area for the SSOA’s program standard. Both SSOA commenters recommended allowing the SSOA the flexibility to determine how often and to what depth it reviews these aspects of the RTAs it oversees. One of these SSOA commenters recommended that FTA remove this proposed requirement from the SSO program standard and instead allow SSOAs to address this issue through the risk-based inspections program because of the burden associated with conducting such inspections.

The NTSB urged FTA to develop minimum brake system test and inspection criteria and require SSOAs to perform rail transit vehicle brake system tests and inspections.

FTA Response: To clarify, the rail vehicle brake system maintenance and testing program is established and implemented by the RTA, not the SSOA. It is the SSOA’s responsibility to oversee that the RTA brake system maintenance and testing program is effectively established and implemented as written.

FTA appreciates the suggestion to develop guidance or issue a Safety Advisory to better inform SSOAs and RTAs of the scope and expectations for this new requirement. FTA will take this suggestion under consideration.

This requirement does not change oversight responsibilities but specifies that RTAs are required to perform periodic brake system testing and maintenance activities. It is the SSOA’s purview, now as it has been in the past, to verify that the RTA is implementing these activities. It is not the SSOA’s responsibility to perform the brake system testing. Further, FTA notes that SSOAs may incorporate vehicle brake system maintenance into their risk-based inspection program.

Regarding NTSB’s suggestion that FTA provide minimum inspection standards for braking system maintenance and testing, this is outside the scope of this regulation, but FTA will consider this suggestion in future action.

11. Section 674.27(a)(14)—Data Collection

Comments: FTA received comments from two SSOAs, two RTAs, and one individual in response to the proposed requirements at § 674.27(a)(14). One SSOA commenter recommended against

FTA establishing data collection as a distinct program area for the SSOA's SSO program standard and asserted the SSOA should be allowed the flexibility to determine how often and to what depth it reviews these aspects of the RTAs it oversees. One RTA requested that FTA add language to § 674.27(a)(14) that specifies that data collection policies and procedures will be developed in consultation with the RTA. One individual commenter recommended that SSOAs should be allowed to collect data from RTAs with safeguards to protect personal information and rules similar to FRA's 49 CFR part 225. One SSOA commenter asked FTA if data access requirements should be included in the SSO program standard with consideration for cyber security precautions. One RTA commenter recommended revisions to the proposed requirement, suggesting the SSO program standard define how the SSOA will use RTA data to support the SSOA's oversight of the RTA's safety risk management activities.

FTA Response: The regulation does not require any particular data collection. Instead, the regulation requires "policies and procedures for collecting and reviewing data that the RTA uses when identifying hazards and assessing safety risk". The regulation does not detail "how" (scaling, frequency, depth) the SSOA is to conduct these activities. This will be left to the SSOA to determine and memorialize in policies and procedures as applicable.

FTA acknowledges the importance of cooperation between the SSOA and RTAs with respect to data sharing and access. This practice will be defined in the SSO program standard and, as required in § 674.27(a)(3), the RTA is provided the opportunity to comment on the SSO program standard through the comment disposition process.

FTA agrees the protection of sensitive SSOA and RTA information and employee personal information is important. Section 674.23(b) provides protections for SSOA and RTA security-sensitive information. FTA expects SSOAs and RTAs to follow and apply existing laws that protect personal information for employees and contractors.

FTA agrees with the commenter that suggested the SSOA should define how the SSOA will use RTA data to support the SSOA's oversight activities. FTA has added the following language, shown italicized, to the final rule to address this comment: "The program standard must include policies and procedures for collecting and reviewing data that the RTA uses when identifying hazards

and assessing safety risk *and explain how the SSOA uses collected data to support oversight of the RTA's safety risk management process.*"

FTA recognizes data access and cyber security practices will be different for each SSOA and respective RTAs. The regulation purposely does not specify nor prescribe methods for data sharing and cyber security. Each SSOA and respective RTA are to define policies and practices that work amongst the agencies for ensuring secure data access and sharing.

J. Section 674.29—Public Transportation Agency Safety Plans: General Requirements

Comments: Two SSOA commenters expressed confusion regarding the language at § 674.29 related to the National Safety Plan. Both commenters requested clarification on what elements within the National Safety Plan require consistency with the RTA's ASP. Both SSOA commenters also requested clarification on the removal of subsection (b), which is in the 2016 rule.

FTA Response: As clarified in section E.1 above, the National Safety Plan presents (1) safety performance criteria for all recipients that must develop ASPs under 49 CFR part 673, including safety performance measures related to the safety risk reduction program, and (2) voluntary minimum safety standards and recommended practices to support mitigation of safety risk and to improve safety performance. The National Safety Plan does not establish a ceiling related to a State's SSO program requirements and the standards and recommended practices presented in Chapter III of the National Safety Plan are voluntary in nature. In terms of requirements defined in the National Safety Plan, FTA notes that Chapter II of the National Safety Plan outlines the safety performance measures required of all agencies subject to the PTASP regulation for which each RTA must set safety performance targets and document them in their ASP. With respect to the removal of subsection (b), FTA notes that because the 2016 version of part 674 was published prior to part 673, FTA provided a list of the expected PTASP elements in subsection (b) as an interim measure to guide SSOAs. With the publication of part 673 in 2018, the list is no longer necessary.

K. Section 674.31—Triennial Audits: General Requirements

Comments: FTA received comments from two SSOAs and one RTA related to the requirements for triennial audits proposed at § 674.31. Two SSOA

commenters recommended FTA add language to this section regarding the SSOA and RTA agreeing to schedule ongoing audits. One SSOA commenter requested guidance to support the SSOA's analysis of the effectiveness of an RTA's ASP. The SSOA commenter also asserted that it is the RTA's job to monitor effectiveness and it is the SSOA's job to monitor compliance. One SSOA commenter also asked if FTA is defining requirements for what should be included in the annual audit report in situations where an SSOA conducts triennial audits in an ongoing fashion over the three-year period.

An SSOA commenter and an RTA commenter requested clarifications related to the requirement for the SSOA to allow the RTA to comment on the findings and recommendations in the report. The RTA recommended that FTA require the SSOA to provide written response to the RTA's comments. The SSOA commenter questioned whether the RTA could comment on the audit report or only on the findings and recommendations within the report.

FTA Response: This section omits language included in § 674.27(a)(8) regarding the SSOA and RTA "agreeing" to conduct an on-going rather than an audit once every three years as repetitious and notes the § 674.31 language does not conflict with § 674.27(a)(8). Further, FTA expects SSOAs and RTAs to cooperate on the scheduling of the SSOA's triennial audit while recognizing the SSOA is responsible for conducting triennial audits in compliance with part 674 and as specified in the SSO program standard.

In response to the commenter seeking guidance for analysis of the effectiveness of an RTA's ASP, given the diversity of SSO programs, SSO program standards, and ASPs, this language is purposely not prescriptive. The SSOA shall design a triennial audit program so that it complies with the regulation and examines the RTA's implementation of its ASP to identify corrections or improvements.

As detailed in the § 674.31 language, the audit report shall include the following: (1) analysis of the effectiveness of the RTA's efforts to implement the ASP; (2) findings and recommendations resulting from this analysis; and (3) recommendations for improvement and/or a corrective action plan(s), if necessary. At a minimum, the SSOA shall issue provisional triennial audit reports annually if it is auditing on an ongoing basis.

FTA acknowledges the importance of outlining and administering a process

for RTAs to comment on the SSOA triennial audit report, findings, and recommendations. RTA comments may be made to both the report language and the resulting findings and recommendations. RTA comments are expected to be resolved through formal or informal communications between the agencies. This regulatory language is purposely not prescriptive, allowing the SSOA to include in the SSO program standard a review and comment process for collaborating with each audited RTA. An RTA may identify issues with the SSO program standard, including the comment resolution practice for triennial audits, per § 674.27(a)(3).

L. Section 674.33—Safety Event Notifications

1. General

Comments: FTA received comments from seven commenters regarding FTA's proposed notification criteria at § 674.33, including one SSOA, four RTAs, one industry association, and one anonymous commenter. One RTA commenter recommended that FTA eliminate the requirement for RTAs to notify FTA directly of safety events, asserting that ideally RTAs would only have one set of reporting requirements and one entity to whom they report.

One RTA commenter and one industry association commenter recommended FTA extend the two-hour notification requirement to provide RTAs with more time to make the required notification to the SSOA and FTA. The RTA commenter recommended extending the timeframe to at least four hours to provide the RTA with sufficient time for an RTA investigator to arrive on the scene and assess the situation. The industry association commenter recommended FTA extend the notification window to four or six hours after the event occurs. The commenter noted that SSOAs rarely dispatch to the scene and that the notification timeframe would make sense if the SSOAs would commit to being on-site within two hours of the event's occurrence. An individual commenter suggested that the two-hour requirement did not ensure timely notifications and recommended that FTA require RTAs to notify the FTA and the SSOA as soon as possible as opposed to two hours so FTA and the SSOA can evaluate the response needed.

One RTA commenter and one SSOA commenter expressed concern at the potential burden associated with changes in notification criteria. The RTA commented that the number of events requiring notification may

increase to near the levels required under part 659 and increase agency burden. One SSOA commenter noted that by using the same injury definition as the NTD, which is based on individuals receiving immediate medical transport away from the scene, the number of events requiring SSOA and FTA two-hour notification may increase.

One RTA commenter requested that FTA provide a grace period for the industry to address the criteria changes through the necessary updates to policies, procedures (across multiple departments), and intergovernmental agreements/contracts, and to provide time to execute configuration changes to internal databases and other tools used to track and manage event records, such as computer-aided dispatch (CAD) systems. The commenter also recommended that FTA work to develop a single comprehensive safety and security glossary.

FTA Response: FTA is authorized to oversee and, when necessary, investigate rail transit agency safety events. To uphold this authority and activate investigations, FTA must be informed of events as they occur.

FTA declines to lengthen the minimum notification timeframe as it ensures that FTA and SSOAs receive timely information upon which they may base their decisions regarding response. RTAs should be able to easily determine if a safety event meets the notification criteria defined at § 674.33. FTA declines to shorten the notification timeframe from two-hours to "as soon as possible," as the change would fail to establish a defined expectation for notification timelines.

As to whether the reporting criteria may result in an increase in notifications and burden to reporting agencies, FTA expects the revised criteria will simplify and ease the burden on reporting agencies in comparison to past regulation notification requirements. For example, the elimination of the "serious injury" criteria in the previous regulation will eliminate the need to assess the condition of injured passengers before recognizing when and what meets reporting criteria and therefore lessen the burden of safety event notifications as compared to the previous rule.

FTA recognizes that notifications will likely increase due to the definition of "injury" to include "harm to persons as a result of an event that requires immediate medical attention away from the scene." FTA revised this term and definition for several reasons, including to clarify reporting criteria and lessen the burden of reportable event

notifications as previously mentioned. FTA is aware the reportable events may increase with this revised definition, and this has been factored into workload estimates.

FTA agrees that changes to terms and definitions in the regulation language have a broad impact and will need a grace period for SSOAs and RTAs to realign policies and practices. FTA designates January 1, 2025, as the effective date for the final rule. This date allows SSOAs and RTAs time to modify processes and inform employees and contractors. Further, this date aligns with the launch of the 2025 NTD reporting year and the associated NTD Safety & Security Policy Manual. FTA appreciates the comment regarding a comprehensive glossary and will take this recommendation into consideration for future data management efforts.

2. Notification Criteria

Two RTA commenters, one SSOA commenter, and one industry association commenter requested confirmation regarding their understanding of the proposed notification criteria and associated requirements or suggested changes to the proposed criteria.

An RTA commenter asked about the collision damage threshold and requested confirmation that a rail transit vehicle collision occurring at a grade crossing or intersection would no longer be reportable to FTA and SSOA within two hours unless the rail transit vehicle suffered disabling damage regardless of the damage suffered by the privately operated vehicle. Similarly, an SSOA commenter requested confirmation that collisions that result in disabling damage to a privately owned vehicle but that do not result in a fatality, injury, or disabling damage to the rail transit vehicle do not require two-hour notification under the proposed thresholds.

An SSOA commenter asked for confirmation that under the proposed criteria, notification is required for two or more injuries except for collisions which require notification if there is one or more injury. An industry association commenter recommended changing the collision injury criteria from one or more to two or more, asserting the proposed criteria would cause confusion and potentially misreporting. An SSOA commenter asked for FTA to confirm that "serious injury" is no longer relevant for purposes of safety event notifications as required by the proposed criteria. An RTA commenter asked FTA to confirm if the notification of safety events includes fatalities and injuries resulting from illness and/or

other natural causes and whether notifications include criminal assaults that are not related to a collision with a rail transit vehicle.

An SSOA asked for confirmation from FTA regarding the notification requirement when a single safety event meets more than one of the notification criteria defined in § 674.33.

FTA Response: Under the revised regulation, a rail transit vehicle collision occurring at a grade crossing or intersection with a privately owned vehicle requires notification if the rail transit vehicle suffers from disabling damage, regardless of the damage suffered by the privately owned vehicle. A collision between a rail transit vehicle and a privately owned vehicle which results in disabling damage to only the privately owned vehicle, yet no fatalities or injuries, does not require notification.

There is no longer a distinct definition for “serious injury.” Injuries and fatalities resulting from illness or natural causes do not trigger the two-hour notification requirements of § 674.33. Further, injuries or fatalities from criminal assaults and homicides do not trigger the two-hour notification requirements of § 674.33, even if the homicide or assault involved a collision with a rail transit vehicle. FTA notes the final rule does not preclude an SSOA from establishing notification requirements in addition to those established at § 674.33.

In circumstances where a single safety event meets more than one reporting criteria, the notification should share all the reporting criteria met, given the information available at the time of notification. For instance, if is the RTA knows at the time the notification is made that a collision between two rail transit vehicles resulted in a derailment and three injuries, all this information is expected to be shared with the SSOA and FTA. All three of these consequences meet the two-hour notification threshold and must be communicated.

A safety event with two or more injuries is reportable and a rail transit vehicle collision that results in one or more injuries (instead of two or more) is also reportable. A commenter requested the latter situation match the two or more injuries threshold for uniformity. However, FTA is interested in any rail transit vehicle collisions resulting in injuries. With the injuries metric alone, setting the threshold to two or more will eliminate isolated safety events resulting in injuries, like slips and falls.

M. Section 674.35—Investigations

Comments: One SSOA provided four unique comments. The SSOA commenter requested that FTA revise the language at § 674.35(b) to reiterate that SSOAs can give authority to perform investigations to an RTA because the rule does not explicitly state it. Further, the commenter disagreed with the word “coordinate” when describing situations where the SSOA is investigating. The commenter asked FTA to clarify if the language at § 674.35(c) requires an SSOA to issue a separate investigation report from the adopted RTA investigation report and asked FTA to clarify how the review must be conducted. The commenter also asked for clarification on the PTSCTP requirements for investigators, including SSOA investigators and RTA investigators conducting investigations on behalf of the SSOA. Finally, the commenter asked if the impact of the requirements of § 674.35 were included in the regulation’s cost estimates.

FTA Response: FTA first notes that FTA proposed no substantive changes to the 2016 version of § 674.35. When an RTA investigates safety events that meet the criteria of § 674.33, the RTA must conduct these investigations in accordance with the SSO program standard and any subsequent procedure developed or adopted by the SSOA. Any issues or concerns identified with the SSOA investigation practices and RTA roles and responsibilities may be shared during the SSO program standard comment disposition process per § 674.27(a)(3).

FTA expects the SSOA to document the adoption of an RTA’s investigation report in a manner that works for both agencies and satisfies the requirements of § 674.35.

Stakeholders interested in training requirements for investigators should review part 672 for more information. Further, nothing precludes the SSOA from establishing unique requirements for SSOA and RTA investigators for technical experts and subject matter experts.

As to the impact of these requirements to cost estimates, FTA does include activities associated with § 674.35 in the regulation cost estimate and notes again this is not a new requirement.

N. Section 674.37—Corrective Action Plans

Comments: FTA received comments from one SSOA and three RTAs regarding the requirements in the proposed § 674.37. Two RTA commenters expressed concern at the

inclusion of findings of non-compliance from internal safety reviews in the list of items for which the SSOA must require the development of a CAP. One RTA commenter asked FTA to clarify if it is requiring the SSOA to approve CAPs from internal safety reviews and conduct spot checks on the implementation and effectiveness of the internal safety review CAPs. Further, the commenter contended that this would be inappropriate for RTA internal reviews and would slow down the process of developing and implementing CAPs. The RTA further asserted that the SSOA triennial audit cycle is the appropriate venue to review CAPs related to an RTA’s internal safety reviews. Another RTA commenter asserted that requiring the development of a CAP for findings of non-compliance from internal safety reviews is a significant expansion to the scope of CAPs. The RTA commenter suggested that internal safety review CAP development and monitoring responsibility rests with the RTA and these processes are managed independently from SSOA oversight activities. Further, the RTA commenter expressed concern that this requirement focuses more on compliance and less on a scalable, performance-driven methodology, and that it could have a negative impact on RTA safety culture. The RTA commenter also recommended FTA use the term “non-conformance” instead of “non-compliance” because the latter is potentially misleading.

One SSOA commenter noted § 674.37(a)(2) requires CAPs to address findings of non-compliance from safety reviews and inspections performed by the SSOA but does not use the word “audit.” The commenter also recommended that CAPs should also address longer-term monitoring of the corrective actions. Finally, the RTA commenter expressed concern about use of the word “order” in § 674.37(d) and recommended that SSOAs use wording within their SSOA’s authority to outline how an RTA must develop and carryout a CAP.

An SSOA commenter recommended that the rule should clearly outline how the Administrator will conduct independent investigations of any safety events and under what general circumstances they would review an SSOA’s or RTA’s findings of causations of a safety event. An RTA commenter noted that § 674.37(d) requires the SSOA to evaluate whether FTA investigation findings require a CAP by the RTA. The commenter suggested that if FTA recommendations must be considered for determining CAPs, then other sources should be as well, such as

recommendations from the Safety Committee.

FTA Response: Except for subsection (a), which outlines when an SSOA must require the RTA to develop a CAP, the language in this section is identical to the 2016 version of the rule. One of the items in subsection (a) is, “Results from investigations, in which the RTA or SSOA determined that causal or contributing factors require corrective action.” SSOA oversight does not distinguish between CAPs developed to address issues identified through RTA internal processes as opposed to SSOA processes. The SSOA continues, as in the past, to have the authority to require the development of, review, approve, and monitor CAPs to address a deficiency identified from activities described in the regulation and the SSO program standard, regardless of whether the source is RTA or SSOA reviews. Any conflicts in CAPs should follow the documented conflict resolution process. Further, the RTA may raise concerns with or make suggestions to revise the SSOA CAP requirements and process upon review of the SSO program standard as described in § 674.27(a)(3).

FTA understands an SSOA will use the triennial audit as a forum to verify an RTA’s internal audit program is being implemented in accordance with the ASP. Recommendations for improvements and CAPs, if necessary, will be issued out of triennial audits per § 674.31.

FTA recognizes a concern with terminology, particularly the use of “non-compliance” instead of “conformance” or “non-conformance” as related to internal safety reviews. For purpose here, “non-compliance” refers to instances where the SSOA identifies areas of non-conformance with processes outlined in the ASP.

With respect to the assertion that a focus on compliance-based activities may degrade an RTA’s safety culture, the application of the Safety Management System for rail transit systems is focused on safety performance to support agency safety improvements and risk reduction. The implementation of SMS does not negate the usefulness of compliance focused activities. An effective SMS will incorporate compliance-based programs and support overall risk management to strengthen the agency’s safety culture. CAPs may be generated, as needed, from performance-based and compliance-based activities.

CAPs may be generated from audits, safety reviews, and inspections. The list in § 674.37(a) represents a minimum and is not exhaustive.

FTA appreciates the comment to support the monitoring of longer-term CAPs implementation. The regulation does not distinguish the length of time for monitoring of CAPs but is focused on the progress to carry out the CAP to completion. As written, the regulation includes the monitoring of longer-term CAPs.

As for the concern with the use of the phrase “the SSOA must order the RTA to develop and carry out a CAP,” the term “order” is a synonym used in place of the word “require” and is in the 2016 version of the rule.

FTA acknowledges the suggestion to outline how FTA may conduct an investigation and separately the circumstances for occasions when FTA may conduct an independent review of safety event causations and findings revealed through SSOA and RTA investigations. FTA will consider the suggestion on FTA safety event investigation practices while developing future guidance and workshops for training and sharing information with SSOAs and RTAs. FTA may review safety event investigations and findings of causations at any time per § 674.33(e).

As to whether the regulation should include FTA as an entity that may conduct investigations which may result in CAPs for the SSOA or RTA, FTA has the statutory authority under 49 U.S.C. 5329 to perform independent investigations to determine causal and contributing factors as stated in § 674.35(e). Out of FTA’s investigations, like other investigations, findings may necessitate the development of CAPs.

As for the recommendation to incorporate in the regulation, language that considers recommendations from other sources, such as the Safety Committee, to be considered for CAP development, FTA again notes the list in § 674.37(a) is a minimum and is not exhaustive. The SSOA may require the development of a CAP from investigations conducted by the RTA and SSOA, which includes the review of hazards for causal and contributing factors. Hazards may be identified by any number of sources within an SSOA and RTA, such as the Safety Committee.

O. Section 674.39—State Safety Oversight Agency Annual Reporting to FTA

Comments: FTA received comments from two SSOAs and one industry association regarding the annual reporting requirements of the proposed § 674.39. Two SSOA commenters recommended that FTA redesign SSOR so that it is organized according to the subsections of § 674.39. One industry association commenter recommended

that FTA remove requirements associated with technical training plans (TTP) from 49 CFR part 672 and incorporate them into this rule. The commenter asserted that since TTPs are associated with SSOAs, the related requirements belong in 49 CFR part 674. The industry association commenter also requested clarification on the “publicly available report” required under § 674.39(a)(3) and specifically requested clarification to differentiate between the safety status report that the SSOA is required to send to the Governor, FTA Administrator, and RTA board of directors and the annual reporting submission that the SSOA makes through the SSOA and clarify the expected level of effort for this requirement. One SSOA commenter asked for clarification from FTA if it requires the publicly available report required at § 674.39(a)(3) to include causal factors of events in totality or if trending sufficient.

One industry association commenter recommended against the requirement for SSOAs to submit final investigation reports to FTA, asserting this requirement would be burdensome. The commenter also questioned the usefulness of such reports in supporting FTA analyses. One SSOA commenter asked for clarification on the certification requirement at § 674.39(a)(8) and confirmation on whether the requirement is for submission of a self-certification or the submission of a certification from FTA that the SSOA is compliant with part 674.

FTA Response: FTA appreciates the suggestions for improving the SSOR and encourages SSOAs to provide feedback to their assigned FTA PM regarding suggested enhancements to the SSOR. Further, FTA notes that the SSOR data collection forms are currently designed to meet all the annual reporting submission requirements of part 674. However, to support the most efficient and accurate collection of Annual Reporting data, SSOR uses categories and collection sequencing that may vary from the regulatory text organization while ensuring comprehensive collection of required data.

FTA recognizes the comment to incorporate training requirements currently found in 49 CFR part 672 into the revised 49 CFR part 674. However, FTA notes that 49 CFR part 672 does include SSOA-specific requirements and disagrees that removing TTP-related requirements from part 672 is advantageous for the industry.

The “publicly available report” required under § 674.39(a)(3)—a requirement since 2016—refers to the

safety status report the SSOA is required to send to the Governor, FTA Administrator, and RTA board of directors. The language at § 674.39(a)(3) does not establish any new submission requirement that was not already in place under existing reporting requirements and therefore confirms that no additional level of effort is required to address the requirements of § 674.39(a)(3) in this final rule. FTA has not established specific requirements for the details of the report required at § 674.39(a)(3) beyond the elements identified in the rule and offers flexibility to the SSOA to determine how it may best present “causal factors of safety events identified through investigation,” be it trending or other methods.

SSOAs are already required to submit final investigation reports to FTA through SSOR and § 674.39(a)(4) does not establish any new programmatic requirement or new burden. Further, final investigation reports submitted by SSOAs have been instrumental in FTA safety risk assessments and other safety analyses routinely performed by FTA. FTA confirms that § 674.39(a)(8) requires an SSOA to submit a certification attesting that the SSOA has complied with the requirements of 49 CFR part 674. This is not a certification issued by FTA.

P. Section 674.41—Conflicts of Interest

Comments: Two labor union commenters, one SSOA commenter, and one industry association submitted comments related to the conflicts of interest provisions proposed at § 674.41. Two labor union commenters submitted a recommendation that FTA add a requirement that explicitly prohibits an SSOA from including, as executive or governing personnel, any appointees from a political office also responsible for appointing executive or governing personnel to any transit provider overseen by the SSOA.

One industry association commenter voiced concern that some former employees of RTAs now work for the SSOA that oversees their past employer and now oversee many of the areas of their previous employment. The commenter recommended that FTA should require a “cooling-off period” of at least 12 months between when an employee leaves or retires from an RTA and then oversees the exact same area in which they previously worked in at an RTA to preserve integrity and to avoid conflicts of interest.

One SSOA commenter expressed concerns about FTA’s conflict of interest provisions at § 674.41(c) that preventing a contractor from providing services to

both an RTA and the SSOA that oversees the RTA, unless granted an exemption by FTA. The SSOA commenter noted that their SSOA struggles to compete with an overseen RTA for contractors because the RTA is large and can provide more lucrative business opportunities for the contractors, limiting the availability of contractor expertise for the SSOA. The commenter recommended that FTA revise the proposed § 674.41(c) to allow RTAs and SSOAs to determine appropriate mitigations of conflicts of interest, such as organizational firewalls, so that SSOAs can work with the contractors of their choice, rather than whatever contractors remain following RTA contracting.

FTA Response: Regarding the recommendation to add a provision that would prohibit an SSOA from including, as executive or governing personnel, any appointees from a political office also responsible for appointing executive or governing personnel to any transit provider overseen by the SSOA, FTA believes a prescriptive ban is not necessary at this time, as FTA believes §§ 674.11 and 674.13 of the regulation provide sufficient financial and legal independence between an SSOA and the RTAs it oversees.

Regarding the recommendation for cooling-off period, although Federal post-employment laws establish post-employment restrictions on former Federal employees (18 U.S.C. 207), these restrictions do not extend to local employees of rail transit agencies and SSOAs who are more appropriately covered under State employment laws. Former employees of an RTA transferring to work for an SSOA should also be aware that employment contracts may contain post-employment restrictions.

Regarding the proposal by the SSOA who sought the authority to determine whether a conflict of interest existed between itself and the RTAs it oversees in the hiring of support contractors, FTA believes that the conflict of interest provision at § 674.41(c) that prevents an SSOA from hiring a contractor that also provides services to an RTA overseen by the same SSOA is essential to maintain the independence between the entity preparing and implementing the PTASP and the SSOA overseeing that entity. FTA notes that § 674.41(c) includes an opportunity for an SSOA to petition FTA for a waiver from this prohibition if FTA is persuaded that any potential conflict of interest has been adequately mitigated. Because the current prohibition is an essential safeguard, FTA declines to revise the provision.

FTA believes a sufficient number of contractors with qualified personnel available exist regardless of compensation competition; moreover, FTA has not received a request to waive this provision during the past eight years when the waiver provision has been available.

Q. Regulatory Burden

Comments: Two SSOA commenters submitted comments related to the burden estimates published in the NPRM. One SSOA commenter noted that oversight requirements related to engineering and construction phases, RTA compliance with the PTSCPT, vehicle maintenance and testing, data collection, and annual reporting may increase the regulatory burden.

Another SSOA commenter requested clarification if FTA had quantified the impacts of the proposed rule on RTAs and SSOAs. The same SSOA commenter asked how FTA calculated the estimated number of events used to support burden estimates, asking for clarification on the occupation groups, codes, and titles that were used in conducting FTA’s burden analysis.

FTA Response: Some SSOAs have been providing oversight of rail fixed guideway public transportation systems in engineering or construction phases when they were directed to do so in section 20021 of MAP–21 (Pub. L. 112–141) and this final rule does not establish an additional responsibility. Further, where there are new requirements related to RTA compliance with the PTSCPT, vehicle maintenance and testing, data collection, and annual reporting, FTA has analyzed those costs to SSOAs and RTAs.

In the NPRM, FTA estimated the economic impacts of the proposed rule on the industry as described in “Regulatory Analyses and Notices.” Table 4 and the accompanying discussion identify the Bureau of Labor Statistics occupational categories and codes used. To quantify the impact of the notification criteria change on RTAs and SSOAs, FTA analyzed safety event data reported to the NTD from 2017 to 2021 and identified events that would become reportable under the new criteria.

R. Other Safety Topics

Comments: FTA received comments from the NTSB related to safety concerns affecting the transit industry, including fatigue, fitness for duty, and roadway worker protection. The NTSB recommended that FTA establish roadway worker protection (RWP) rules including requirements for job briefings; establish a national inspection program

that specifically includes roadway worker activities; develop a work scheduling program for RTAs that incorporates fatigue science, provides for the management of personnel fatigue risks, and is implemented through the state safety oversight program; establish hours-of-service regulations that set limits on hours of service, provide predictable work and rest schedules, and consider circadian rhythms and human sleep and rest requirements; identify the necessary training and certification needs for work schedulers in the rail transit industry and require the transit agencies to provide additional training or certification for their work schedulers; and require rail transit employees who develop work schedules to complete initial and recurrent training based on current fatigue science to identify and mitigate work schedule risks that contribute to operator fatigue.

FTA Response: FTA appreciates the comments received from the NTSB and notes that FTA is currently engaged in a rulemaking addressing rail transit roadway worker protection (RIN 2132–AB41). On March 25, 2024, FTA published a notice of proposed rulemaking that would establish minimum safety standards for rail transit RWP to ensure the safe operation of public transportation systems and to prevent accidents, incidents, fatalities, and injuries to transit workers who may access the roadway in the performance of work (89 FR 20605). FTA is currently reviewing public comments received in response to the publication of the proposed rule.

On October 30, 2023, FTA published an advanced notice of proposed rulemaking (ANPRM) addressing transit worker hours of service and fatigue safety risk management (88 FR 74107). FTA is considering proposing minimum safety standards to provide protections for transit workers to obtain adequate rest thereby reducing the risk of fatigue-related safety incidents and sought public input in two areas: hours of service; and fatigue risk management programs. FTA is reviewing collected information to better understand current industry practices, priorities, requirements, and the costs and benefits of Federal requirements to assist FTA as it considers potential regulatory requirements.

III. Section-by-Section Analysis

Subpart A—General Provisions

674.1—Purpose

This section explains that the purpose of this regulation is to carry out the mandate of 49 U.S.C. 5329 for States to

perform oversight of rail fixed guideway public transportation systems within their jurisdictions. This represents an expansion from the purpose stated in the previous § 674.1, “this part carries out the mandate of 49 U.S.C. 5329(e).” The removal of “(e)” acknowledges the additional obligations for inspections and data collection required by SSO Agencies in section 5329(k), as amended by the BIL, and better reflects the connection among all elements of FTA’s public transportation safety program.

674.3—Applicability

FTA has not changed this section.

674.5—Policy

This section removes the term “sufficient” in subsection (a) to eliminate subjectivity regarding the requirements for State Safety Oversight Agency (SSOA) authorities. FTA also removes the first sentence in subsection (b), as the availability of funding is addressed in the existing language in § 674.17(a).

674.7—Definitions

This section replaces the terms “accident,” “incident,” “occurrence,” and “event” with the inclusive term “safety event,” which includes events such as collisions, derailments, fires, and unintended train movements for purposes of meeting the two-hour notification requirement in § 674.33. The “safety event” notification requirements of § 674.33 exclude criminal actions.

FTA also removes the definition of “serious injury.” These revisions are consistent with changes that FTA published in the Public Transportation Agency Safety Plans (PTASP) final rule (89 FR 25694) and are intended to simplify requirements related to safety event notifications and investigations.

This section establishes new terms and definitions for “collision,” “derailment,” “evacuation for life safety reasons,” “fatality,” “injury,” “public transportation,” “rail transit vehicle,” “revenue vehicle,” and “unintended train movement,” and removes the general term “vehicle” in recognition of these new definitions, which will be consistent with FTA’s National Transit Database (NTD) reporting manuals and support the notification and investigation thresholds defined in §§ 674.33 and 674.35. FTA’s definition of “injury” restores the threshold under FTA’s previous part 659 regulation and is consistent with the NTD reporting manuals. The definition of “injury” includes damage or harm to persons that requires immediate medical attention away from the scene. An individual

who declines transportation away from the scene for medical attention should not be counted as an “injury” for two-hour notification purposes. This definition allows for an immediate, on scene determination of injuries by the RTA without the need to await a formal diagnosis or determination from an off-site medical professional.

FTA also includes a new definition for “disabling damage” to support the notification and investigation thresholds. “Disabling damage” is limited to damage resulting from a collision that physically prevents a vehicle or train from operating under its own power. Disabling damage does not include mechanical failures or other malfunctions that may impact operations.

FTA established new terms and definitions for “potential consequence,” “safety committee,” “safety risk,” and “safety risk mitigation” as well as revised definitions of “Accountable Executive” and “safety risk management” for consistency with definitions 49 CFR part 673.

This section revises the definition of “corrective action plan” to help distinguish corrective action plans from safety risk mitigations.

This section revises the definition of “investigation” to reflect the replacement of the terms “accident” and “incident” with “safety event” as described above.

This section includes new terms and definitions for “inspection” and “risk-based inspection program” to support new SSOA requirements mandated by the BIL.

This section revises the definition of “Public Transportation Agency Safety Plan” to remove reference to the transition from the requirements under 49 CFR part 659, the previous State Safety Oversight regulation, to the present requirements under 49 CFR part 674. This revision is consistent with the end of the transition period, which occurred in early 2019, and FTA’s subsequent rescission of part 659 (87 FR 6783).

This section revises the definition of “Public Transportation Safety Certification Training Program” to remove reference to the interim provisions for this program. This section also adds a new term and definition for “designated personnel” to recognize individuals subject to the Public Transportation Safety Certification Training Program regulation (49 CFR part 672).

This section reorders the clauses in the definition of “rail fixed guideway public transportation system” for clarity. This change aligns with the

definition that the PTASP regulation and does not reflect a change in FTA's implementation or interpretation.

FTA also makes a minor revision to the definition of "State Safety Oversight Agency" to add a citation referencing the SSOA inspection requirement in 49 U.S.C. 5329(k), which was added by the BIL.

674.9—[Reserved]

FTA removes and reserves this section. Previously, this section provided requirements for the transition from 49 CFR part 659, the previous State Safety Oversight regulation, to part 674. This removal acknowledges the end of the transition period, which occurred in early 2019, and FTA's subsequent rescission of part 659.

Subpart B—Role of the State

674.11—State Safety Oversight Program

FTA eliminates the deadlines established for States' initial compliance with the requirement, as all States must have an FTA-approved SSO program for rail transit agencies in their State to be eligible for FTA financial assistance. This initial compliance date, which was three years after April 15, 2016, has already passed. FTA also makes a minor technical correction to the statutory citation regarding FTA triennial audits of SSO programs.

674.13—Designation of Oversight Agency

FTA revises the statutory citation in § 674.13(a) to reflect new statutory requirements. In § 674.13(a)(5), FTA includes inspection authorities in the list of authorities an SSOA must have, reflecting the new requirements in 49 U.S.C. 5329(k) that SSOAs must conduct risk-based inspections of the rail fixed guideway public transportation systems that the SSOA oversees.

In §§ 674.13(a)(4) and (a)(6), FTA includes a new reference to 49 CFR part 673, Public Transportation Agency Safety Plans, which did not exist when FTA published the current part 674 in 2016.

674.15—Designation of Oversight Agency for Multi-State System

FTA has not changed this section.

674.17—Use of Federal Financial Assistance

FTA deletes the term "parts" as superfluous.

674.19—Certification of a State Safety Oversight Program

FTA removes "(e)" from "5329(e)" in this section for the reasons mentioned

above and adds language in § 674.19(d) to clarify the Administrator's determination to issue a certification or a denial of certification for an SSO program. This does not reflect a change in FTA's application of the statutory and regulatory criteria.

674.21—Withholding of Federal Financial Assistance for Noncompliance

When FTA published its final rule in 2016, States with existing rail fixed guideway public transportation systems were provided a three-year transition period. Now that the transition period has expired, FTA updates § 674.21(b) to adopt FTA current practice, which is to require a State to establish an SSO program and have that program approved by the FTA Administrator prior to a new rail fixed guideway public transportation system entering the engineering or construction phase of development. FTA also replaces the word "apportioned" with "authorized" for accuracy.

674.23—Confidentiality of Information

FTA has not changed this section.

Subpart C—State Safety Oversight Agencies

674.25—Role of the State Safety Oversight Agency

In § 674.25, FTA adds a new subsection (c) to explicitly acknowledge an SSOA's authority to provide safety oversight of projects in the engineering or construction phase of development. This parallels the statutory language in 49 U.S.C. 5329(e)(2)(B) and clarifies FTA's intent that SSOAs take an active oversight role during a project's pre-revenue phases. FTA also moves from the current subsection (b) into a new subsection (d) the requirement that SSOAs ensure that an ASP meets the requirements of 49 U.S.C. 5329(d) and part 673, a non-substantive change that will provide clarity and improve readability. Consequently, FTA redesignates existing subsections 674.24(c) through (f) as subsections (e) through (h).

In addition, FTA makes minor conforming edits in these subsections to reflect the definitions in § 674.7 as discussed above and to remove references to 49 U.S.C. 5330, which has been repealed.

674.27—State Safety Oversight Program Standards

In § 674.27, FTA adds a new paragraph (a)(3) to require an SSOA to develop a process to address comments from an RTA regarding an SSO program standard. This reflects industry concerns that some SSOAs do not

formally respond to RTA comments. This addition requires SSOAs to establish a process by which SSOAs will address RTA comments regarding the SSO program standard. Because of the addition of paragraph (a)(3), the remaining paragraphs are renumbered.

FTA expands the renumbered § 674.27(a)(5) to include specific requirements for SSOA oversight of RTA internal safety reviews. Internal safety reviews are distinct from the existing annual review and update requirement in 49 CFR 673.11(a)(5). Internal safety reviews monitor the actual implementation of the ASP. However, the results of the internal safety reviews may inform the RTA's annual ASP document review and update process. The previous 49 CFR 659.19 included explicit requirements for these internal safety reviews; however, part 674 removed the prescriptive requirements in § 659.19 with the expectation that they would be addressed in the PTASP final rule. The PTASP final rule did not address internal safety reviews, prompting some RTAs to ask whether they were no longer required by FTA, even though SSOAs continued to require them under their SSO program standards. To provide clarity, the language confirms the requirement that the SSO program standard must define internal safety review requirements, which are addressed in § 673.27(d)(1)(iii). The language establishes minimum requirements for internal safety reviews, including the requirement that RTAs must verify the implementation of all elements of the ASP over a three-year period, with the expectation that RTAs will be conducting internal safety reviews on an ongoing basis. Further, the RTA must notify the SSOA thirty days before it conducts an internal safety review of any aspect of the rail fixed guideway public transportation system and provide any checklists or procedures it will use during the review. Finally, the RTA must submit a report to the SSOA annually documenting the internal safety review activities and the status of subsequent findings and corrective actions.

A new § 674.27(a)(6) relating to the oversight of safety risk mitigations establishes requirements for the SSOA to define the process it will use to oversee an RTA's development, implementation, and monitoring of safety risk mitigations. The SSO program standard must specify the frequency and format for how the SSOA will receive and review information about an RTA's safety risk mitigation status and effectiveness.

Although 49 CFR part 673 established specific requirements for safety management, including the development, implementation and monitoring of safety risk mitigations, part 674 was published prior to part 673 and did not include specific oversight requirements related to safety risk mitigation. Therefore, FTA is including these requirements in part 674 to ensure that SSOAs have a documented process to oversee the safety risk mitigation processes required of RTAs.

A new § 674.27(a)(7) regarding oversight of the safety certification training program requires an SSOA to oversee the RTA's compliance with the Public Safety Certification Training Program regulation (49 CFR part 672). This role was not made explicit in the previous part 674 and this new language clarifies FTA's expectation that SSOAs oversee RTA compliance with 49 CFR part 672 requirements.

The renumbered § 674.27(a)(9) is also renamed from "Accident notification" to "Safety event notification," consistent with the discussion above in § 674.7, where FTA replaces the term "accident" with the term "safety event" and the conforming edits in the renumbered § 674.27(a)(10). FTA also requires the SSO program standard to establish requirements for RTAs to notify the SSOA and FTA of safety events to ensure that the notification requirement in § 674.33 is addressed in an RTA's ASP, as the current paragraph omitted any reference to FTA.

In the renumbered § 674.27(a)(11), FTA inserts the term "SSO" before "program standard" for consistency with the rest of this section.

FTA adds a new § 674.27(a)(12), "Inspections," to incorporate the requirement that SSOAs conduct risk-based inspections of the RTAs they oversee. On October 21, 2022, FTA issued Special Directives to each SSOA directing them to develop and implement a risk-based inspection program as required by the BIL. The Special Directives require SSOAs to include policies and procedures for Risk-Based Inspection in their SSO program standards and develop and begin implementing their Risk-Based Inspection program by October 21, 2024.

FTA adding a new § 674.27(a)(13), "Vehicle Maintenance and Testing," requiring SSOAs to amend their SSO

program standard to include a new requirement that SSOAs ensure that rail transit agencies conduct maintenance and testing procedures of braking systems, consistent with NTSB Recommendation R-17-004 (<https://data.nts.gov/carol-main-public/sr-details/R-17-004>).

Finally, a new § 674.27(a)(14), "Data Collection," establishes specific data collection requirements for collecting data that the RTA uses when identifying hazards and assessing safety risk. This responds to industry feedback regarding the role of the SSOA in overseeing safety risk management of the RTAs under their jurisdiction.

674.29—Public Transportation Agency Safety Plans: General Requirements

Section 674.29 adds a reference to 49 U.S.C. 5329(d) and 49 CFR part 673 in subsection (a) for clarity and the removes subsection (b). Because part 674 was published prior to part 673, FTA provided a list of the expected ASP elements in subsection (b) as an interim measure to guide SSOAs. With the publication of part 673 in 2018, the list is no longer necessary. Consistent with the removal of the current subsection (b), FTA rennumbers subsection (c) as subsection (b).

674.31—Triennial Audits: General Requirements

Section 674.31 clarifies that SSOAs who elect to audit an RTA's compliance with its ASP on an ongoing basis must issue interim audit reports at least annually. This clarification does not reflect a change in FTA's current implementation of this requirement.

674.33—Notifications of Safety Events

This section replaces the term "accident" with "safety event." This replacement streamlines definitions used in requirements related to event notification and investigation.

This section establishes specific notification criteria that replace the Appendix in the current part 674. This replacement text clarifies FTA's minimum requirements for two-hour notifications to FTA and SSOAs and reflects changes to reporting thresholds suggested by SSOAs and RTAs, who found it difficult to quickly determine the scope of one's "serious injuries" as defined in the Appendix within two hours of a safety event, specifically,

injuries resulting in bone fractures, nerve or muscle damage, injuries to internal organs, or hospitalizations exceeding 48 hours. Additionally, FTA removes the requirement in subsection (b) that required RTAs to notify FTA and SSOAs of safety events triggering FRA's notification requirements under 49 CFR part 225, as notification on FRA-regulated trackage is already reported to the USDOT and received by FTA via the National Response Center. In subsection (b) FTA has added an exclusion to the notification requirement for criminal actions such as assaults or homicides.

674.35—Investigations

Section 674.35 replaces the term "accident" with "safety event," and clarifies that this includes any safety event that meets one or more thresholds in § 674.33. FTA also divides the requirements in § 674.35(a) into a new § 674.35(a) and § 674.35(b) for clarity. These changes do not reflect a change in the implementation of the current requirements.

674.37—Corrective Action Plans

In § 674.37, FTA includes a new subsection (a) and redesignates subsections (a) through (c) as subsections (b) through (d).

The new subsection (a) clarifies the basis for the development of a corrective action plan (CAP). The language requires the development of a CAP to address investigations that determined causal or contributing factors require corrective actions, findings of non-compliance from safety reviews and inspections performed by the SSOA, or findings of non-compliance from internal safety reviews performed by the RTA. This language does not reflect a change in current practice.

In the renumbered § 674.37(c), FTA revises language clarifying CAP requirements to ensure alignment with Safety Management System terminology. In the renumbered § 674.37(d), FTA adds "FTA" as an agency authorized to conduct investigations, reflecting FTA's authority to investigate public transportation accidents and incidents under 49 U.S.C. 5329(f)(5), with the SSOA expected to evaluate whether the findings or recommendations by FTA or the NTSB require a CAP by the RTA.

674.39—State Safety Oversight Agency Annual Reporting to FTA

Section 674.39(a)(2) clarifies language regarding “designated personnel” for consistency with the Public Transportation Safety Certification Training Program in 49 CFR 672 and does not reflect a change in purpose or intent.

Section 674.39(a)(3) replaces the term “accident” with “safety event,” consistent with the explanation provided above. Section 674.39(a)(4) specifies that SSOAs must submit final investigation reports as part of their annual reporting to FTA. This reporting is already required through the current reporting process and this language does not reflect a change in FTA’s practice.

Section 674.39(a)(5) specifies that SSOAs must provide a summary of the internal safety reviews conducted by RTAs during the previous 12 months and RTA progress in carrying out CAPs arising from the SSOA’s oversight of RTA ASPs and any related safety reviews. This reporting is already required through the current reporting process and this language does not reflect a change in FTA’s practice.

674.41—Conflicts of Interest

FTA has not changed this section.

Removed—Appendix to Part 674—Notification and Reporting of Accidents, Incidents, and Occurrences

FTA removes the table addressing the notification and reporting requirements for accidents, incidents, and occurrences, as FTA addresses this requirement in § 674.33, Notifications of safety events.

IV. Regulatory Analyses and Notices

Executive Order 12866 (Regulatory Planning and Review), Executive Order 13563 (Improving Regulation and Regulatory Review)

Executive Order 12866 (“Regulatory Planning and Review”), as supplemented by Executive Order 13563 (“Improving Regulation and Regulatory Review”), directs Federal agencies to assess the benefits and costs of regulations, to select regulatory approaches that maximize net benefits when possible, and to consider economic, environmental, and distributional effects. It also directs the Office of Management and Budget (OMB) to review significant regulatory actions, including regulations with annual economic effects of \$100 million or more. OMB has determined that the proposed rule is not significant within the meaning of Executive Order 12866 and has not reviewed it under that order.

Overview

The final rule, which implements amendments made by the Bipartisan Infrastructure Law, will add requirements for state safety oversight agencies (SSOAs) and the rail transit agencies (RTAs) they oversee. The rule will require SSOAs to conduct risk-based inspections, oversee safety risk mitigations, and investigate a larger number of safety events. The rule will also require RTAs to conduct additional accident investigations and prepare additional reports. Finally, the rule will clarify existing requirements, update terminology, and remove interim provisions that no longer apply.

Updates From the NPRM

The analysis for the final rule adds calculations using a discount rate of 2 percent, following guidance in the November 2023 update to OMB Circular A–4.¹

To give RTAs time to modify safety event notification and investigation processes and SSOAs time to review those changes, FTA is setting an effective date of January 1, 2025, for RTAs and SSOAs to comply with new notification criteria. The analysis uses 2025 to 2034 as the updated ten-year analysis period for the rule.

Benefits

The final rule will lead to increased oversight of RTA safety-related activities, although the benefits of the oversight are unknown and unquantified in the analysis. The rule may also benefit SSOAs and rail transit agencies by clarifying requirements and reducing costs to ensure compliance.

Costs

SSOAs and RTAs will incur economic costs to meet the new oversight and increased reporting requirements of the final rule. The 31 SSOAs in operation as of March 1, 2024, will be required to document their enforcement authority, adjust their SSO program standards, and to comply with new oversight and reporting requirements beginning on January 1, 2025. To estimate the costs of meeting the requirements, FTA estimated the number of entities affected, the number and type of staff involved, and the time needed for the first year and subsequent years (Table 2).²

TABLE 2—STAFF AND HOURS NEEDED FOR SSOAs TO MEET OVERSIGHT REQUIREMENTS

Requirement	Staff	Annual hours	Total hours
SSOA documentation of enforcement authority (first year only)	31 SSOA staff	40	1,240
SSOA oversight (first year)			
Establish disposition process	31 SSOA staff	80	2,480
Define requirements for internal safety reviews	31 SSOA staff	80	2,480
Document oversight of safety risk mitigations	31 SSOA staff	80	2,480
Document oversight of RTA training compliance	31 SSOA staff	20	620
Develop risk-based inspection programs	62 SSOA staff (2 staff per SSOA) ..	160	9,920
Establish thresholds for safety event notifications	31 SSOA staff	10	310
Document data collection procedures with RTAs	31 SSOA staff	20	620
SSOA oversight (later years)			
Oversee safety risk mitigations	31 SSOA staff	500	15,500
Oversee RTA training compliance	31 SSOA staff	20	620

Source: FTA analysis.

Under the current thresholds for reporting safety events, RTAs had an

average of 618 reportable events per year from 2017 to 2021.³ Under the new

thresholds, RTAs would have had an average of 811 reportable events per

¹ Office of Management and Budget (2023). “Circular No. A–4.” <https://www.whitehouse.gov/wp-content/uploads/2023/11/CircularA-4.pdf>.

² Federal Transit Administration. August 3, 2022. “State Safety Oversight Contacts.” <https://www.transit.dot.gov/regulations-and-guidance/>

[safety/state-safety-oversight-contacts](https://www.transit.dot.gov/regulations-and-guidance/safety/state-safety-oversight-contacts). P≤³ Average events calculated using FTA’s State Safety Oversight Reporting system.

year for an increase of 193 reports, resulting in additional reporting costs for SSOA and RTA employees (Table 3).

TABLE 3—ANNUAL STAFF AND HOURS NEEDED FOR SSOAS AND RTAS TO MEET REPORTING REQUIREMENTS

Requirement	Staff	Hours for single activity	Total hours
SSOA safety event tracking (annual)	SSOA staff; 193 reports	1	193
SSOA safety event investigations (annual)			
Prepare investigation reports	SSOA safety event investigators; 193 reports	22	4,246
Review and approve reports	SSOA safety event investigators; 193 reports	10	1,930
SSOA reporting to FTA (annual)			
Submit investigation reports	SSOA staff; 193 reports	5	320
Submit summary of internal safety reviews	SSOA staff; 193 reports	5	320
Investigation and reporting (annual)			
Conduct accident investigations	RTA safety event investigators; 193 reports	47	9,071
Prepare event investigation reports	RTA safety event investigators; 193 reports	30	5,790
Make submissions to SSOA	RTA safety event investigators; 193 reports	12	2,316

Source: FTA analysis.

To estimate the value of staff time spent on the requirements, FTA used occupational wage data from the Bureau of Labor Statistics as of May 2021 (Table 2).⁴ For general SSOA and trail transit agency staff, the closest occupational category is “General and Operations

Managers” (code 11–1021) in the “Transit and Ground Passenger Transportation” industry (North American Industry Classification System code 485000). FTA used median hourly wages as a basis for the estimates, multiplied by 1.62 to account

for employer benefits, for a cost estimate of \$95.27 per hour.⁵ For safety event investigators, who do not have a close analogue in the occupational wage data, FTA assumed a 25 percent wage and benefit premium for a cost estimate of \$119.09 per hour.

TABLE 4—OCCUPATIONAL CATEGORIES AND WAGES USED TO VALUE STAFF TIME
[\$2022]

Staff	Occupational category	Code	Median hourly wage	Wage with benefits
SSOA and RTA general staff	General and Operations Managers	11–1021	\$59.07	\$95.27
SSOA and RTA safety event investigators ...	N/A		73.84	119.09

Source: Bureau of Labor Statistics, May 2021 National Occupational Employment and Wage Estimates.

The requirements of the final rule have estimated costs of \$9.8 million (in 2022 dollars) for the first year and

annual costs of \$10.7 million for later years (Table 5). The largest annual costs

are for SSOA oversight (\$7.9 million) and RTA activities (\$2.0 million).

TABLE 5—FIRST-YEAR COSTS AND ANNUAL COSTS FOR RULE REQUIREMENTS
[\$2022]

Requirement	First-year costs	Annual costs
SSOA documentation of enforcement authority	\$118,140	.....
SSOA oversight	9,655,277	\$7,853,642
SSOA safety event tracking	18,388	18,388
SSOA investigations	735,517	735,517
SSOA annual reporting to FTA	60,975	60,975
RTA investigations and reporting	2,045,656	2,045,656
Total	12,633,954	10,714,179

Note: Totals may not sum due to rounding.

Summary

Table 6 summarizes the economic effects of the final rule over the first ten years of the rule (2025 to 2034) in 2022

dollars. On an annualized basis, the rule will have net costs of \$11.0 million at a 7 percent discount rate (discounted to

2024), \$10.9 million at 3 percent, and \$10.9 million at 2 percent.

⁴ Bureau of Labor Statistics. 2024. “May 2022 National Occupational Employment and Wage Estimates: United States.” https://www.bls.gov/oes/2022/may/oes_nat.htm.

⁵ Multiplier derived using Bureau of Labor Statistics data on employer costs for employee compensation in December 22 (<https://www.bls.gov/news.release/eccec.htm>). Employer costs for state

and local government workers averaged \$57.60 an hour, with \$35.69 for wages and \$21.95 for benefit costs. To estimate full costs from wages, one will use a multiplier of \$57.60/\$21.95, or 1.62.

TABLE 6—SUMMARY OF ECONOMIC EFFECTS, 2025–2034
[\$2022, discounted to 2024]

Item	Total (undiscounted)	Annualized (7%)	Annualized (3%)	Annualized (2%)
Benefits Costs	Unquantified .....	.....	.....	.....
SSOA documentation of enforcement authority	\$118,140	\$16,820	\$13,446	\$12,894
SSOA oversight	80,338,058	8,093,373	8,058,697	8,050,279
SSOA safety event tracking	183,879	18,388	18,388	18,388
SSOA investigations	7,355,168	735,517	735,517	735,517
SSOA annual reporting to FTA	609,755	60,975	60,975	60,975
RTA investigations and reporting	20,456,560	2,045,656	2,045,656	2,045,656
Total costs	109,061,560	10,970,730	10,932,680	10,923,710
Net benefits	Unquantified .....	.....	.....	.....

Note: Totals may not sum due to rounding.

Regulatory Flexibility Act

The Regulatory Flexibility Act of 1980 (RFA) (5 U.S.C. 601 *et seq.*) requires Federal agencies to assess the impact of a regulation on small entities unless the agency determines that the regulation is not expected to have a significant economic impact on a substantial number of small entities.

The rule will require SSOAs and rail transit agencies to meet additional administrative requirements. Under the Regulatory Flexibility Act, local governments and other public-sector organizations qualify as small entities if they serve a population of less than 50,000. State agencies do not qualify, and no rail transit agency serves an urbanized area with a population of less than 50,000. FTA has therefore determined that the rule will not have a significant effect on a substantial number of small entities.

Unfunded Mandates Reform Act of 1995

FTA has determined that this rule does not require a written statement under the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1532) because it does not impose a Federal mandate that may result in the expenditure of \$100 million or more in any 1 year (when adjusted annually for inflation using the base year of 1995) for either State, local, and tribal governments in the aggregate, or by the private sector.

Executive Order 13132 (Federalism Assessment)

Executive Order 13132 requires agencies to assure meaningful and timely input by State and local officials in the development of regulatory policies that may 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. This action has been analyzed in accordance with the principles and criteria contained in Executive Order 13132, and FTA determined this action will not have a substantial direct effect or sufficient federalism implications on the States. FTA also determined this action will not preempt any State law or regulation or affect the States' ability to discharge traditional State governmental functions.

Executive Order 12372 (Intergovernmental Review)

The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.

Paperwork Reduction Act

In compliance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501 *et seq.*), and the White House Office of Management and Budget's (OMB) implementing regulation at 5 CFR 1320.8(d), FTA is seeking approval from OMB for a currently approved information collection (OMB Control Number 2132–0558) that is associated with this Notice of Proposed Rulemaking. The information collection (IC) was previously approved on April 7, 2023. However, this submission includes changes in requirements applicable to the SSO program affecting various respondents.

National Environmental Policy Act

Federal agencies are required to adopt implementing procedures for the National Environmental Policy Act (NEPA) that establish specific criteria for, and identification of, three classes of actions: (1) Those that normally require preparation of an Environmental Impact Statement, (2) those that normally require preparation of an Environmental Assessment, and (3)

those that are categorically excluded from further NEPA review (40 CFR 1507.3(b)). This rule qualifies for categorical exclusions under 23 CFR 771.118(c)(4) (planning and administrative activities that do not involve or lead directly to construction). FTA has evaluated whether the rule will involve unusual or extraordinary circumstances and has determined that it will not.

Executive Order 12630 (Taking of Private Property)

FTA has analyzed this rule under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights. FTA does not believe this rule affects a taking of private property or otherwise has taking implications under Executive Order 12630.

Executive Order 12988 (Civil Justice Reform)

This rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

Executive Order 13045 (Protection of Children)

FTA has analyzed this rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. FTA certifies that this action will not cause an environmental risk to health or safety that might disproportionately affect children.

Executive Order 13175 (Tribal Consultation)

FTA has analyzed this rule under Executive Order 13175, and believes that it will not have substantial direct effects on one or more Indian Tribes; will not impose substantial direct compliance costs on Indian Tribal

governments; and will not preempt Tribal laws. Therefore, a Tribal summary impact statement is not required.

Executive Order 13211 (Energy Effects)

FTA has analyzed this action under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. FTA has determined that this action is not a significant energy action under that order and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. Therefore, a Statement of Energy Effects is not required.

Executive Order 12898 (Environmental Justice)

Executive Order 12898 (Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations) and DOT Order 5610.2(a) (<https://www.transportation.gov/transportation-policy/environmental-justice/departments-transportation-order-56102a>) require DOT agencies to achieve Environmental Justice (EJ) as part of their mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects, including interrelated social and economic effects, of their programs, policies, and activities on minority and low-income populations. All DOT agencies must address compliance with Executive Order 12898 and the DOT Order in all rulemaking activities. On August 15, 2012, FTA's Circular 4703.1 became effective, which contains guidance for recipients of FTA financial assistance to incorporate EJ principles into plans, projects, and activities (http://www.fta.dot.gov/documents/FTA_EJ_Circular_7.14-12_FINAL.pdf).

FTA has evaluated this action under Executive Order 12898, the DOT Order, and the FTA Circular, and FTA has determined that this action will not cause disproportionately high and adverse human health and environmental effects on minority or low-income populations.

Regulation Identifier Number

A Regulation Identifier Number (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. The RIN number contained in the heading of this document can be used to cross-reference this rule with the Unified Agenda.

List of Subjects in 49 CFR Part 674

Grant program—transportation, Mass transportation, Reporting and recordkeeping requirements, Safety.

Veronica Vanterpool,
Deputy Administrator.

■ In consideration of the foregoing, and under the authority of 49 U.S.C. 5329, the Federal Transit Administration revises and republishes 49 CFR part 674 to read as follows:

PART 674—STATE SAFETY OVERSIGHT

Subpart A—General Provisions

Sec.

- 674.1 Purpose.
- 674.3 Applicability.
- 674.5 Policy.
- 674.7 Definitions.
- 674.9 [Reserved].

Subpart B—Role of the State

- 674.11 State Safety Oversight Program.
- 674.13 Designation of oversight agency.
- 674.15 Designation of oversight agency for multi-state system.
- 674.17 Use of Federal financial assistance.
- 674.19 Certification of a State Safety Oversight Program.
- 674.21 Withholding of Federal financial assistance for noncompliance.
- 674.23 Confidentiality of information.

Subpart C—State Safety Oversight Agencies

- 674.25 Role of the State safety oversight agency.
- 674.27 State safety oversight program standards.
- 674.29 Public Transportation Agency Safety Plans: general requirements.
- 674.31 Triennial audits: general requirements.
- 674.33 Notifications of safety events.
- 674.35 Investigations.
- 674.37 Corrective action plans.
- 674.39 State Safety Oversight Agency annual reporting to FTA.
- 674.41 Conflicts of interest.

Authority: 49 U.S.C. 5329; 49 CFR 1.91.

49 CFR Part 674

Subpart A—General Provisions

§ 674.1 Purpose.

This part carries out the mandate of 49 U.S.C. 5329 for State safety oversight of rail fixed guideway public transportation systems.

§ 674.3 Applicability.

This part applies to States with rail fixed guideway public transportation systems; State safety oversight agencies that oversee the safety of rail fixed guideway public transportation systems; and entities that own or operate rail fixed guideway public transportation

systems with Federal financial assistance authorized under 49 U.S.C. Chapter 53.

§ 674.5 Policy.

(a) In accordance with 49 U.S.C. 5329, a State that has a rail fixed guideway public transportation system within the State has primary responsibility for overseeing the safety of that rail fixed guideway public transportation system. A State safety oversight agency must have the authority, resources, and qualified personnel to oversee the number, size, and complexity of rail fixed guideway public transportation systems that operate within a State.

(b) FTA will certify whether a State safety oversight program meets the requirements of 49 U.S.C. 5329 and is adequate to promote the purposes of the public transportation safety programs codified at 49 U.S.C. 5329.

§ 674.7 Definitions.

As used in this part:

Accountable Executive means a single, identifiable person who has ultimate responsibility for carrying out the Public Transportation Agency Safety Plan of a transit agency; responsibility for carrying out the transit agency's Transit Asset Management Plan; and control or direction over the human and capital resources needed to develop and maintain both the transit agency's Public Transportation Agency Safety Plan, in accordance with 49 U.S.C. 5329(d), and the transit agency's Transit Asset Management Plan in accordance with 49 U.S.C. 5326.

Administrator means the Federal Transit Administrator or the Administrator's designee.

Collision means any impact between a rail transit vehicle and any other vehicle, object, or any person.

Contractor means an entity that performs tasks on behalf of FTA, a State Safety Oversight Agency, or a Rail Transit Agency, through contract or other agreement.

Corrective action plan means a plan developed by a rail transit agency that describes the actions the rail transit agency will take to address an identified deficiency or safety concern, and the schedule for taking those actions. Either a State Safety Oversight Agency or FTA may require a rail transit agency to develop and carry out a corrective action plan.

Derailment for the purposes of this part means a safety event in which one or more wheels of a rail transit vehicle unintentionally leaves the rails.

Designated personnel means:

(1) Employees and contractors identified by a recipient whose job

functions are directly responsible for safety oversight of the public transportation system of the public transportation agency; or

(2) Employees and contractors of a State Safety Oversight Agency whose job functions require them to conduct reviews, inspections, examinations, and other safety oversight activities of the rail fixed guideway public transportation systems subject to the jurisdiction of the agency.

Disabling damage means damage to a rail transit vehicle resulting from a collision and preventing the vehicle from operating under its own power.

Evacuation for life safety reasons means a condition that occurs when persons depart from transit vehicles or facilities for life safety reasons, including self-evacuation. A life safety reason may include a situation such as a fire, the presence of smoke or noxious fumes, a fuel leak from any source, an electrical hazard, or other hazard to any person. An evacuation of passengers into the rail right of way (not at a platform or station) for any reason is presumed to be an evacuation for life safety reasons.

Fatality means a death confirmed within 30 days of a safety event. Fatalities include suicides, but do not include deaths in or on transit property that are a result of drug overdose, exposure to the elements, illness, or natural causes.

FRA means the Federal Railroad Administration, an operating administration within the United States Department of Transportation.

FTA means the Federal Transit Administration, an operating administration within the United States Department of Transportation.

Hazard means any real or potential condition that can cause injury, illness, or death; damage to or loss of the facilities, equipment, rolling stock, or infrastructure of a public transportation system; or damage to the environment.

Injury means any harm to persons as a result of a safety event that requires immediate medical attention away from the scene. Does not include harm resulting from a drug overdose, exposure to the elements, illness, natural causes, or occupational safety events occurring in administrative buildings.

Inspection means a physical observation of equipment, facilities, rolling stock, operations, personnel, or records for the purpose of gathering or analyzing facts or information.

Investigation means the process of determining the causal and contributing factors of a safety event or hazard, for

the purpose of preventing recurrence and mitigating safety risk.

National Public Transportation Safety Plan means the plan to improve the safety of all public transportation systems that receive Federal financial assistance under 49 U.S.C. Chapter 53.

NTSB means the National Transportation Safety Board, an independent Federal agency.

Person means a passenger, employee, contractor, volunteer, official worker, pedestrian, trespasser, or any other individual on the property of a rail fixed guideway public transportation system or associated infrastructure.

Potential consequence means the effect of a hazard.

Public transportation has the meaning found in 49 U.S.C. 5302.

Public Transportation Agency Safety Plan (PTASP) means the documented comprehensive agency safety plan for a transit agency that is required by 49 U.S.C. 5329 and part 673 of this chapter.

Public Transportation Safety Certification Training Program (PTSCTP) means the certification training program that is required by 49 U.S.C. 5329(c) and part 672 of this chapter.

Rail fixed guideway public transportation system means any fixed guideway system, or any such system in engineering or construction, that uses rail, is operated for public transportation, is within the jurisdiction of a State, and is not subject to the jurisdiction of the Federal Railroad Administration. These include but are not limited to rapid rail, heavy rail, light rail, monorail, trolley, inclined plane, funicular, and automated guideway.

Rail transit agency (RTA) means any entity that provides services on a rail fixed guideway public transportation system.

Rail transit vehicle means any rolling stock used on a rail fixed guideway public transportation system, including but not limited to passenger and maintenance vehicles.

Revenue vehicle means a rail transit vehicle used to provide revenue service for passengers. This includes providing fare free service.

Risk-based inspection program means an inspection program that uses qualitative and quantitative data analysis to inform ongoing inspection activities. Risk-based inspection programs are designed to prioritize inspections to address safety concerns and hazards associated with the highest levels of safety risk.

Safety event means an unexpected outcome resulting in injury or death; damage to or loss of the facilities, equipment, rolling stock, or

infrastructure of a public transportation system; or damage to the environment.

Safety risk means the composite of predicted severity and likelihood of a potential consequence of a hazard.

Safety risk mitigation means a method or methods to eliminate or reduce the severity and/or likelihood of a potential consequence of a hazard.

State means a State of the United States, the District of Columbia, Puerto Rico, the Northern Mariana Islands, Guam, American Samoa, and the Virgin Islands.

State Safety Oversight Agency (SSOA) means an agency established by a State that meets the requirements and performs the functions specified by 49 U.S.C. 5329(e) and (k) and the regulations set forth in this part.

Unintended train movement means any instance where a revenue vehicle is moving and is not under the control of a driver (whether or not the operator is physically on the vehicle at the time). This applies regardless of whether the event occurred in revenue service.

§ 674.9 [Reserved]

Subpart B—Role of the State

§ 674.11 State Safety Oversight Program.

Every State that has a rail fixed guideway public transportation system must have a State Safety Oversight (SSO) program that has been approved by the Administrator. FTA will audit each State's compliance at least triennially, consistent with 49 U.S.C. 5329(e)(10). At minimum, an SSO program must:

(a) Explicitly acknowledge the State's responsibility for overseeing the safety of the rail fixed guideway public transportation systems within the State;

(b) Demonstrate the State's ability to adopt and enforce Federal and relevant State law for safety in rail fixed guideway public transportation systems;

(c) Establish a State safety oversight agency, by State law, in accordance with the requirements of 49 U.S.C. 5329 and this part;

(d) Demonstrate that the State has determined an appropriate staffing level for the State safety oversight agency commensurate with the number, size, and complexity of the rail fixed guideway public transportation systems in the State, and that the State has consulted with the Administrator for that purpose;

(e) Demonstrate that the employees and other personnel of the State safety oversight agency who are responsible for the oversight of rail fixed guideway public transportation systems are qualified to perform their functions,

based on appropriate training, including substantial progress toward or completion of the Public Transportation Safety Certification Training Program; and

(f) Demonstrate that by law, the State prohibits any public transportation agency in the State from providing funds to the SSOA.

§ 674.13 Designation of oversight agency.

(a) Every State that must establish a State Safety Oversight program in accordance with 49 U.S.C. 5329 must also establish an SSOA for the purpose of overseeing the safety of rail fixed guideway public transportation systems within that State. Further, the State must ensure that:

(1) The SSOA is financially and legally independent from any public transportation agency the SSOA is obliged to oversee;

(2) The SSOA does not directly provide public transportation services in an area with a rail fixed guideway public transportation system the SSOA is obliged to oversee;

(3) The SSOA does not employ any individual who is also responsible for administering a rail fixed guideway public transportation system the SSOA is obliged to oversee;

(4) The SSOA has authority to review, approve, oversee, and enforce the Public Transportation Agency Safety Plan for a rail fixed guideway public transportation system required by 49 U.S.C. 5329(d) and part 673 of this chapter;

(5) The SSOA has investigative, inspection, and enforcement authority with respect to the safety of all rail fixed guideway public transportation systems within the State;

(6) At least once every three years, the SSOA audits every rail fixed guideway public transportation system's compliance with the Public Transportation Agency Safety Plan required by 49 U.S.C. 5329(d) and part 673 of this chapter; and

(7) At least once a year, the SSOA reports the status of the safety of each rail fixed guideway public transportation system to the Governor, the FTA, and the board of directors, or equivalent entity, of the rail fixed guideway public transportation system.

(b) At the request of the Governor of a State, the Administrator may waive the requirements for financial and legal independence and the prohibitions on employee conflicts of interest under paragraphs (a)(1) and (3) of this section, if the rail fixed guideway public transportation systems in design, construction, or revenue operations in the State have fewer than one million

combined actual and projected rail fixed guideway revenue miles per year or provide fewer than ten million combined actual and projected unlinked passenger trips per year. However:

(1) If a State shares jurisdiction over one or more rail fixed guideway public transportation systems with another State, and has one or more rail fixed guideway public transportation systems that are not shared with another State, the revenue miles and unlinked passenger trips of the rail fixed guideway public transportation system under shared jurisdiction will not be counted in the Administrator's decision whether to issue a waiver.

(2) The Administrator will rescind a waiver issued under this subsection if the number of revenue miles per year or unlinked passenger trips per year increases beyond the thresholds specified in this subsection.

§ 674.15 Designation of oversight agency for multi-state system.

In an instance of a rail fixed guideway public transportation system that operates in more than one State, all States in which that rail fixed guideway public transportation system operates must either:

(a) Ensure that uniform safety standards and procedures in compliance with 49 U.S.C. 5329 are applied to that rail fixed guideway public transportation system, through an SSO program that has been approved by the Administrator; or

(b) Designate a single entity that meets the requirements for an SSOA to serve as the SSOA for that rail fixed guideway public transportation system, through an SSO program that has been approved by the Administrator.

§ 674.17 Use of Federal financial assistance.

(a) In accordance with 49 U.S.C. 5329(e)(6), FTA will make grants of Federal financial assistance to eligible States to help the States develop and carry out their SSO programs. This Federal financial assistance may be used for reimbursement of both the operational and administrative expenses of SSO programs, consistent with the uniform administrative requirements for grants to States under 2 CFR parts 200 and 1201. The expenses eligible for reimbursement include, specifically, the expense of employee training and the expense of establishing and maintaining an SSOA in compliance with 49 U.S.C. 5329.

(b) The apportionments of available Federal financial assistance to eligible States will be made in accordance with a formula, established by the

Administrator, following opportunity for public notice and comment. The formula will take into account fixed guideway vehicle revenue miles, fixed guideway route miles, and fixed guideway vehicle passenger miles attributable to all rail fixed guideway systems within each eligible State not subject to the jurisdiction of the FRA.

(c) The grants of Federal financial assistance for State safety oversight shall be subject to terms and conditions as the Administrator deems appropriate.

(d) The Federal share of the expenses eligible for reimbursement under a grant for State safety oversight activities shall be eighty percent of the reasonable costs incurred under that grant.

(e) The non-Federal share of the expenses eligible for reimbursement under a grant for State safety oversight activities may not be comprised of Federal funds, any funds received from a public transportation agency, or any revenues earned by a public transportation agency.

§ 674.19 Certification of a State Safety Oversight Program.

(a) The Administrator must determine whether a State's SSO program meets the requirements of 49 U.S.C. 5329. Also, the Administrator must determine whether an SSO program is adequate to promote the purposes of 49 U.S.C. 5329, including, but not limited to, the National Public Transportation Safety Plan, the Public Transportation Safety Certification Training Program, and the Public Transportation Agency Safety Plans.

(b) The Administrator must issue a certification to a State whose SSO program meets the requirements of 49 U.S.C. 5329. The Administrator must issue a denial of certification to a State whose SSO program does not meet the requirements of 49 U.S.C. 5329.

(c) In an instance in which the Administrator issues a denial of certification to a State whose SSO program does not meet the requirements of 49 U.S.C. 5329, the Administrator must provide a written explanation, and allow the State an opportunity to modify and resubmit its SSO program for the Administrator's approval. In the event the State is unable to modify its SSO program to merit the Administrator's issuance of a certification, the Administrator must notify the Governor of that fact, and must ask the Governor to take all possible actions to correct the deficiencies that are precluding the issuance of a certification for the SSO program. In his or her discretion, the Administrator may also impose

financial penalties as authorized by 49 U.S.C. 5329(e), which may include:

(1) Withholding SSO grant funds from the State;

(2) Withholding up to five percent of the 49 U.S.C. 5307 Urbanized Area formula funds appropriated for use in the State or urbanized area in the State, until such time as the SSO program can be certified; or

(3) Requiring all rail fixed guideway public transportation systems governed by the SSO program to spend up to 100 percent of their Federal funding under 49 U.S.C. chapter 53 only for safety-related improvements on their systems, until such time as the SSO program can be certified.

(d) When determining whether to issue a certification or a denial of certification for an SSO program, the Administrator must evaluate whether the cognizant SSOA has the authority, resources, and expertise to oversee the number, size, and complexity of the rail fixed guideway public transportation systems that operate within the State, or will attain the necessary authority, resources, and expertise in accordance with a developmental plan and schedule.

§ 674.21 Withholding of Federal financial assistance for noncompliance.

(a) In making a decision to impose financial penalties as authorized by 49 U.S.C. 5329(e) and determining the nature and amount of the financial penalties, the Administrator shall consider the extent and circumstances of the noncompliance; the operating budgets of the SSOA and the rail fixed guideway public transportation systems that will be affected by the financial penalties; and such other matters as justice may require.

(b) If a State fails to establish an SSO program that has been approved by the Administrator prior to a rail fixed guideway public transportation system entering the engineering or construction phase of development, FTA will be prohibited from obligating Federal financial assistance authorized under 49 U.S.C. 5338 to any entity in the State that is otherwise eligible to receive that Federal financial assistance, in accordance with 49 U.S.C. 5329(e)(3).

§ 674.23 Confidentiality of information.

(a) A State, an SSOA, or an RTA may withhold an investigation report prepared or adopted in accordance with these regulations from being admitted as evidence or used in a civil action for damages resulting from a matter mentioned in the report.

(b) This part does not require public availability of any data, information, or

procedures pertaining to the security of a rail fixed guideway public transportation system or its passenger operations.

Subpart C—State Safety Oversight Agencies

§ 674.25 Role of the State safety oversight agency.

(a) An SSOA must establish minimum standards for the safety of all rail fixed guideway public transportation systems within its oversight. These minimum standards must be consistent with the National Public Transportation Safety Plan, the Public Transportation Safety Certification Training Program, the rules for Public Transportation Agency Safety Plans and all applicable Federal and State law.

(b) An SSOA must review and approve the Public Transportation Agency Safety Plan for every rail fixed guideway public transportation system within its oversight. An SSOA must oversee an RTA's execution of its Public Transportation Agency Safety Plan. An SSOA must enforce the execution of a Public Transportation Agency Safety Plan, through an order of a corrective action plan or any other means, as necessary or appropriate.

(c) An SSOA has the responsibility to provide safety oversight of an RTA's project(s) in the engineering or construction phase to verify compliance with all applicable Federal and State safety requirements. For purposes of §§ 674.33 and 674.35, this is limited to safety events that involve transit-related activities such as operations, testing, simulated service or pre-revenue service, or a transit-related maintenance activity.

(d) An SSOA must ensure that a Public Transportation Agency Safety Plan meets the requirements at 49 U.S.C. 5329(d) and part 673 of this chapter.

(e) An SSOA has primary responsibility for the investigation of any allegation of noncompliance with a Public Transportation Agency Safety Plan. These responsibilities do not preclude the Administrator from exercising their authority under 49 U.S.C. 5329(f).

(f) An SSOA has primary responsibility for the investigation of a safety event on a rail fixed guideway public transportation system. This responsibility does not preclude the Administrator from exercising his or her authority under 49 U.S.C. 5329(f).

(g) An SSOA may enter into an agreement with a contractor for assistance in overseeing safety event investigations and performing

independent safety event investigations; and for expertise the SSOA does not have within its own organization.

(h) All designated personnel employed by an SSOA must comply with the requirements of the Public Transportation Safety Certification Training Program.

§ 674.27 State safety oversight program standards.

(a) An SSOA must adopt and distribute a written SSO program standard, consistent with the National Public Transportation Safety Plan and the rules for Public Transportation Agency Safety Plans. This SSO program standard must identify the processes and procedures that govern the activities of the SSOA. Also, the SSO program standard must identify the processes and procedures an RTA must have in place to comply with the standard. At minimum, the program standard must meet the following requirements:

(1) *Program management.* The SSO program standard must explain the authority of the SSOA to oversee the safety of rail fixed guideway public transportation systems; the policies that govern the activities of the SSOA; the reporting requirements that govern both the SSOA and the rail fixed guideway public transportation systems; and the steps the SSOA will take to ensure open, on-going communication between the SSOA and every rail fixed guideway public transportation system within its oversight.

(2) *Program standard development.* The SSO program standard must explain the SSOA's process for developing, reviewing, adopting, and revising its minimum standards for safety, and distributing those standards to the rail fixed guideway public transportation systems.

(3) *Disposition of RTA comments.* The SSO program standard must establish a disposition process that defines how the SSOA will address any comments the RTA makes with respect to the SSO program standard.

(4) *Program policy and objectives.* The SSO program standard must set an explicit policy and objectives for safety in rail fixed guideway public transportation throughout the State.

(5) *Oversight of RTA Public Transportation Agency Safety Plans and internal safety reviews.* The SSO program standard must explain the role of the SSOA in overseeing an RTA's execution of its Public Transportation Agency Safety Plan and any related safety reviews of the RTA's fixed guideway public transportation system. The SSO program standard must

describe the process whereby the SSOA will receive and evaluate all material submitted under the signature of an RTA's Accountable Executive. The SSO program standard must define baseline RTA internal safety review requirements including, at a minimum, the following requirements:

(i) The RTA must develop and document an ongoing internal safety review process to ensure that all elements of an RTA's Public Transportation Agency Safety Plan are performing and being implemented as intended.

(ii) The RTA's internal safety review process must ensure that the implementation of all elements of its Public Transportation Agency Safety Plan are reviewed within a three-year period.

(iii) The RTA must notify the SSOA at least thirty (30) days before the RTA conducts an internal safety review of any aspect of the rail fixed guideway public transportation system and provide any checklists or procedures it will use during the review.

(iv) The RTA must submit a report to the SSOA annually documenting the internal safety review activities and the status of subsequent findings and corrective actions.

(6) *Oversight of safety risk mitigations.* The SSO program standard must explain the role of the SSOA in overseeing an RTA's development, implementation, and monitoring of safety risk mitigations related to rail fixed guideway transportation, including how the SSOA will track RTA safety risk mitigations. The SSO program standard must specify the frequency and format whereby the SSOA will receive and review information on RTA safety risk mitigation status and effectiveness.

(7) *Oversight of RTA compliance with the Public Transportation Safety Certification Training Program.* The SSO program standard must explain how the SSOA will ensure that the RTA satisfies the requirements of the *Public Transportation Safety Certification Training Program*, including the RTA's designation of personnel and the RTA's identification of refresher training.

(8) *Triennial SSOA audits of RTA Public Transportation Agency Safety Plans.* The SSO program standard must explain the process the SSOA will follow and the criteria the SSOA will apply in conducting a complete audit of the RTA's compliance with its Public Transportation Agency Safety Plan at least once every three years, in accordance with 49 U.S.C. 5329. Alternatively, the SSOA and RTA may agree that the SSOA will conduct its

audit on an on-going basis over the three-year timeframe. The program standard must establish a procedure the SSOA and RTA will follow to manage findings and recommendations arising from the triennial audit.

(9) *Safety event notifications.* The SSO program standard must establish requirements for RTA notifications of safety events occurring on the RTA's rail fixed guideway public transportation system, including notifications to the SSOA and to FTA. SSOA safety event notification requirements must address, specifically, the time limits for notification, methods of notification, and the nature of the information the RTA must submit to the SSOA.

(10) *Investigations.* The SSO program standard must identify safety events that require an RTA to conduct an investigation. Also, the program standard must address how the SSOA will oversee an RTA's own internal investigation; the role of the SSOA in supporting any investigation conducted or findings and recommendations made by the NTSB or FTA; and procedures for protecting the confidentiality of the investigation reports.

(11) *Corrective actions.* The program standard must explain the process and criteria by which the SSOA may order an RTA to develop and carry out a corrective action plan (CAP), and a procedure for the SSOA to review and approve a CAP. Also, the program standard must explain the SSOA's policy and practice for tracking and verifying an RTA's compliance with the CAP and managing any conflicts between the SSOA and RTA relating either to the development or execution of the CAP or the findings of an investigation.

(12) *Inspections.* The SSO program standard must include or incorporate by reference a risk-based inspection program that:

(i) Is commensurate with the number, size, and complexity of the rail fixed guideway public transportation systems that the State safety oversight agency oversees;

(ii) Provides the SSOA with the authority and capability to enter the facilities of each rail fixed guideway public transportation system that the SSOA oversees to inspect infrastructure, equipment, records, personnel, and data, including the data that the RTA collects when identifying and evaluating safety risks; and

(iii) Include policies and procedures regarding the access of the SSOA to conduct inspections of the rail fixed guideway public transportation system, including access for inspections that

occur without advance notice to the RTA.

(13) *Vehicle maintenance and testing.* The SSO program standard must include the process by which the SSOA will review an RTA's rail transit vehicle maintenance program, including the RTA's periodic testing of rail transit vehicle braking systems to ensure performance and to detect potential latent system failures.

(14) *Data collection.* The program standard must include policies and procedures for collecting and reviewing data that the RTA uses when identifying hazards and assessing safety risk and explain how the SSOA uses collected data to support oversight of the RTA's safety risk management process. The frequency of collection shall be commensurate with the size and complexity of the rail fixed guideway public transportation system.

(b) At least once a year an SSOA must submit its SSO program standard and any referenced program procedures to FTA, with an indication of any revisions made to the program standard since the last annual submittal. FTA will evaluate the SSOA's program standard as part of its continuous evaluation of the State Safety Oversight Program, and in preparing FTA's report to Congress on the certification status of that State Safety Oversight Program, in accordance with 49 U.S.C. 5329.

§ 674.29 Public Transportation Agency Safety Plans: general requirements.

(a) In determining whether to approve a Public Transportation Agency Safety Plan for a rail fixed guideway public transportation system, an SSOA must evaluate whether the Public Transportation Agency Safety Plan is compliant with 49 U.S.C. 5329(d) and part 673 of this chapter; is consistent with the National Public Transportation Safety Plan; and is in compliance with the SSO program standard set by the SSOA.

(b) In an instance in which an SSOA does not approve a Public Transportation Agency Safety Plan, the SSOA must provide a written explanation and allow the RTA an opportunity to modify and resubmit its Public Transportation Agency Safety Plan for the SSOA's approval.

§ 674.31 Triennial audits: general requirements.

At least once every three years, an SSOA must conduct a complete audit of an RTA's compliance with its Public Transportation Agency Safety Plan. Alternatively, an SSOA may conduct the audit on an on-going basis over the three-year timeframe. If an SSOA audits

an RTA's compliance on an ongoing basis, the SSOA shall issue interim audit reports at least annually. At the conclusion of the three-year audit cycle, the SSOA shall issue a report with findings and recommendations arising from the triennial or ongoing audit, which must include, at minimum, an analysis of the effectiveness of the Public Transportation Agency Safety Plan, recommendations for improvements, and a corrective action plan, if necessary or appropriate. The RTA must be given an opportunity to comment on the findings and recommendations.

§ 674.33 Notifications of safety events.

(a) An RTA must notify FTA and the SSOA within two hours of any safety event occurring on a rail fixed guideway public transportation system that results in one or more of the following:

- (1) Fatality
- (2) Two or more injuries
- (3) Derailment
- (4) Collision resulting in one or more injuries
- (5) Collision between two rail transit vehicles
- (6) Collision resulting in disabling damage to a rail transit vehicle
- (7) Evacuation for life safety reasons
- (8) Unintended train movement.

(b) The two-hour notification requirement excludes criminal actions that result in fatalities or injuries, such as homicides and assaults.

§ 674.35 Investigations.

(a) An SSOA must investigate or require an investigation of any safety event that requires notification under § 674.33.

(b) The SSOA is ultimately responsible for the sufficiency and thoroughness of all investigations, whether conducted by the SSOA or RTA. If an SSOA requires an RTA to investigate a safety event, the SSOA must conduct an independent review of the RTA's findings of causation. In any instance in which an RTA is conducting its own internal investigation of the safety event, the SSOA and the RTA must coordinate their investigations in accordance with the SSO program standard and any agreements in effect.

(c) Within a reasonable time, an SSOA must issue a written report on its investigation of a safety event or review of an RTA's safety event investigation in accordance with the reporting requirements established by the SSOA.

The report must describe the investigation activities; identify the factors that caused or contributed to the safety event; and set forth a corrective action plan, as necessary or appropriate. The SSOA must formally adopt the report of a safety event and transmit that report to the RTA for review and concurrence. If the RTA does not concur with an SSOA's report, the SSOA may allow the RTA to submit a written dissent from the report, which may be included in the report, at the discretion of the SSOA.

(d) All personnel and contractors that conduct investigations on behalf of an SSOA must be trained to perform their functions in accordance with the Public Transportation Safety Certification Training Program.

(e) The Administrator may conduct an independent investigation of any safety event or an independent review of an SSOA's or an RTA's findings of causation of a safety event.

§ 674.37 Corrective action plans.

(a) The SSOA must, at a minimum, require the development of a CAP for the following:

- (1) Results from investigations, in which the RTA or SSOA determined that causal or contributing factors require corrective action;
- (2) Findings of non-compliance from safety reviews and inspections performed by the SSOA; or
- (3) Findings of non-compliance from internal safety reviews performed by the RTA.

(b) In any instance in which an RTA must develop and carry out a CAP, the SSOA must review and approve the CAP before the RTA carries out the plan. However, an exception may be made for immediate or emergency corrective actions that must be taken to ensure immediate safety, provided that the SSOA has been given timely notification, and the SSOA provides subsequent review and approval.

(c) A CAP must describe, specifically, the actions the RTA will take to correct the deficiency identified by the CAP, the schedule for taking those actions, and the individuals responsible for taking those actions. The RTA must periodically report to the SSOA on its progress in carrying out the CAP. The SSOA may monitor the RTA's progress in carrying out the CAP through unannounced, on-site inspections, or any other means the SSOA deems necessary or appropriate.

(d) In any instance in which a safety event on the RTA's rail fixed guideway public transportation system is the subject of an investigation by the NTSB or FTA, the SSOA must evaluate whether the findings or recommendations by the NTSB or FTA require a CAP by the RTA, and if so, the SSOA must order the RTA to develop and carry out a CAP.

§ 674.39 State Safety Oversight Agency annual reporting to FTA.

(a) On or before March 15 of each year, an SSOA must submit the following material to FTA:

(1) The SSO program standard adopted in accordance with § 674.27, with an indication of any changes to the SSO program standard during the preceding twelve months;

(2) Evidence that its designated personnel have completed the requirements of the Public Transportation Safety Certification Training Program, or, if in progress, the anticipated completion date of the training;

(3) A publicly available report that summarizes its oversight activities for the preceding twelve months, describes the causal factors of safety events identified through investigation, and identifies the status of corrective actions, changes to Public Transportation Agency Safety Plans, and the level of effort by the SSOA in carrying out its oversight activities;

(4) Final investigation reports for all safety events meeting one or more of the criteria specified at § 674.33;

(5) A summary of the internal safety reviews conducted by RTAs during the previous twelve months, and the RTA's progress in carrying out CAPs arising under § 674.37(a)(3);

(6) A summary of the triennial audits completed during the preceding twelve months, and the RTAs' progress in carrying out CAPs arising from triennial audits conducted in accordance with § 674.31;

(7) Evidence that the SSOA has reviewed and approved any changes to the Public Transportation Agency Safety Plans during the preceding twelve months; and

(8) A certification that the SSOA is in compliance with the requirements of this part.

(b) These materials must be submitted electronically through a reporting system specified by FTA.

§ 674.41 Conflicts of interest.

(a) An SSOA must be financially and legally independent from any rail fixed guideway public transportation system under the oversight of the SSOA, unless the Administrator has issued a waiver of this requirement in accordance with § 674.13(b).

(b) An SSOA may not employ any individual who provides services to a rail fixed guideway public transportation system under the oversight of the SSOA, unless the Administrator has issued a waiver of this requirement in accordance with § 674.13(b).

(c) A contractor may not provide services to both an SSOA and a rail fixed guideway public transportation system under the oversight of that SSOA, unless the Administrator has issued a waiver of this prohibition.

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Part III

Department of Energy

10 CFR Part 430

Energy Conservation Program: Energy Conservation Standards for
Consumer Furnace Fans; Final Rule

DEPARTMENT OF ENERGY**10 CFR Part 430****[EERE–2021–BT–STD–0029]****RIN 1904–AE64****Energy Conservation Program: Energy Conservation Standards for Consumer Furnace Fans**

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

ACTION: Final determination.

SUMMARY: The Energy Policy and Conservation Act, as amended (“EPCA”), prescribes energy conservation standards for various consumer products and certain commercial and industrial equipment, including consumer furnace fans. EPCA also requires the U.S. Department of Energy (“DOE”) to periodically review its existing standards to determine whether more-stringent, amended standards would be technologically feasible and economically justified, and would result in significant energy savings. In this final determination, DOE has determined the energy conservation standards for consumer furnace fans do not need to be amended.

DATES: The effective date of this final determination is November 18, 2024.

ADDRESSES: The docket for this activity, which includes **Federal Register** notices, public meeting attendee lists and transcripts, comments, and other supporting documents/materials, is available for review at www.regulations.gov. All documents in the docket are listed in the www.regulations.gov index. However, not all documents listed in the index may be publicly available, such as information that is exempt from public disclosure.

The docket web page can be found at www.regulations.gov/docket/EERE-2021-BT-STD-0029. The docket web page contains instructions on how to access all documents, including public comments, in the docket.

FOR FURTHER INFORMATION CONTACT:

Ms. Julia Hegarty, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Building Technologies Office, EE–5B, 1000 Independence Avenue SW, Washington, DC 20585–0121. Telephone: (240) 597–6737 Email: ApplianceStandardsQuestions@ee.doe.gov.

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For further information on how to review the docket, contact the Appliance and Equipment Standards Program staff at (202) 287–1445 or by email: ApplianceStandardsQuestions@ee.doe.gov.

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I. Synopsis of the Final Determination

The Energy Policy and Conservation Act, Public Law 94–163, as amended (“EPCA”),¹ authorizes DOE to regulate the energy efficiency of a number of consumer products and certain industrial equipment. (42 U.S.C. 6291–6317, as codified) Title III, Part B² of EPCA established the Energy Conservation Program for Consumer Products Other Than Automobiles. (42 U.S.C. 6291–6309) These products include consumer furnace fans, the subject of this final determination. (42 U.S.C. 6295(f)(4)(D))

Pursuant to EPCA, DOE is required to review its existing energy conservation standards for covered consumer products no later than six years after issuance of any final rule establishing or amending a standard. (42 U.S.C. 6295(m)(1)) Pursuant to that statutory provision, DOE must publish either a

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

² For editorial reasons, upon codification in the U.S. Code, Part B was redesignated Part A.

notification of determination that standards for the product do not need to be amended, or a notice of proposed rulemaking (“NOPR”) including new proposed energy conservation standards (proceeding to a final rule, as appropriate). (*Id.*) DOE has conducted this review of the energy conservation standards for consumer furnace fans under EPCA’s six-year-lookback authority described herein.

For this final determination, DOE analyzed consumer furnace fans subject to energy conservation standards specified in the Code of Federal Regulations (“CFR”) at 10 CFR 430.32(y). DOE first analyzed the technological feasibility of more energy-efficient consumer furnace fans. For those consumer furnace fans for which DOE determined higher standards to be technologically feasible, DOE evaluated whether higher standards would be cost-effective for consumers by conducting life-cycle cost (“LCC”) and payback period (“PBP”) analyses. In addition, DOE estimated energy savings that would result from potential energy conservation standards by conducting a national impact analysis (“NIA”), in which it estimated the net present value (“NPV”) of the total costs and benefits experienced by consumers.

Based on the results of the analyses, summarized in section V of this document, DOE has determined that the current standards for consumer furnace fans do not need to be amended and is issuing this final determination accordingly.

II. Introduction

The following sections briefly discuss the statutory authority underlying this final determination, as well as some of the historical background relevant to the establishment of energy conservation standards for consumer furnace fans.

A. Authority

Among other things, EPCA authorizes DOE to regulate the energy efficiency of a number of consumer products and certain industrial equipment. (42 U.S.C. 6291–6317, as codified) Title III, Part B³ of EPCA established the Energy Conservation Program for Consumer Products Other Than Automobiles. These products include consumer furnace fans, the subject of this document. (42 U.S.C. 6295(f)(4)(D)) Specifically, EPCA authorized DOE to establish energy conservation standards

for electricity used for the purpose of circulating air through ductwork. (*Id.*)

The energy conservation program under EPCA consists essentially of four parts: (1) testing; (2) labeling; (3) the establishment of Federal energy conservation standards, and (4) certification and enforcement procedures. Relevant provisions of EPCA specifically include definitions (42 U.S.C. 6291), test procedures (42 U.S.C. 6293), labeling provisions (42 U.S.C. 6294), energy conservation standards (42 U.S.C. 6295), and the authority to require information and reports from manufacturers (42 U.S.C. 6296).

Federal energy efficiency requirements for covered products established under EPCA generally supersede State laws and regulations concerning energy conservation testing, labeling, and standards. (42 U.S.C. 6297(a)–(c)) DOE may, however, grant waivers of Federal preemption in limited circumstances for particular State laws or regulations, in accordance with the procedures and other provisions set forth under EPCA. (42 U.S.C. 6297(d))

Subject to certain criteria and conditions, DOE is required to develop test procedures to measure the energy efficiency, energy use, or estimated annual operating cost of each covered product. (42 U.S.C. 6295(o)(3)(A) and 42 U.S.C. 6295(r)) Manufacturers of covered products must use the prescribed DOE test procedure as the basis for certifying to DOE that their product complies with the applicable energy conservation standards and as the basis for any representations regarding the energy use or energy efficiency of the product. (42 U.S.C. 6293(c) and 42 U.S.C. 6295(s)) Similarly, DOE must use these test procedures to evaluate whether a basic model complies with the applicable energy conservation standard(s). (42 U.S.C. 6295(s)) The DOE test procedures for consumer furnace fans appear at title 10 CFR part 430, subpart B, appendix AA.

As noted previously, not later than six years after the issuance of any final rule establishing or amending a standard, DOE must publish either a notice of proposed determination (“NOPD”) that standards for the product do not need to be amended, or a NOPR including new proposed energy conservation standards (proceeding to a final rule, as appropriate). (42 U.S.C. 6295(m)(1) and (3)) EPCA further provides that, not later than three years the issuance of a final determination not to amend standards, DOE must publish either a notification of determination that standards for the

product do not need to be amended, or a NOPR including new proposed energy conservation standards (proceeding to a final rule, as appropriate). (42 U.S.C. 6295(m)(3)(B)) DOE must make the analysis on which a NOPD or NOPR is based publicly available and provide an opportunity for written comment. (42 U.S.C. 6295(m)(2))

A determination that amended standards are not needed must be based on consideration of whether amended standards will result in significant conservation of energy, are technologically feasible, and are cost-effective. (42 U.S.C. 6295(m)(1)(A) and 42 U.S.C. 6295(n)(2)) Additionally, any new or amended energy conservation standard prescribed by the Secretary for any type (or class) of covered product shall be designed to achieve the maximum improvement in energy efficiency which the Secretary determines is technologically feasible and economically justified. (42 U.S.C. 6295(o)(2)(A)) Among the factors DOE considers in evaluating whether a proposed standard level is economically justified includes whether the proposed standard at that level is cost-effective, as defined under 42 U.S.C.

6295(o)(2)(B)(i)(II). Under 42 U.S.C. 6295(o)(2)(B)(i)(II), an evaluation of cost-effectiveness requires DOE to consider savings in operating costs throughout the estimated average life of the covered products in the type (or class) compared to any increase in the price, initial charges, or maintenance expenses for the covered products that are likely to result from the standard. (42 U.S.C. 6295(n)(2) and 42 U.S.C. 6295(o)(2)(B)(i)(II))

Finally, pursuant to the amendments to EPCA contained in the Energy Independence and Security Act of 2007 (“EISA 2007”), Public Law 110–140, any final rule for new or amended energy conservation standards promulgated after July 1, 2010, is required to address standby mode and off mode energy use. (42 U.S.C. 6295(gg)(3)) Specifically, when DOE adopts a standard for a covered product after that date, it must, if justified by the criteria for adoption of standards under EPCA (42 U.S.C. 6295(o)), incorporate standby mode and off mode energy use into a single standard, or, if that is not feasible, adopt a separate standard for such energy use for that product. (42 U.S.C. 6295(gg)(3)(A)–(B)) However, in a test procedure final rule for furnace fans published in the **Federal Register** on January 3, 2014, DOE has previously determined that there is no need to address standby mode and off mode energy use in the standards for consumer furnace fans, as the standby

³ As noted previously, for editorial reasons, upon codification in the U.S. Code, Part B was redesignated Part A.

mode and off mode energy use associated with furnace fans is accounted for by the standards and test procedures for the products in which furnace fans are used (*i.e.*, consumer furnaces and consumer central air conditioners and heat pumps). 79 FR 500, 504–505. DOE maintained the same approach in the most recent amended test procedure for consumer furnace fans, which was published in the **Federal Register** on April 12, 2024

(“April 2024 TP Final Rule”; 89 FR 25780, 25782) and continues to do so here for the reasons previously stated.

DOE is publishing this final determination pursuant to the six-year-lookback review requirement in EPCA.

B. Background

1. Current Standards

DOE most recently completed a review of the subject consumer furnace

fans standards in a final rule published in the **Federal Register** on July 3, 2014 (“July 2014 Final Rule”), through which DOE prescribed the current energy conservation standards for consumer furnace fans manufactured on and after July 3, 2019. 79 FR 38130. These standards are set forth in DOE’s regulations at 10 CFR 430.32(y) and are shown in Table II.1.

TABLE II.1—FEDERAL ENERGY CONSERVATION STANDARDS FOR CONSUMER FURNACE FANS

Furnace fan product class *	Fan energy rating ** (watts/1,000 cubic feet per minute (“cfm”))
Non-Weatherized, Non-Condensing Gas (“NWG–NC”)	FER = 0.044 * Q _{max} + 182.
Non-Weatherized, Condensing Gas (“NWG–C”)	FER = 0.044 * Q _{max} + 195.
Weatherized, Non-Condensing Gas (“WG–NC”)	FER = 0.044 * Q _{max} + 199.
Non-Weatherized, Non-Condensing Oil Furnace Fan (“NWO–NC”)	FER = 0.071 * Q _{max} + 382.
Non-Weatherized Electric Furnace/Modular Blower Fan (“NWEF/NWMB”)	FER = 0.044 * Q _{max} + 165.
Mobile Home Non-Weatherized, Non-Condensing Gas Furnace Fan (“MH–NWG–NC”)	FER = 0.071 * Q _{max} + 222.
Mobile Home Non-Weatherized, Condensing Gas Furnace Fan (“MH–NWG–C”)	FER = 0.071 * Q _{max} + 240.
Mobile Home Electric Furnace/Modular Blower Fan (“MH–EF/MB”)	FER = 0.044 * Q _{max} + 101.
Mobile Home Non-Weatherized Oil Furnace Fan (“MH–NWO”)	Reserved.
Mobile Home Weatherized Gas Furnace Fan (“MH–WG”)	Reserved.

* Furnace fans incorporated into hydronic air handlers, small-duct high-velocity (“SDHV”) modular blowers, SDHV electric furnaces, and central air conditioners/heat pump indoor units are not subject to the standards listed in this table. See section IV.A.1 of this document for further discussion.

** Q_{max} is the airflow, in cfm, at the maximum airflow-control setting measured using the final DOE test procedure at 10 CFR part 430, subpart B, appendix AA.

2. Current Rulemaking History

DOE established energy conservation standards at 10 CFR 430.32(y) for furnace fans through the July 2014 Final Rule. 79 FR 38130. As discussed in section II.A of this document, EPCA authorized DOE to establish energy conservation standards for electricity used for the purpose of circulating air through ductwork. (42 U.S.C. 6295(f)(4)(D)) While the statutory language allows for regulation of the electricity use of any electrically-powered device applied to residential central heating, ventilation, and air conditioning (“HVAC”) systems for the purpose of circulating air through ductwork, in the July 2014 Final Rule, DOE established standards only for certain furnace fans used in furnaces and modular blowers. 79 FR 38130, 38146 (July 3, 2014). Compliance with the prescribed standards established for consumer furnace fans in the July 2014 Final Rule was required as of July 3, 2019. DOE’s energy conservation standards for furnace fans use the fan energy rating (“FER”) metric, which is the ratio of the electrical energy consumption to airflow, expressed as watts per 1,000 cubic feet per minute of

airflow (“W/1,000 cfm”). 10 CFR 430.32(y). In evaluating whether amended standards for furnace fans are warranted, DOE used the test procedure for determining FER which is established at 10 CFR part 430, subpart B, appendix AA, “Uniform Test Method for Measuring the Energy Consumption of Furnace Fans” (“appendix AA”). In parallel to this rulemaking, DOE conducted a test procedure rulemaking that considered whether amendments were warranted for the current test procedure for furnace fans. On May 13, 2022, DOE published in the **Federal Register** a NOPR concerning the test procedure for furnace fans (“May 2022 TP NOPR”). 87 FR 29576. Subsequently, DOE published the April 2024 TP Final Rule. 89 FR 25780.

In support of the present review of the consumer furnace fans energy conservation standards, DOE published a request for information (“RFI”) in the **Federal Register**, which identified various issues on which DOE sought comment to inform its determination of whether the standards need to be amended, on November 23, 2021 (“November 2021 RFI”). 86 FR 66465. The following year, on November 1,

2022, DOE published a notice of availability of the preliminary technical support document (“November 2022 Preliminary Analysis”) and the accompanying preliminary technical support document (“November 2022 Preliminary Analysis TSD”) in the **Federal Register**. 87 FR 65687. In the November 2022 Preliminary Analysis, DOE assessed potential amended standard levels for consumer furnace fans.

On September 20, 2022, a consent decree was issued for *NRDC et al. v. DOE* and *New York et al. v. DOE* that mandated that a final agency action pertaining to energy conservation standards (*i.e.*, a final rule amending energy conservation standards or a final determination not to amend standards) must be issued by October 31, 2024.

On October 6, 2023, DOE published a NOPD (“October 2023 NOPD”) in the **Federal Register**, which tentatively determined that the current standards for consumer furnace fans do not need to be amended. 88 FR 69826.

DOE received comments in response to the October 2023 NOPD from the interested parties listed in Table II.2.

TABLE II.2—LIST OF COMMENTERS WITH WRITTEN SUBMISSIONS IN RESPONSE TO THE OCTOBER 2023 NOPD

Commenter(s)	Abbreviation	Comment No. in the docket	Commenter type
Air-Conditioning, Heating, & Refrigeration Institute	AHRI	32	Manufacturer Trade Association.
Appliance Standards Awareness Project, American Council for an Energy-Efficient Economy, National Consumer Law Center, Natural Resources Defense Council, New York State Energy Research and Development Authority.	Joint Advocates	31	Efficiency Advocacy Organization.
Lennox International	Lennox	30	Manufacturer.
Michael Ravnitzky	Ravnitzky	29	Individual.

A parenthetical reference at the end of a comment quotation or paraphrase provides the location of the item in the public record.⁴

III. General Discussion and Rationale

DOE developed this final determination after a review of the market for the subject consumer furnace fans. DOE also considered comments, data, and information from interested parties that represent a variety of interests. This final determination addresses issues raised by these commenters.

A. General Comments

This section summarizes general comments received from interested parties regarding rulemaking timing and process, as well as general recommendations on the standard levels.

In response to the October 2023 NOPD, AHRI commented that it agrees with DOE's proposed determination, stating that it is reasonable and appropriate and that the energy conservation standards for consumer furnace fans do not need to be amended at this time. (AHRI, No. 32 at p. 1) Lennox commented that the October 2023 NOPD indicates that more-stringent consumer furnace fan efficiency levels would cause most consumers to suffer net costs, and it supports DOE's determination to not amend furnace fan standards at this time. (Lennox, No. 30 at pp. 1–3) Ravnitzky supported DOE's proposed determination, stating that the “cost-benefit analysis does not always demonstrate clear utility.” Ravnitzky stated that DOE's analysis, which integrates durability and reliability design objectives, ensures that the standards developed are both functional and advantageous. (Ravnitzky, No. 29 at p. 1) Ravnitzky commented that furnace fans are used for air circulation both

when the furnace or air conditioner is operating and during its inactive cycle, and that DOE's acknowledgement of furnace fan operation in both cycles is important to establish feasible and relevant standards. (*Id.*)

Conversely, the Joint Advocates commented that DOE should adopt standards that effectively require brushless permanent magnet (“BPM”) motors for all product classes (including oil and mobile home gas furnaces). (Joint Advocates, No. 31 at pp. 1–2) The Joint Advocates commented that, because DOE's analysis shows about 90 percent of mobile home gas furnaces achieve an efficiency level that assumes EL 1 (*i.e.*, a BPM motor), the availability of those products would likely not be affected by an amended standard. (Joint Advocates, No. 31 at pp. 1–2)

As part of the rulemaking process, DOE carefully considers the benefits and burdens of potential amended standards to determine whether the potential amended standards are the maximum standard levels that are technologically feasible and economically justified and would conserve a significant amount of energy, as required by EPCA (*see* 42 U.S.C. 6295(o)(2)(A) and (3)(B)). Given the small role of NWO–NC, MH–NWG–NC, MH–NWG–C, and MH–NWO in the overall furnace market, the declining shipments for the affected product classes, and the number of products that incorporate a BPM motor today, DOE concludes that the energy savings potential from this design option is limited. Further, DOE has concerns about availability of products if standards are amended. If any products lines are required to be updated, that may lead to manufacturers to choose to leave the market, thereby potentially impacting consumers if the market becomes more concentrated. This topic is discussed further in section IV of this document, which outlines DOE's approach to analyzing potential amended standard levels, and section V of this document, which includes a discussion of market considerations, as well as a detailed explanation of DOE's

weighing of the benefits and burdens and the rationale for proposing not to amend standards for consumer furnace fans.

Ravnitzky recommended that DOE should mandate that manufacturers disclose the relative energy efficiency of the fans used in air handlers and air conditioners. The commenter stated that implementing an easily comparable metric/rating would allow consumers to make more energy-conscious decisions and encourage manufacturers to innovate their products. Ravnitzky further stated that, by mandating this information, DOE could create a market environment in which energy efficiency is a top consideration for product development and consumer purchasing. (Ravnitzky, No. 29 at p. 1) Further, Ravnitzky commented that DOE should establish a periodic review process to assess the standards' real-world performance and impact, evaluating the longevity, consumer satisfaction, and environmental benefits of the established standards in order to guarantee that standards adapt to technological advancements and market trends. (*Id.* at pp. 1–2) Finally, Ravnitzky commented that DOE should develop partnerships with industry experts and consumer advocacy groups to create refined and impactful energy conservation measures. (*Id.* at p. 2)

In response, DOE notes that the electrical energy consumption of fans used in HVAC products such as air handlers and air conditioners are accounted for by the seasonal energy efficiency ratio 2 (“SEER2”) and heating seasonal performance factor 2 (“HSPF2”) metrics measured by the test procedure for central air conditioners (“CACs”) and heat pumps at 10 CFR part 430, subpart B, appendix M1 (“Appendix M1”). These products are rated using a different metric than that used for furnace fans, as they have different functionalities and cannot not be directly compared. With regard to Ravnitzky's suggestion that DOE establish a collaborative, periodic review process, DOE notes that, as outlined in section II.A of this

⁴ The parenthetical reference provides a reference for information located in the docket. (Docket No. EERE–2021–BT–STD–0029, which is maintained at www.regulations.gov). The references are arranged as follows: (commenter name, comment docket ID number, page of that document).

document, DOE is required to review its existing energy conservation standards for covered consumer products no later than six years after issuance of any final rule establishing or amending a standard (42 U.S.C. 6295(m)(1)) or three years after a determination that standards for the product do not need to be amended. (42 U.S.C. 6295(m)(3)(B)) In these reviews, DOE assesses factors including the economic impact of standards on consumers and national energy savings to capture the real-world impacts of amended standards. As a part of this process, DOE regularly engages with industry stakeholders through manufacturer interviews, public meetings/webinars, and written comments.

B. Product Classes and Scope of Coverage

When evaluating and establishing energy conservation standards, DOE divides covered products into product classes by the type of energy used or by capacity or other performance-related features that justify differing standards. In making a determination whether a performance-related feature justifies a different standard, DOE must consider factors such as the utility of the feature to the consumer and other factors DOE determines are appropriate. (42 U.S.C. 6295(q)) The scope of coverage and product classes for this final determination are discussed in further detail in section IV.A.1 of this document. This final determination covers those consumer products that meet the definition of a “furnace fan” as codified at 10 CFR 430.2. That provision states that a “furnace fan” is defined as an electrically-powered device used in a consumer product for the purpose of circulating air through ductwork. *Id.*

DOE did not receive any comments on product classes and scope of coverage in response to the October 2023 NOPD. Consequently, DOE is maintaining the same approach for the final determination.

C. Test Procedure

EPCA sets forth generally applicable criteria and procedures for DOE’s adoption and amendment of test procedures. (42 U.S.C. 6293) Manufacturers of covered products must use these test procedures to quantify the efficiency of their product and as the basis for certifying to DOE that their product complies with the applicable energy conservation standards and as the basis for any representations regarding the energy use or energy efficiency of the product. (42 U.S.C. 6295(s) and 42 U.S.C. 6293(c)) Similarly, DOE must use these test

procedures to evaluate whether a basic model complies with the applicable energy conservation standard(s) pursuant to EPCA. (42 U.S.C. 6295(s); 10 CFR 429.110(e))

The current test procedure for consumer furnace fans is codified at 10 CFR part 430, subpart B, appendix AA, *Uniform Test Method for Measuring the Energy Consumption of Furnace Fans*. Appendix AA includes provisions for determining the FER, the metric on which current standards are based (*see* 10 CFR 430.32(y)). DOE most recently updated appendix AA on April 12, 2024, when DOE published the April 2024 TP Final Rule in the **Federal Register**. 89 FR 25780. The April 2024 TP Final Rule adopted the following changes:

- (1) Specify testing instructions for furnace fans incapable of operating at the required external static pressure (“ESP”);
- (2) Incorporate by reference the most recent versions of industry standards, ASHRAE 103–2017 and ASHRAE 37–2009 (RA 2019), in 10 CFR 430.3;
- (3) Incorporate by reference chapter 1 of the 2021 ASHRAE Handbook;
- (4) Define “dual-fuel furnace fans” and exclude them from the scope of appendix AA;
- (5) Change the term “default airflow control settings” to “specified airflow control settings”;
- (6) Make clarifications to nomenclature, correct the value of the conversion factor from watts to British Thermal Units per hour (“Btu/h”), and correct the units of specific volume of dry air;
- (7) Revise the ambient temperature conditions allowed during testing to between 65 degrees Fahrenheit (“°F”) and 85 °F for all units (both condensing and non-condensing);
- (8) Assign an allowable range of relative humidity during testing to be between 20 percent and 80 percent; and
- (9) Require that the power measurements be determined as an average over the last 30 seconds of each steady-state period at intervals of no less than 1 per second, rather than taken as a single point measurement.

Id. at 89 FR 25780, 25783 (April 12, 2024).

DOE did not receive any comments on the furnace fans test procedure in response to the October 2023 NOPD.

D. Technological Feasibility

1. General Considerations

As discussed, a determination that amended energy conservation standards are not needed must be based on consideration of whether amended

standards would result in significant conservation of energy, are technologically feasible, and are cost-effective. (42 U.S.C. 6295(m)(1)(A) and 42 U.S.C. 6295(n)(2))

To determine whether potential amended standards would be technologically feasible, DOE first develops a list of all known technologies and design options that could improve the efficiency of products that are the subject of the determination. DOE considers technologies incorporated in commercially-available products or in working prototypes to be “technologically feasible.” 10 CFR part 430, subpart C, appendix A, sections 6(b)(3)(i) and 7(b)(1). Section IV.A.2 of this document discusses the technology options identified and considered by DOE for this analysis for consumer furnace fans.

After DOE has determined which, if any, technologies and design options are technologically feasible, it further evaluates each technology and design option in light of the following additional screening criteria: (1) practicability to manufacture, install, and service; (2) adverse impacts on product utility or availability; (3) adverse impacts on health or safety; and (4) unique-pathway proprietary technologies. 10 CFR part 430, subpart C, appendix A, sections 6(b)(3)(ii)–(v) and 7(b)(2)–(5). Those technology options that are “screened out” based on these criteria are not considered further. Those technology and design options that are not screened out are considered as the basis for higher efficiency levels that DOE could consider for potential amended standards. Section IV.A.4 of this document discusses the results of the screening analysis conducted for this final determination.

2. Maximum Technologically Feasible Levels

EPCA requires that for any proposed rule that prescribes an amended or new energy conservation standard or prescribes no amendment or no new standard for a type (or class) of covered product, DOE must determine the maximum improvement in energy efficiency or maximum reduction in energy use that is technologically feasible for each type (or class) of covered products. (42 U.S.C. 6295(p)(1)) Accordingly, in the engineering analysis, DOE identifies the maximum technologically feasible efficiency level currently available on the market for consumer furnace fans. DOE also defines such “max-tech” efficiency level, representing the maximum

theoretical efficiency that can be achieved through the application of all available technology options retained from the screening analysis.⁵ In many cases, the max-tech efficiency level is not commercially available because it is not currently economically feasible. The max-tech levels that DOE determined for this analysis are described in section IV.B.1.c of this final determination.

E. Energy Savings

1. Determination of Savings

For each efficiency level (“EL”) evaluated, DOE projects anticipated energy savings from application of the EL to the consumer furnace fan products purchased during the 30-year period that begins in the assumed year of compliance with potential amended standards (2030–2059).⁶ The savings are measured over the entire lifetime of products purchased during the 30-year analysis period. DOE quantifies the energy savings attributable to each EL as the difference in energy consumption between each standards case and the no-new-standards case. The no-new-standards case represents a projection of energy consumption that reflects how the market for such products would likely evolve in the absence of amended energy conservation standards.

DOE uses its NIA spreadsheet models to estimate national energy savings (“NES”) from potential amended standards for the products analyzed. The NIA spreadsheet model (described in section IV.G of this document) calculates energy savings in terms of site energy, which is the energy directly consumed by the products at the locations where they are used. For electricity, DOE reports NES in terms of primary energy savings, which is the savings in the energy that is used to generate and transmit the site electricity. For natural gas, the primary energy savings are considered to be equal to the site energy savings. DOE also calculates NES in terms of full-fuel-cycle (“FFC”) energy savings. The FFC metric includes the energy consumed in extracting, processing, and transporting primary fuels (*i.e.*, coal, natural gas, petroleum fuels), and, thus, presents a more complete picture of the impacts of energy conservation standards.⁷ DOE’s

approach is based on the calculation of an FFC multiplier for each of the energy types used by covered products. Section IV.G.2 of this document provides more information on FFC energy savings.

2. Significance of Savings

As discussed, a determination that amended standards are not needed must be based on consideration of whether amended standards will result in significant conservation of energy, among other factors. (42 U.S.C. 6295(m)(1)(A) and 42 U.S.C. 6295(n)(2))

The significance of energy savings offered by a new or amended energy conservation standard cannot be determined without knowledge of the specific circumstances surrounding a given rulemaking.⁸ For example, for some covered products, most of the energy consumption occurs during periods of peak energy demand. The impacts of these products on the energy infrastructure can be more pronounced than the impacts of products with relatively constant demand. Accordingly, DOE evaluates the significance of energy savings on a case-by-case basis. The significance of energy savings is further discussed in section V.B.1 of this final determination.

F. Cost-Effectiveness

As discussed, a determination that amended standards are not needed must be based on consideration of whether amended standards would be cost-effective, among other factors. (42 U.S.C. 6295(m)(1)(A) and 42 U.S.C. 6295(n)(2))

In evaluating cost-effectiveness, EPCA requires DOE to consider savings in operating costs throughout the estimated average life of the covered product in the type (or class) compared to any increase in the price, initial charges, or maintenance expenses for the covered product that are likely to result from the standard. (42 U.S.C. 6295(n)(2)(c) and 42 U.S.C. 6295(o)(2)(B)(i)(II)) Cost-effectiveness is also one of the factors that DOE considers under 42 U.S.C. 6295(o)(2)(B) in determining whether new or amended standards are economically justified. (42 U.S.C. 6295(o)(2)(B)(i)(II))

In determining cost-effectiveness of potential amended standards for covered products, DOE generally conducts LCC and PBP analyses that estimate the costs and benefits to users from potential standards. Section IV.E of this document provides more

information on the LCC and PBP analyses conducted for this final determination. To further inform DOE’s consideration of the cost-effectiveness of potential amended standards, DOE considered the NPV of total costs and benefits estimated as part of the NIA. The inputs for determining the NPV of the total costs and benefits experienced by consumers are: (1) total annual installed cost, (2) total annual operating costs (energy costs and repair and maintenance costs), and (3) a discount factor to calculate the present value of costs and savings. The results of this analysis are discussed in section V.C.3 of this document.

G. Further Considerations

In determining whether a potential, more-stringent standard is economically justified, DOE must determine whether the benefits of the standard exceed its burdens. (42 U.S.C. 6295(o)(2)(B)(i)) DOE must make this determination after receiving comments on the proposed standard, and by considering, to the greatest extent practicable, the following seven statutory factors:

- (1) The economic impact of the standard on manufacturers and consumers of the product subject to the standard;
- (2) The savings in operating costs throughout the estimated average life of the covered product in the type (or class) compared to any increase in the price, initial charges for, or maintenance expenses of the covered product that are likely to result from the standard;
- (3) The total projected amount of energy (or as applicable, water) savings likely to result directly from the standard;
- (4) Any lessening of the utility or the performance of the covered product likely to result from the standard;
- (5) The impact of any lessening of competition, as determined in writing by the Attorney General, that is likely to result from the standard;
- (6) The need for national energy and water conservation; and
- (7) Other factors the Secretary considers relevant.

(42 U.S.C. 6295(o)(2)(B)(i)(I)–(VII))

The following sections discuss how DOE has addressed each of these seven factors in this final determination.

1. Economic Impact on Manufacturers and Consumers

In determining the impacts of a potential new or amended standard on manufacturers, DOE conducts a manufacturing impact analysis (“MIA”). DOE first uses an annual cash-flow approach to determine the quantitative impacts. This step includes both a short-

⁵ In applying these design options, DOE would only include those that are compatible with each other that when combined, would represent the theoretical maximum possible efficiency.

⁶ DOE also presents a sensitivity analysis that considers impacts for products shipped in a nine-year period.

⁷ The FFC metric is discussed in DOE’s statement of policy and notice of policy amendment. 76 FR 51281 (August 18, 2011), as amended at 77 FR 49701 (August 17, 2012).

⁸ The numeric threshold for determining the significance of energy savings established in a final rule published in the **Federal Register** on February 14, 2020 (85 FR 8626, 8670) was subsequently eliminated in a final rule published in the **Federal Register** on December 13, 2021 (86 FR 70892).

term assessment—based on the cost and capital requirements during the period between when a regulation is issued and when entities must comply with the regulation—and a long-term assessment over a 30-year period. The industry-wide impacts analyzed include: (1) industry net present value, which values the industry on the basis of expected future cash flows; (2) cash flows by year; (3) changes in revenue and income; and (4) other measures of impact, as appropriate. Since DOE has determined not to amend the standards for consumer furnace fans, this final determination will have no cash-flow impacts on manufacturers. Accordingly, DOE did not conduct an MIA for this final determination.

For individual consumers, measures of economic impact include the changes in LCC and PBP associated with new or amended standards. These measures are discussed further in the following section. For consumers in the aggregate, DOE also calculates the national NPV of the consumer costs and benefits expected to result from particular standards. DOE also evaluates the impacts of potential standards on identifiable subgroups of consumers that may be affected disproportionately by a standard. Since DOE has determined not to amend the standards for consumer furnace fans, this final determination will have no disproportionate impact on identifiable subgroups of consumers. Accordingly, DOE did not conduct a subgroup analysis for this final determination.

2. Savings in Operating Costs Compared To Increase in Price

EPCA requires DOE to consider the savings in operating costs throughout the estimated average life of the covered product in the type (or class) compared to any increase in the price of, or in the initial charges for, or maintenance expenses of, the covered products that are likely to result from a standard. (42 U.S.C. 6295(m)(1); 42 U.S.C. 6295(n)(2), and 42 U.S.C. 6295(o)(2)(B)(i)(II)) DOE conducts this comparison in its LCC and PBP analyses.

For its LCC and PBP analyses, DOE assumes that consumers will purchase the covered product in the first year of compliance with new or amended standards. The LCC savings for the considered efficiency levels are calculated relative to the case that reflects projected market trends in the absence of new or amended standards. DOE's LCC and PBP analyses is discussed in further detail in section IV.E of this document.

3. Energy Savings

EPCA requires DOE, in determining the economic justification of an amended standard, to consider the total projected energy savings that are expected to result directly from the standard. (42 U.S.C. 6295(o)(2)(B)(i)(III))

As discussed in section IV.G of this document, DOE uses the NIA spreadsheet models to project national energy savings that are expected to result directly from an amended standard.

4. Lessening of Utility or Performance of Products

In establishing product classes and in evaluating design options and the impact of potential standard levels, DOE evaluates potential standards that would not lessen the utility or performance of the considered product. (42 U.S.C. 6295(o)(2)(B)(i)(IV)) Since DOE has determined not to amend the standards for consumer furnace fans, this final determination will not impact the utility of such products.

5. Impact of Any Lessening of Competition

EPCA directs DOE to consider the impact of any lessening of competition, as determined in writing by the Attorney General, that is likely to result from a standard. (42 U.S.C. 6295(o)(2)(B)(i)(V)) Since DOE has determined not to amend the standards for consumer furnace fans, DOE did not transmit a copy of its determination to the Attorney General for anti-competitive review.

6. Need for National Energy Conservation

DOE also considers the need for national energy conservation in determining whether a new or amended standard is economically justified. (42 U.S.C. 6295(o)(2)(B)(i)(VI)) The energy savings from the standards are likely to provide improvements to the security and reliability of the Nation's energy system. Reductions in the demand for electricity also may result in reduced costs for maintaining the reliability of the Nation's electricity system. DOE generally conducts a utility impact analysis to estimate how standards may affect the Nation's needed power generation capacity. However, since DOE has determined not to amend the standards for consumer furnace fans, DOE did not conduct this analysis.

DOE maintains that environmental and public health benefits associated with the more efficient use of energy are important to take into account when considering the need for national energy conservation. Amended standards are

likely to result in environmental benefits in the form of reduced emissions of air pollutants and greenhouse gases associated with energy production and use. DOE generally conducts an emissions analysis to estimate how amended standards may affect these emissions. DOE also generally estimates the economic value of emissions reductions resulting from an amended standard. However, since DOE has determined not to amend the standards for consumer furnace fans, DOE did not conduct this analysis.

7. Other Factors

In determining whether an energy conservation standard is economically justified, DOE may consider any other factors that the Secretary deems to be relevant. (42 U.S.C. 6295(o)(2)(B)(i)(VII)) To the extent DOE identifies any relevant information regarding economic justification that does not fit into the other categories described previously, DOE could consider such information under "other factors."

IV. Methodology and Discussion of Related Comments

The following sections of this document address each key component of the analyses DOE has performed for this final determination with respect to consumer furnace fans. Comments received from interested parties are addressed in each relevant section.

A. Market and Technology Assessment

DOE develops information in the market and technology assessment that provides an overall picture of the market for the products concerned, including the purpose of the products, the industry structure, manufacturers, market characteristics, and technologies used in the products. This activity includes both quantitative and qualitative assessments, based primarily on publicly-available information. The subjects addressed in the market and technology assessment for this final determination include: (1) identification of the scope and product classes, (2) manufacturers and industry structure, (3) existing efficiency programs, (4) shipments information, (5) market and industry trends, and (6) technologies or design options for improving efficiency of consumer furnace fans. The key findings of DOE's market assessment are summarized in the following sections.

1. Product Classes and Scope of Coverage

In the October 2023 NOPD, DOE evaluated products within the same scope as those products for which DOE initially established energy conservation

standards in the July 2014 Final Rule. 88 FR 69826, 69832 (Oct. 6, 2023). In this final determination, DOE is maintaining the scope of coverage as presented in the October 2023 NOPD. Products evaluated in this final determination include:

- Furnace fans used in weatherized and non-weatherized gas furnaces, oil furnaces, and electric furnaces; and
- Modular blowers

Consistent with the approach taken in the July 2014 Final Rule, products not addressed in this rulemaking include:

- Furnace fans used in other products, such as split-system CACs and heat pump indoor units, through-the-wall indoor units, small-duct high-velocity indoor units, energy recovery ventilators, heat recovery ventilators, draft inducer fans, exhaust fans, and hydronic air handlers; and
- Fans used in any non-ducted products, such as whole-house ventilation systems without ductwork, CAC condensing unit fans, room fans, and furnace draft inducer fans (because these products do not circulate air through ductwork).

DOE has previously determined that the DOE test procedure for furnace fans is not currently equipped to address fans contained in CACs, heat pumps, or other products. 79 FR 38130, 38149 (July 3, 2014). As mentioned in section III.A of this document, DOE has previously determined that SEER2 and HSPF2 capture a representative measure of CAC and heat pump performance, including fan energy consumption, during heating and cooling operations, and that the test method for determining these metrics is provided in appendix M1. (See, for example, discussion of appendix M1 amendments at 82 FR 1426, 1446–1460 (Jan. 5, 2017)) Therefore, DOE has not established standards covering such products. (42 U.S.C. 6295(o)(3)) Additionally, any products that are non-ducted or that do not move air through ductwork (*e.g.*, draft inducer fans) would not meet the definition of a furnace fan and are, therefore, out of scope of the existing regulations.

When evaluating and establishing or amending energy conservation standards, DOE may establish separate

standards for a group of covered products (*i.e.*, establish a separate product class) if DOE determines that separate standards are justified based on the type of energy used, or if DOE determines that the product has a capacity or other performance-related feature which other products within such type (or class) do not have and such feature justifies a different standard. (42 U.S.C. 6295(q)) In making a determination whether a performance-related feature justifies a different standard, DOE considers such factors as the utility of the feature to the consumer and other factors DOE determines are appropriate. (*Id.*)

In its regulations at 10 CFR 430.32(y), DOE currently categorizes furnace fans into 10 product classes, as presented in Table IV.1. In the proposed determination, DOE maintained these 10 classes, with the exception of a change to the mobile home non-weatherized oil furnace fan (“MH-NWO”) class discussed later in this section. 88 FR 69826, 69833 (Oct. 6, 2023).

TABLE IV.1—CURRENT CONSUMER FURNACE FAN PRODUCT CLASSES

Product class
Non-Weatherized, Non-Condensing Gas Furnace Fan (“NWG-NC”).
Non-Weatherized, Condensing Gas Furnace Fan (“NWG-C”).
Weatherized Non-Condensing Gas Furnace Fan (“WG-NC”).
Non-Weatherized, Non-Condensing Oil Furnace Fan (“NWO-NC”).
Non-Weatherized Electric Furnace/Modular Blower Fan (“NWEF/NWMB”).
Mobile Home Non-Weatherized, Non-condensing Gas Furnace Fan (“MH-NWG-NC”).
Mobile Home Non-Weatherized, Condensing Gas Furnace Fan (“MH-NWG-C”).
Mobile Home Electric Furnace/Modular Blower Fan (“MH-EF/MB”).
Mobile Home Non-Weatherized Oil Furnace Fan (“MH-NWO”).*
Mobile Home Weatherized Gas Furnace Fan (“MH-WG”).*

* DOE created the MH-NWO and MH-MG product classes in the July 2014 Final Rule, but these classes do not currently have energy conservation standards.

As directed by EPCA and as previously noted, DOE must specify a different standard level for a type or class of products that has the same function or intended use if DOE determines that products within such group: (A) consume a different kind of energy from that consumed by other covered products within such type (or class), or (B) have a capacity or other performance-related feature that other products within such type (or class) do not have and such feature justifies a higher or lower standard. (42 U.S.C. 6295(q)(1)) As shown in Table IV.1, there are four determinants of product class for consumer furnace fans: (1) whether the associated furnace is non-weatherized or weatherized; (2) whether the associated furnace uses condensing or non-condensing technology; (3) whether or not the associated furnace is

designed for use in a mobile home, and (4) the type of fuel used by the associated furnace. DOE’s adoption of product classes for condensing and non-condensing furnace fans is discussed in the July 3, 2014 Furnace Fans ECS Final Rule and the December 18, 2023 Furnaces ECS Final Rule published in the **Federal Register** at 79 FR 38130, 38149–38150 and 88 FR 87502, 87537, respectively.

In the July 2014 Final Rule, DOE created product classes for MH-NWO furnace fans and MH-WG furnace fans, but DOE did not analyze or prescribe standards for either product class because of the lack of available data for those product classes. 79 FR 38130, 38150 (July 3, 2014). DOE is not aware of any products that would be considered MH-WG furnace fans at this time. However, DOE has become aware

of a limited number of MH-NWO furnace fans that have been introduced to the market. The MH-NWO furnace fans that DOE identified are all used in non-condensing furnaces, so DOE analyzed a subset of the previously established but unanalyzed class—mobile home non-weatherized, oil, non-condensing (“MH-NWO-NC”) furnace fans. As DOE is not aware of any condensing MH-NWO products, DOE did not analyze them for this final determination analysis and instead focused on MH-NWO-NC furnace fans.

In this final determination, DOE maintained the product classes considered in the October 2023 NOPD, including consideration of only non-condensing MH-NWO products. DOE did not consider condensing MH-NWO or MH-WG products because, as noted in the previous paragraph, DOE has not

found any such products available on the market. Further, as discussed in the October 2023 NOPD, DOE concluded that it would be premature to analyze energy conservation standards for NWO-C and WG-C furnace fans at this time as DOE is only aware of a very small number of products on the market. 88 FR 69826, 69833. (Oct. 6, 2023) Therefore, DOE did not analyze the NWO-C and WG-C product classes for this final determination. DOE considered the product classes shown in the following list in its analysis:

- (1) NWG-NC
- (2) NWG-C
- (3) MH-NWG-NC
- (4) MH-NWG-C
- (5) MH-EF/MB
- (6) NWO-NC
- (7) WG-NC

- (8) NWEF/NWMB
- (9) MH-NWO-NC

In the case where a covered product has numerous product classes, DOE identifies and selects certain product classes as most representative and concentrates its analytical effort on those classes.

2. Technology Options

DOE develops information in the technology assessment that characterizes the technologies and design options that manufacturers may use to attain higher-efficiency performance.

In the October 2023 NOPD, DOE identified several technology options that would be expected to improve the efficiency of consumer furnace fans, in

terms of FER as measured by the DOE test procedure. 88 FR 69826, 69833 (Oct. 6, 2023). To develop a list of technology options, DOE identified possible technology options for improving furnace fan efficiency and examined the most common efficiency-improving technologies used in consumer furnace fans today. These technology options provide insight into the technological improvements typically used to increase the energy efficiency of consumer furnace fans.

For this final determination, DOE has reviewed the consumer furnace fans market and confirmed that the technology options identified in the October 2023 NOPD continue to reflect the market. The identified technology options are shown in Table IV.2.

TABLE IV.2—LIST OF TECHNOLOGY OPTIONS CONSIDERED FOR THIS FINAL DETERMINATION

Technology option	Description
Housing design modifications	Optimizing the shape and orientation of the housing of a furnace fan can improve fan efficiency. This can be accomplished by: (1) optimizing the shape of the inlet cone, (2) optimizing the fan housing shape, (3) optimizing the motor mount and the motor location, (4) minimizing the gaps between the impeller and the inlet cone, and (5) optimizing cut-off location and the manufacturing tolerances.
Multi-stage heating components and controls.	Multi-stage or modulating heating allows furnaces to meet heating load requirements more precisely and can run at a low output when less heat is required. Due to the cubic relationship between fan input power and airflow, operating at the reduced airflow-control setting may reduce overall fan electrical energy consumption for heating despite the extended hours.
Airflow path design	Modifications to the design and configuration of elements in the airflow path, such as the heat exchanger, could reduce internal static pressure. Reduced internal static pressure levels result in lower expected energy consumption levels.
Constant-torque BPM (“CT-BPM”) and constant-airflow BPM (“CA-BPM”) motors.	Furnace fan manufacturers typically use either a permanent split capacitor (“PSC”) motor or a more efficient BPM motor. PSC motors are a type of induction motor where the stator is an electro-magnet that consists of electrical wire windings, and BPM motors are three-phase permanent magnet motors.
Inverter controls for PSC motors	Using an inverter, the incoming alternating current (“AC”) is converted to DC current by a rectifier and then back to AC current at a specific frequency. The output AC current is used to drive the motor, the operating speed of which depends on the frequency of the AC current. This allows PSC motors with inverter controls to better match demand.
Higher-efficiency fan blades	Furnace fans typically use an impeller to move air through ductwork. Energy savings may be possible by using backward-inclined impellers. These impellers incorporate backward-facing inclined blades that are generally wider in the airflow direction across the blade as compared with forward-curved impellers.

In response to the October 2023 NOPD, the Joint Advocates stated that more-efficient BPM motors are a technology option that can be used to improve FER but were not considered as an efficiency level in DOE’s analysis. (Joint Advocates, No. 31 at p. 3) Lennox commented that the feasible technologies available for furnace fans considered by the NOPD have not changed since the last furnace fan standards rulemaking in 2014, which adopted the current standards that took effect in 2019. (Lennox, No. 30 at pp. 1–3)

In response, DOE notes that BPM motor manufacturers do not currently disclose the efficiency of their motors. Further, as discussed in the October

2023 NOPD, DOE is not aware of any data showing the relationship between improved BPM motor efficiency and FER ratings. In the October 2023 NOPD, DOE requested data regarding this relationship and stated that it may include efficiency levels corresponding to the use of more-efficient BPM motors in a future analysis, but DOE did not include this additional efficiency level in the October 2023 analysis, due to the lack of data. 88 FR 69826, 69840 (Oct. 6, 2023). For this final determination, although DOE did continue to analyze use of BPM motors, DOE similarly did not include an analysis of *more-efficient* BPM motors as a technology option, due to lack of data about BPM motors that are more efficient than those analyzed

by DOE. DOE’s analysis of BPM motors as a technology for improving FER ratings is discussed further in section IV.B.1 of this document.

3. Impact From Other Rulemakings

In response to the October 2023 NOPD, Lennox commented that the significant cumulative regulatory burden on furnace manufacturers furthers the case that adopting a “no-new-standard” for furnace fans is warranted. The commenter added that there are a variety of Federal and State regulations being implemented that impact furnace manufacturers, including the EPA Technology Transition Final Rule to lower global warming potential (“GWP”) refrigerants,

EPA Refrigerant Management NOPR, DOE energy conservation standards (“ECS”) Furnace Standards rulemaking, National and Regional Cold Climate Heat Pump Specifications, DOE ECS for Three-Phase Central Air Conditioners and Heat Pumps below 65,000 Btu/h, DOE Test Procedure for Variable Refrigerant Flow (“VRF”) Systems, DOE Walk-in Cooler and Freezer Test Procedure, and DOE Walk-in Cooler and Freezer ECS NOPR. (Lennox, No. 30 at p. 3) Lennox emphasized that Federal and State refrigerant regulations are consuming nearly all of manufacturers’ testing, laboratory, and product development resources. (*Id.*) AHRI commented that the furnace industry will be significantly impacted by the amended energy conservation standards for non-weatherized gas-fired furnaces, and DOE should consider this burden when assessing the manufacturer impact on this rule.⁹ (AHRI, No. 32 at pp. 1–2) The commenter further stated that the U.S. Consumer Product Safety Commission (“CPSC”) published a NOPR in the **Federal Register** on October 25, 2023, in which it proposed to require that all consumer gas-fired furnaces and boilers must continuously monitor the production of carbon monoxide (“CO”) during the combustion process and modulate or shut down the furnace at certain carbon monoxide levels (*see* 88 FR 73272). AHRI commented that CPSC’s proposal would have a significant impact on the furnace industry, and DOE should consider CPSC’s proposal when assessing manufacturer impacts of this current rulemaking. (*Id.* at p. 2)

In response, DOE notes that the Department is not amending the energy conservation standards for consumer furnace fans, and, therefore, it does not expect this rulemaking to contribute to the cumulative regulatory burden of manufacturers.

4. Screening Analysis

As discussed, DOE conducts a screening analysis to evaluate whether

to further consider each identified technology and design option. DOE uses the following five screening criteria to determine which technology options are suitable for further consideration in an energy conservation standards rulemaking:

(1) *Technological feasibility. Technologies that are not incorporated in commercially-available products or in commercially-viable, existing prototypes will not be considered further.*

(2) *Practicability to manufacture, install, and service. If it is determined that mass production of a technology in commercially-available products and reliable installation and servicing of the technology could not be achieved on the scale necessary to serve the relevant market at the time of the projected compliance date of the standard, then that technology will not be considered further.*

(3) *Impacts on product utility. If a technology is determined to have a significant adverse impact on the utility of the product to subgroups of consumers or results in the unavailability of any covered product type with performance characteristics (including reliability), features, sizes, capacities, and volumes that are substantially the same as products generally available in the United States at the time, it will not be considered further.*

(4) *Safety of technologies. If it is determined that a technology would have significant adverse impacts on health or safety, it will not be considered further.*

(5) *Unique-pathway proprietary technologies. If a technology has proprietary protection and represents a unique pathway to achieving a given efficiency level, it will not be considered further, due to the potential for monopolistic concerns.*

See 10 CFR part 430, subpart C, appendix A, sections 6(a)(3)(iii) and 7(b).

If DOE determines that a technology fails to meet one or more of these listed

criteria, it is excluded from further consideration in the engineering analysis. The following sections include comments from interested parties pertinent to the screening analysis and DOE’s evaluation of each technology option against the screening analysis criteria.

a. Screened-Out Technologies

In the October 2023 NOPD, DOE tentatively screened out housing design modifications and changes to airflow path designs from its analysis. 88 FR 69826, 69835–69836 (Oct. 6, 2023). As discussed in section IV.A.2 of this document, airflow path and fan housing improvements can improve furnace fan efficiencies. However, as initially discussed in chapter 4 of the November 2022 Preliminary Analysis TSD, DOE does not have data to quantify the impact of housing design modifications or airflow path design on FER. Additionally, DOE has found that the housing design modifications and airflow path design can impact the performance of the furnace efficiency as measured in AFUE. Although housing design modifications and changes to the airflow path design have the potential to reduce FER, DOE currently lacks the data necessary to conclude that these options will not reduce utility to consumers (*e.g.*, by reducing the AFUE), and, therefore, the Department has continued to screen out these technologies for this analysis. DOE did not receive any comments on the screening of these technologies in response to the October 2023 NOPD.

Based on DOE’s research, DOE screened out the technology options on the basis of each of the screening criteria shown in Table IV.3 from further consideration as options to improve the FER (as measured by the DOE test procedure) of consumer furnace fans. The reasons for exclusion associated with each technology are marked in the table with an “X.”

TABLE IV.3—TECHNOLOGY OPTIONS SCREENED OUT

Technology option	Screening criteria (X = basis for screening out)				
	Technological feasibility	Practicability to install, manufacture, and service	Impacts on product utility or product availability	Adverse impacts on health or safety	Unique-pathway proprietary technologies
Housing Design Modifications			X	.....	.....
Airflow Path Design			X	.....	.....

⁹ At the time of AHRI’s comment, DOE had issued a pre-publication copy of the final rule amending

the standards for consumer non-weatherized gas furnaces and mobile home gas furnaces. That final

rule was ultimately published in the **Federal Register** on December 18, 2023. 88 FR 87502.

b. Remaining Technologies

After a thorough review of each technology, DOE concludes that all of the remaining identified technologies not “screened out” meet all of the screening criteria. In summary, DOE retained (*i.e.*, did not screen out) the technology options listed below:

- Multi-stage heating components and controls;
- High-efficiency fan motors;
- Inverter controls for PSC motors, and
- Higher-efficiency fan blades.

DOE determined that these technology options are technologically feasible because they are being used or have previously been used in commercially-available products or working prototypes. DOE also finds that all of the remaining technology options meet the other screening criteria (*i.e.*, practicable to manufacture/install/service; do not result in adverse impacts on product utility, product availability, health, or safety; and do not utilize unique-pathway proprietary technologies). DOE considers these remaining technology options as the basis for higher efficiency levels that DOE could consider for potential amended standards.

In response to the October 2023 NOPD, Lennox commented that backward-inclined impellers do not guarantee efficiency improvements for furnace fans. The commenter stated that there is a limited number of backward-inclined impellers on the market and expressed concern about the feasibility of implementing this technology option across all input capacities and cabinet sizes, which could lead to the unavailability of certain furnace product sizes. Consequently, Lennox recommended that this technology should not form the basis for more-stringent furnace fan standards. (Lennox, No. 30 at p. 2)

As discussed in the October 2023 NOPD, even if there are only a limited number of commercially-available product designs that incorporate backward-inclined impellers, they are sufficient to demonstrate technological feasibility, as required by EPCA and clarified in DOE’s regulations at 10 CFR part 430, subpart C, appendix A, section 7(b)(1). 88 FR 69826, 69836 (Oct. 6, 2023). Further, DOE is aware of backward-inclined impellers that have been safely and reliably implemented in consumer furnace fan models currently available on the market and that reduce the FER of those units. Thus, DOE finds that backward-inclined impellers pass the screening analysis and consequently are suitable for further consideration.

However, DOE acknowledges that there may be additional challenges associated with backward-inclined impellers, and these issues are discussed further in section IV.H of this document.

B. Engineering and Cost Analysis

The purpose of the engineering analysis is to establish the relationship between the efficiency and manufacturer production cost (“MPC”) of the subject product (*i.e.*, consumer furnace fans). There are two elements to consider in the engineering analysis: (1) the selection of efficiency levels to analyze (*i.e.*, the “efficiency analysis”), and (2) the determination of product cost at each efficiency level (*i.e.*, the “cost analysis”). In determining the performance of higher-efficiency products, DOE considers those technologies and design option combinations not eliminated by the screening analysis. For each product class, DOE estimates the baseline cost, as well as the incremental cost for the product at efficiency levels above the baseline. The output of the engineering analysis is a set of cost-efficiency “curves” that are used in downstream analyses (*i.e.*, the LCC and PBP analyses and the NIA).

DOE recently conducted an engineering analysis to determine the cost-efficiency relationship for furnace fans for the October 2023 NOPD. 88 FR 69826, 69837–69849 (Oct. 6, 2023). For this final determination, DOE reviewed market data collected as part of the market and technology assessment (see section IV.A of this document) and has determined that consumer furnace fan efficiencies have not changed substantially since the October 2023 NOPD analysis. Thus, as discussed in section IV.B.1 of this document, DOE maintained the efficiency levels from the October 2023 NOPD in the final determination analysis. Additionally, DOE examined its most recent inputs to its manufacturing cost analysis (*e.g.*, raw material prices, component prices, labor rates) and found that, while underlying manufacturing costs inputs have increased, the resulting manufacturing cost increases would be nearly proportional at each efficiency level. In other words, the incremental increase in cost to achieve each efficiency level would be approximately the same as was presented in the October 2023 NOPD analysis. Because incremental cost increases at efficiency levels above the baseline would not change significantly, DOE concludes that an updated cost analysis would not impact the results of this final determination. Therefore, as discussed in sections IV.B.2 and IV.B.3 of this document, DOE

used the same cost analysis methodology as the October 2023 NOPD, and the resulting cost-efficiency relationships used for this final determination are the same as the October 2023 NOPD. Further information on this analytical methodology is presented in the following subsections.

1. Efficiency Analysis

DOE typically uses one of two approaches to develop energy efficiency levels for the engineering analysis: (1) relying on observed efficiency levels in the market (*i.e.*, the efficiency-level approach), or (2) determining the incremental efficiency improvements associated with incorporating specific design options to a baseline model (*i.e.*, the design-option approach). Using the efficiency-level approach, the efficiency levels established for the analysis are determined based on the market distribution of existing products (in other words, based on the range of efficiencies and efficiency-level “clusters” that already exist on the market). Using the design-option approach, the efficiency levels established for the analysis are determined through detailed engineering calculations and/or computer simulations of the efficiency improvements from implementing specific design options that have been identified in the technology assessment. DOE may also rely on a combination of these two approaches. For example, the efficiency-level approach (based on actual products on the market) may be extended using the design-option approach to interpolate to define “gap fill” levels (to bridge large gaps between other identified efficiency levels) and/or to extrapolate to the “max-tech” level (particularly in cases where the “max-tech” level exceeds the maximum efficiency level currently available on the market).

Although FER data exist in DOE’s Compliance Certification Database (“CCD”) for furnace fans currently subject to efficiency standards, DOE has determined through testing that for many furnace fan models, the rated FER values may not be representative of the model’s actual performance. During confidential manufacturer interviews, several manufacturers confirmed that they rate the FER of their furnace fan products conservatively. Therefore, an efficiency-level approach was not possible because the FER ratings of products currently available are largely not representative of their actual performance. Thus, DOE chose a design-option approach to identify efficiency

levels for the analysis in this final determination.

a. Baseline Efficiency

For each product class, DOE generally selects a baseline model as a reference point for each class, and measures anticipated changes to the product resulting from potential energy conservation standards against the baseline model. The baseline model in each product class represents the characteristics of products typical of that class (e.g., capacity, physical size). Generally, a baseline model is one that just meets current energy conservation standards, or, if no standards are in place, the baseline is typically the most-common or least-efficient unit on the market. For consumer furnace fans, the energy conservation standard sets a maximum energy usage requirement, and, therefore, a baseline furnace fan's rated FER is just below or at the maximum FER threshold.

DOE used baseline units for comparison in several analyses, including the engineering analysis, LCC analysis, PBP analysis, and NIA. To determine energy savings that will result from an amended energy conservation standard, DOE compared energy use at each of the higher efficiency levels to the energy consumption of the baseline unit. Similarly, to determine the changes in price to the consumer that will result from an amended energy conservation standard, DOE compared the prices of baseline units to the prices of units at each higher efficiency level.

The identification of baseline units requires establishing the baseline efficiency level. In cases where there is an existing standard, DOE defines "baseline units" as units with efficiencies equal to the current Federal energy conservation standards. For the MH-NWO-NC furnace fan product

class, which does not currently have energy conservation standards, DOE developed the baseline equation by modifying the current energy conservation standards for the NWO-NC product class to account for the lower ESP experienced by mobile home units compared to other units. Specifically, DOE multiplied the y-intercept (382) by 0.75, which was the conversion factor determined in the analysis for the July 2014 Final Rule that was previously used to calculate the MH-NWG-NC baseline based on the NWG-NC baseline.¹⁰

In the October 2023 NOPD, DOE used the current energy conservation standards for consumer furnace fans and the developed equation for MH-NWO-NC furnace fans, presented in Table IV.4, as the baseline FER efficiency level for each consumer furnace fan product class, along with the typical characteristics of a baseline unit.

TABLE IV.4—BASELINE EFFICIENCY LEVELS AND ASSOCIATED DESIGN OPTIONS FOR EACH PRODUCT CLASS

Product class	Maximum FER	Design option
Non-weatherized, non-condensing gas furnace fan	$0.044 * Q_{Max} + 182$	BPM motor w/forward-inclined impeller.
Non-weatherized, condensing gas furnace fan	$0.044 * Q_{Max} + 195$	BPM motor w/forward-inclined impeller.
Weatherized, non-condensing gas furnace fan	$0.044 * Q_{Max} + 199$	BPM motor w/forward-inclined impeller.
Non-weatherized, non-condensing oil furnace fan	$0.071 * Q_{Max} + 382$	Improved PSC motor w/forward-inclined impeller.
Non-weatherized electric furnace fan/modular blower fan	$0.044 * Q_{Max} + 165$	BPM motor w/forward-inclined impeller.
Manufactured home, non-weatherized, non-condensing gas furnace fan.	$0.071 * Q_{Max} + 222$	Improved PSC motor w/forward-inclined impeller.
Manufactured home, non-weatherized, condensing gas furnace fan ..	$0.071 * Q_{Max} + 240$	Improved PSC motor w/forward-inclined impeller.
Manufactured home, non-weatherized electric furnace fan/modular blower fan.	$0.044 * Q_{Max} + 101$	BPM motor w/forward-inclined impeller.
Manufactured home, non-weatherized, non-condensing oil furnace fan.	$0.071 * Q_{Max} + 287$	Improved PSC motor w/forward-inclined impeller.

Products in the NWG-NC, NWG-C, WG-NC, NWEF/NWMB, and MH-EF/MB product classes are currently subject to the standards set in the July 2014 Final Rule, in which the efficiency levels adopted were understood at that time to reflect models with CT-BPM motors and multi-stage operation. Products in the NWO-NC and MH-NWG-NC product classes are currently subject to standards set in the July 2014 Final Rule, in which the efficiency levels adopted were understood to correspond to the performance associated with models including improved PSC motors and single-stage operation. Baseline products in the MH-NWO-NC product class were also found to correspond to performance associated with models including improved PSC motors and single-stage operation, based

on DOE's market findings for mobile home oil-fired units certified in DOE's CCD for consumer furnaces.

Many furnaces include multi-stage or modulating heating controls. However, based on current furnace fan market data, as well as feedback received during manufacturer interviews, it is unclear if these features impact furnace fan efficiency as measured by FER (see section IV.A.2 of this document). Therefore, DOE did not include the costs of multi-stage or modulating heating controls in the baseline design (i.e., DOE's MPC estimates reflect single-stage units). However, DOE did develop separate cost values for multi-stage or modulating heating controls that can be applied to the above costs to represent the addition of multi-stage or modulating heating controls (see section

IV.B.2.b of this document). These additional cost values are used in DOE's LCC and PBP analyses in order to represent typical furnace fan cost distributions.

In addition, the baseline motor technology is either BPM or PSC, depending on the product class. Manufacturers may choose a CA-BPM motor instead of a CT-BPM, despite its relatively higher cost, to add comfort-related benefits to their product. This additional comfort may be marketed as a premium feature. Therefore, DOE included the cost of a CT-BPM motor in the MPCs for furnace fans with BPM motors. DOE also developed cost values to represent the cost increase for CA-BPM motors relative to CT-BPM motors (see section IV.B.2.b of this document). These values were applied in the LCC

¹⁰ Chapter 5 of the TSD accompanying the July 2014 Final Rule includes additional details about

how this conversion factor was calculated. See docket no. EERE-2010-BT-STD-0011.

analysis to represent the distribution of BPM blower motor technologies expected on the market because, although DOE is not differentiating between CA-BPM motors and CT-BPM motors in terms of furnace fan efficiency, manufacturers and consumers may consider CA-BPM motors to be a premium feature that may offer comfort-related consumer benefits.

In developing the cost-efficiency relationship, teardowns of baseline units were used as a reference point for determining the cost-efficiency relationship of units with lower (more efficient) FERs. DOE compared the design features incorporated into products at the baseline efficiency to the features of units with higher energy efficiencies in order to determine the changes in manufacturing, installation, and operating costs that occur as FER decreases.

DOE did not receive comments in response to the baseline efficiency levels used in the October 2023 NOPD. Therefore, for this final determination, DOE used the baseline efficiency levels as presented in the October 2023 NOPD.

b. Intermediate Efficiency Levels

As noted, EPCA requires that any new or amended energy conservation standard be designed to achieve the maximum improvement in energy efficiency that is technologically feasible and economically justified. (42 U.S.C. 6295(o)(2)(A))

In the October 2023 NOPD, DOE analyzed intermediate efficiency levels for NWO-NC, MH-NWG-NC, MH-NWG-C, and MH-NWO-NC classes of consumer furnace fans. 88 FR 69826, 69840 (Oct. 6, 2023). As discussed in section IV.B.1.c of this document, DOE did not identify any efficiency levels between baseline and max-tech for the NWG-NC, NWG-C, WG-NC, NWEF/NWMB, and MH-EF/MB classes. The intermediate efficiency levels identified are representative of efficiency levels where major technological changes occur (*i.e.*, replacing PSC motors with BPM motors). As discussed in section IV.B.1.a of this document, DOE has found that CT-BPM motors and CA-BPM motors have comparable impacts on FER ratings, and DOE has, therefore, only analyzed a single efficiency level reflecting the implementation of BPM motors. In the 2014 Final Rule (79 FR 38130, 38159), DOE used the assumption of a 12-percent reduction in FER for improved PSC motors and a 46-percent reduction in FER for models with a CT-BPM and multi-staging from the baseline to calculate a 39-percent reduction in FER from improved PSC (the current baseline) to CT-BPM with

multi-staging. The 39-percent reduction in FER is implemented into the current analysis to represent the reduction in FER from improved PSC to a model with a CT-BPM (regardless of staging) because DOE decided not to include staging as a technology option that improves FER.

In commenting on the October 2023 NOPD, the Joint Advocates recommended that DOE gather additional information about BPM motor efficiency and analyze an efficiency level with improved (*i.e.*, higher-efficiency) BPM motors. The Joint Advocates commented that, based on conversations with motor manufacturers, more-efficient BPM motors exist in the furnace fan market and would improve furnace fan efficiency. (Joint Advocates, No. 31 at p. 3)

In response, as discussed in section IV.A.2 of this document, DOE does not currently have the data necessary to determine the relationship between improved BPM motor efficiency and furnace fan efficiency. Therefore, although DOE continued to analyze BPM motors as a technology that improves FER, the Department did not analyze an efficiency level based on improved BPM motor efficiency (relative to the BPM motor efficiency identified in the October 2023 NOPD) for this final determination.

c. Maximum Technology (“Max-Tech”) Efficiency Levels

As part of its analysis, DOE identifies the “maximum available” efficiency level, representing the highest-efficiency unit currently available on the market. DOE also defines a “max-tech” efficiency level, representing the maximum theoretical efficiency that can be achieved through the application of all available technology options retained from the screening analysis. In many cases, the max-tech efficiency level is not commercially available because it is not currently economically feasible.

In the October 2023 NOPD, DOE identified the max-tech design for all consumer furnace fan product types as incorporating a BPM motor and a backward-inclined impeller. 88 FR 69826, 69840 (Oct. 6, 2023). BPM motors are described in sections IV.B.1.a and IV.B.1.b of this document. For furnace fan models that use PSC motors, BPM motors can offer an improvement in efficiency and reduce FER. Backward-inclined impellers, in comparison to forward-inclined impellers (which are used in the majority of furnace fans on the market), have been found to have a higher efficiency under certain operating

conditions. DOE has used the same assumptions about the percent reduction in FER associated with implementing backward-inclined impellers as in the July 2014 Final Rule (*i.e.*, a 10-percent reduction in FER compared to models that include forward-inclined impellers). 79 FR 38130, 38159 (July 3, 2014).

In response to the October 2023 NOPD, the Joint Advocates encouraged DOE to investigate the most efficient furnace fans currently available on the market that exceed DOE’s max-tech level. The commenters argued that there are many furnace fan models across a range of airflows in the major product classes that are more efficient than EL 1. The Joint Advocates added that there are many NWG-C furnace fans in the CCD that exceed the max-tech level by more than 10 percent and do not appear to use backward-inclined impeller technology. The Joint Advocates further stated it is unlikely that the CCD overstates the efficiencies of these fans, as they are often rated conservatively. (Joint Advocates, No. 31 at p. 2)

In response, DOE assessed the furnace fan entries in the CCD that are rated at a lower FER than would be required by the max-tech efficiency level and found that these fans used a variety of motor technologies, staging technologies, and controls. DOE was unable to identify a design option that captured the technologies used in these units to develop an additional efficiency level. DOE notes that technologies such as housing design modifications and airflow design paths could allow the identified furnace fans to achieve FER ratings below those prescribed by the max-tech efficiency levels. However, as discussed in section IV.A.4 of this document, these technology options were screened out due to adverse impacts on product utility. Therefore, for this final determination, DOE concludes that the max-tech efficiency levels, as presented in the October 2023 NOPD, accurately reflect the maximum possible efficiency levels using the technology options remaining after the screening analysis.

d. Summary of Efficiency Levels Analyzed

The FER efficiency levels and associated technologies expected to be used to increase energy efficiency above the baseline levels for each class of consumer furnace fans are presented in Table IV.5 through Table IV.13, respectively.

TABLE IV.5—EFFICIENCY LEVELS AND TECHNOLOGIES USED AT EACH EFFICIENCY LEVEL FOR NWG–NC FANS

EL	FER equation	Description of technologies typically incorporated	Percentage reduction in FER from baseline
0—Baseline	$0.044 * Q_{Max} + 182$	BPM motor w/forward-curved impeller	N/A
1—Max-tech	$0.04 * Q_{Max} + 164$	BPM motor w/backward-inclined impeller	10

TABLE IV.6—EFFICIENCY LEVELS AND TECHNOLOGIES USED AT EACH EFFICIENCY LEVEL FOR NWG–C FANS

EL	FER equation	Description of technologies typically incorporated	Percentage reduction in FER from baseline
0—Baseline	$0.044 * Q_{Max} + 195$	BPM motor w/forward-curved impeller	N/A
1—Max-tech	$0.04 * Q_{Max} + 176$	BPM motor w/backward-inclined impeller	10

TABLE IV.7—EFFICIENCY LEVELS AND TECHNOLOGIES USED AT EACH EFFICIENCY LEVEL FOR WG–NC FANS

EL	FER equation	Description of technologies typically incorporated	Percentage reduction in FER from baseline
0—Baseline	$0.044 * Q_{Max} + 199$	BPM motor w/forward-curved impeller	N/A
1—Max-tech	$0.04 * Q_{Max} + 179$	BPM motor w/backward-inclined impeller	10

TABLE IV.8—EFFICIENCY LEVELS AND TECHNOLOGIES USED AT EACH EFFICIENCY LEVEL FOR NWEF/NWMB FANS

EL	FER equation	Description of technologies typically incorporated	Percentage reduction in FER from baseline
0—Baseline	$0.044 * Q_{Max} + 165$	BPM motor w/forward-curved impeller	N/A
1—Max-tech	$0.04 * Q_{Max} + 149$	BPM motor w/backward-inclined impeller	10

TABLE IV.9—EFFICIENCY LEVELS AND TECHNOLOGIES USED AT EACH EFFICIENCY LEVEL FOR MH–EF/MB FANS

EL	FER equation	Description of technologies typically incorporated	Percentage reduction in FER from baseline
0—Baseline	$0.044 * Q_{Max} + 101$	BPM motor w/forward-curved impeller	N/A
1—Max-tech	$0.04 * Q_{Max} + 91$	BPM motor w/backward-inclined impeller	10

TABLE IV.10—EFFICIENCY LEVELS AND TECHNOLOGIES USED AT EACH EFFICIENCY LEVEL FOR MH–NWG–NC FANS

EL	FER equation	Description of technologies typically incorporated	Percentage reduction in FER from baseline
0—Baseline	$0.071 * Q_{Max} + 222$	Improved PSC motor	N/A
1	$0.044 * Q_{Max} + 137$	BPM motor w/forward-curved impeller	39
2—Max-tech	$0.04 * Q_{Max} + 123$	BPM motor w/backward-inclined impeller	45

TABLE IV.11—EFFICIENCY LEVELS AND TECHNOLOGIES USED AT EACH EFFICIENCY LEVEL FOR MH–NWG–C FANS

EL	FER equation	Description of technologies typically incorporated	Percentage reduction in FER from baseline
0—Baseline	$0.071 * Q_{Max} + 240$	Improved PSC motor	N/A
1	$0.044 * Q_{Max} + 148$	BPM motor w/forward-curved impeller	39
2—Max-tech	$0.04 * Q_{Max} + 133$	BPM motor w/backward-inclined impeller	45

TABLE IV.12—EFFICIENCY LEVELS AND TECHNOLOGIES USED AT EACH EFFICIENCY LEVEL FOR NWO–NC FANS

EL	FER equation	Description of technologies typically incorporated	Percentage reduction in FER from baseline
0—Baseline	$0.071 * Q_{Max} + 382$	Improved PSC motor	N/A
1	$0.044 * Q_{Max} + 236$	BPM motor w/forward-curved impeller	39
2—Max-tech	$0.04 * Q_{Max} + 212$	BPM motor w/backward-inclined impeller	45

TABLE IV.13—EFFICIENCY LEVELS AND TECHNOLOGIES USED AT EACH EFFICIENCY LEVEL MH–NWO–NC FANS

EL	FER equation	Description of technologies typically incorporated	Percentage reduction in FER from baseline
0—Baseline	$0.071 * Q_{Max} + 287$	Improved PSC motor	N/A
1	$0.044 * Q_{Max} + 176$	BPM motor w/forward-curved impeller	39
2—Max-tech	$0.04 * Q_{Max} + 158$	BPM motor w/backward-inclined impeller	45

2. Cost Analysis

The cost analysis portion of the engineering analysis is conducted using one or a combination of cost approaches. The selection of cost approach depends on a suite of factors, including the availability and reliability of public information, characteristics of the regulated product, and the availability and timeliness of purchasing the product on the market. The cost approaches generally used by DOE are summarized as follows:

□ *Physical teardowns*: Under this approach, DOE physically dismantles commercially-available products, component-by-component, to develop a detailed bill of materials for the products.

□ *Catalog teardowns*: In lieu of physically deconstructing products, DOE identifies each component using parts diagrams (available from manufacturer websites or appliance repair websites, for example) to develop the bill of materials for the product.

□ *Price surveys*: If neither a physical nor catalog teardown is feasible (e.g., for tightly integrated products such as fluorescent lamps, which are infeasible to disassemble and for which parts diagrams are unavailable), cost-prohibitive, or otherwise impractical (e.g., large commercial boilers), DOE conducts price surveys using publicly-available pricing data published on major online retailer websites and/or by soliciting prices from distributors and other commercial channels.

In the October 2023 NOPD, DOE conducted the cost analysis using a combination of physical and catalog teardowns to assess how manufacturing costs change with increased product efficiency. 88 FR 69826, 69844 (Oct. 6, 2023). DOE estimated the MPC associated with each efficiency level to characterize the cost-efficiency

relationship of improving consumer furnace fan performance. The MPC estimates are not for the entire HVAC product. Because consumer furnace fans are a component of the HVAC product into which they are integrated, the MPC estimates include costs only for the components of the HVAC product that impact FER. *Id.*

Products were selected for physical teardown analysis that have characteristics of typical products on the market near a representative input capacity of 80,000 Btu/h for the NWG–NC, NWG–C, WG–NC, NWEF/NWMB, MH–NWG–NC, MH–NWG–C, MH–EF/MB, and MH–WG product classes and 105,000 Btu/h for the NWO–NC and MH–NWO–NC product classes (determined based on market data and discussions with manufacturers). Selections spanned a range of FER efficiency levels and designs and included most manufacturers. The resulting bill of materials provides the basis for the MPC estimates for products at various efficiency levels spanning the full range of efficiencies from the baseline to max-tech.

To account for manufacturers' non-production costs and profit margin, DOE applies a non-production cost multiplier (the manufacturer markup) to the MPC. The resulting manufacturer selling price ("MSP") is the price at which the manufacturer distributes a unit into commerce. DOE developed an average manufacturer markup by examining the annual Securities and Exchange Commission ("SEC") 10-K reports filed by publicly-traded manufacturers primarily engaged in HVAC manufacturing and whose combined product range includes consumer furnace fans. DOE refined its understanding of manufacturer markups by using information obtained during manufacturer interviews. The

manufacturer markups were used to convert the MPCs into MSPs. Further information on this analytical methodology is presented in the following subsections.

a. Teardown Analysis

For the October 2023 NOPD, to assemble bills of materials ("BOMs") and to calculate manufacturing costs for the different components in consumer furnace fans, multiple units were disassembled into their base components, and DOE estimated the materials, processes, and labor required to manufacture each individual component, a process referred to as a "physical teardown." Using the data gathered from the physical teardowns, each component was characterized according to its weight, dimensions, material, quantity, and the manufacturing processes used to fabricate and assemble it.

For supplementary catalog teardowns, product data were gathered, such as dimensions, weight, and design features from publicly-available information such as manufacturer catalogs. Such "virtual teardowns" allowed DOE to estimate the major physical differences between a product that was physically disassembled and a similar product that was not. For this final determination, data from a total of 61 physical and virtual teardowns of consumer furnace fans were used to calculate industry MPCs in the engineering analysis.

The models selected for teardown in each product class represented manufacturers with large market shares in the product classes for which their teardown units are categorized. Whenever possible, DOE examined multiple models from a given manufacturer that capture different design options and used them as direct points of comparison. DOE examined

products with PSC, CT-BPM, and CA-BPM indoor blower motors, as well as products using single-stage, two-stage, and modulating combustion systems. As further discussed in section IV.B.2.b of this document, cost values were developed for some of these technologies to estimate the manufacturing cost of changing designs from one technology to another (*i.e.*, using a CA-BPM instead of a CT-BPM, or two-stage combustion instead of single-stage combustion).

As described in Chapter 5 of the November 2022 Preliminary Analysis TSD, DOE found that MPC did not differ significantly across product classes at a given efficiency level and given production volume because manufacturers use similar components. Therefore, in this analysis, DOE used teardowns of non-weatherized gas and mobile home gas furnaces to represent all high-volume product classes, including NWG-NC, NWG-C, WG-NC, NWEF/NWMB, and MH-EF/MB, while

teardowns of non-weatherized oil units were used for the analysis of the NWO-NC and MH-NWO-NC product classes.

b. Cost Estimation Method

For the October 2023 NOPD, the costs of individual models were estimated using the content of the BOMs (*i.e.*, relating to materials, fabrication, labor, and all other aspects that make up a production facility) to generate MPCs. The resulting MPCs include costs such as overhead and depreciation, in addition to materials and labor costs. DOE collected information on labor rates, tooling costs, raw material prices, and other factors to use as inputs into the cost estimates. For purchased parts, DOE estimates the purchase price based on volume-variable price quotations and detailed discussions with manufacturers and component suppliers. Furnace fans are a component of HVAC products that include other products not associated with the cost and/or efficiency of the furnace fan. Therefore, DOE focused its

engineering analysis on the components that compose the furnace fan assembly, including:

- Fan motor and integrated controls (as applicable);
- HVAC product control boards;
- Impellers;
- Single-staging or multi-staging components and controls;
- Fan housing, and
- Components used to direct or guide airflow.

For purchased parts, DOE estimated the purchase prices paid to the original equipment manufacturers (“OEMs”) of these parts based on discussions with manufacturers during confidential interviews. Whenever possible, DOE obtained price quotes directly from the component suppliers used by furnace fan manufacturers whose products were examined in the engineering analysis. DOE determined that the components in Table IV.14 are generally purchased from outside suppliers.

TABLE IV.14—PURCHASED FURNACE FAN COMPONENTS

Assembly	Purchased sub-assemblies or components
Fan assembly	Fan motor. Motor capacitor (when applicable). Impeller.
Controls	Primary control board (“PCB”). Multi-staging components (when applicable).

For parts fabricated in-house, the costs of underlying “raw” materials are determined based on manufacturer interviews, quotes from suppliers, and secondary research. Past results are updated periodically and/or inflated to present-day prices using indices from resources such as MEPS International,¹¹ PolymerUpdate,¹² the U.S. Geological Survey (“USGS”),¹³ and the U.S. Bureau of Labor Statistics (“BLS”).¹⁴ The prices of the underlying raw metals (*e.g.*, tube, sheet metal) are estimated on the basis of five-year averages spanning from 2018 through 2022 to smooth out spikes in demand. For non-metal raw material prices (*e.g.*, plastic resins, insulation materials), DOE used prices based on current market data, rather than a five-

year average, because non-metal raw materials typically do not experience the same level of price volatility as metal raw materials.

Certain factory parameters—such as fabrication rates, labor rates, and wages—also affect the cost of each unit produced. DOE factory parameter assumptions were based on internal expertise and manufacturer feedback. Table IV.15 lists the factory parameter assumptions used for both high-volume and low-volume manufacturers. For the engineering analysis, these factory parameters, including production volume, are the same at every efficiency level. The production volume used at each efficiency level corresponds with the average production volume per

manufacturer, if 100 percent of all units manufactured were at that efficiency level. These assumptions are generalized to represent typical production and are not intended to model a specific factory. For the NWG-NC, NWG-C, WG-NC, NWEF/NWMB, MH-NWG-NC, MH-NWG-C, and MH-EF/MB product classes, high production volume parameters were assumed due to these classes having generally high production volumes or using enough of the same major components as other high production volume classes. For NWO-NC and MH-NWO product classes, low production parameters were assumed.

TABLE IV.15—FACTORY PARAMETER ASSUMPTIONS

Parameter	High-volume furnace fan estimate	Low-volume furnace fan estimate
Actual Annual Production Volume (units/year)	1,500,000	5,000.

¹¹ For more information on MEPS International, please visit www.mepsinternational.com/gb/en (last accessed March 25, 2024).

¹² For more information on PolymerUpdate, please visit www.polymerupdate.com (last accessed March 25, 2024).

¹³ For more information on USGS metal price statistics, please visit www.usgs.gov/centers/national-minerals-information-center/commodity-statistics-and-information (last accessed March 25, 2024).

¹⁴ For more information on the BLS producer price indices, please visit www.bls.gov/ppi/ (last accessed March 25, 2024).

TABLE IV.15—FACTORY PARAMETER ASSUMPTIONS—Continued

Parameter	High-volume furnace fan estimate	Low-volume furnace fan estimate
Purchased Parts Volume	500,000 units/year	5,000 units/year.
Workdays Per Year (days)	250	250.
Assembly Shifts Per Day (shifts)	2	1.
Fabrication Shifts Per Day (shifts)	2	2.
Fabrication Labor Wages (\$/h)	16	16.
Assembly Labor Wages (\$/h)	16	16.
Length of Shift (hr)	8	8.
Average Equipment Installation Cost (% of purchase price)	10%	10%.
Fringe Benefits Ratio	50%	50%.
Indirect to Direct Labor Ratio	33%	33%.
Average Scrap Recovery Value	30%	30%.
Worker Downtime	10%	10%.
Building Life (in years)	25	25.
Burdened Assembly Labor Wage (\$/h)	24	24.
Burdened Fabrication Labor Wage (\$/h)	24	24.
Supervisor Span (workers/supervisor)	25	25.
Supervisor Wage Premium (over fabrication and assembly wage)	30%	30%.

Constant-Airflow BPM Blower Motor Cost Value

As discussed in section IV.B.1.a of this document, for the NWG–NC, NWG–C, WG–NC, NWEF/NWMB, and MH–WF/MB product classes, the current baseline motor technology is a BPM motor, and specifically a CT–BPM motor. DOE’s research suggests that the predominant BPM indoor blower motors sold on the market today are either a constant-torque or a constant-airflow design. Both types of motors rely on electronic variable-speed motor systems that are typically mounted in an external chassis to the back of the

motor. CA–BPM motors utilize feedback control to adjust torque based on ESP in order to maintain a desired airflow. This differentiates them from CT–BPM motors that will maintain torque and likely decrease airflow output in environments with high ESPs. Additionally, CA–BPM motors use feedback control to vary their output to maintain pre-programmed airflows. DOE has found that there are no significant differences in measured FER performance between furnace fans using CA–BPM and CT–BPM motors; however, CA–BPM motors are sometimes chosen for other benefits, such as increased consumer comfort.

CA–BPM fan motors typically cost more than CT–BPM motors while not improving FER. Therefore, as discussed in section IV.B.1.a of this document, DOE considered the baseline design to include CT–BPM motors for the NWG–NC, NWG–C, WG–NC, NWEF/NWMB, and MH–EF/MB classes. However, to better represent costs to consumers, DOE has developed cost values for CA–BPMs that are applied in the LCC analysis to a portion of furnace fan installations. Table IV.16 shows the cost difference between CT–BPM and CA–BPM motors for high-volume and low-volume product classes.

TABLE IV.16—INCREMENTAL COST DIFFERENCE FOR BPM MOTORS

Product class	Incremental cost increase for CT–BPM to CA–BPM (2022\$)
NWG–C, NWG–NC, WG–NC, NWEF/NWMB, MH–NWG–NC, MH–NWG–C, and MH–EF/MB	\$28.07
NWO–NC, MH–NWO–NC	83.67

Multi-Stage Furnace

As discussed in section IV.A.2 of this document, DOE has identified a number of furnace fans in two-stage and modulating furnaces that are rated at the same relative FER as single-stage furnaces. DOE has determined that consumers choose to purchase multi-stage products for the additional thermal comfort offered by furnaces with multiple stages of heating output. During teardowns, DOE examined multi-stage furnace designs to analyze the production cost differential for manufacturers to switch from single-stage to two-stage or modulating combustion. DOE determined a market-share weighted-average marginal cost

increase of \$21.07 for the NWG–C, NWG–NC, WG–NC, NWEF/NWMB, MH–NWG–NC, MH–NWG–C, and MH–EF/MB classes to change a furnace from a single-stage to a two-stage design. DOE determined that oil units with multi-staging were rare and, thus, not representative of the market, so DOE did not analyze the cost increase of multi-stage burners for the NWO–NC and MH–NWO–NC product classes. Where applicable, the additional cost to change to a two-stage furnace includes the added cost of a two-stage gas valve, a two-speed inducer assembly, an additional pressure switch, and additional controls and wiring. As with the blower motor costs discussed previously, the additional cost of a

multi-stage burner is accounted for in the LCC analysis based on the market penetration of such designs for furnaces.

Scaling to Alternative Input Capacities

For the October 2023 NOPD, DOE also developed equations to scale the MPC results at the representative capacity to the full range of input capacities available on the market for each motor type. DOE performed regression analyses on the discrete MPCs for each teardown and their respective input capacities—which spanned a range of capacities and airflows and encompassed a range of motor sizes—to generate an equation for each motor technology that reflects the relationship between these parameters. These

parameters were derived separately for high-volume (NWG–C, NWG–NC, MH–NWG–NC, MH–NWG–C, and WG–NC) and low-volume (NWO–NC and MH–NWO–NC) product classes. These equations, which are presented in Table

IV.17, are used in the LCC analysis (*see* section IV.E of this document) to analyze the impacts on furnace fans over the full range of input capacities. To estimate the MPC at a given input, first the appropriate adder is calculated

using the equation and then the result added to or subtracted from (as applicable) the MPC at the representative input capacity.

TABLE IV.17—EQUATIONS FOR SCALING MPCs TO ADDITIONAL INPUT CAPACITIES

Input Capacity MPC Scaling Equation: MPC Change = Slope * (Input Capacity (kBtu/h) – Representative Capacity (kBtu/h))		
	NWGF–C, NWGF–NC, MH–NWGF–NC, MH–NWGF–C, WGF–NC	NWOF–NC and MH–NWOF–NC
Motor technology	Slope	Slope
PSC	0.0650	0.7031
Constant-torque BPM	0.1395	0.6272
Constant-airflow BPM	0.1603	1.0069

Backward-Inclined Impellers

For the max-tech efficiency levels, in the October 2023 NOPD, DOE estimated the cost to manufacture a backward-inclined impeller by using manufacturer feedback along with photographs and specifications found in research reports to determine cost model inputs to estimate the MPCs of the backward-inclined impeller. 88 FR 69826, 69847

(Oct. 6, 2023). These costs were scaled to different capacities by evaluating the impact of the backward-inclined impeller on the overall furnace system, depending on the average cabinet width at that capacity. DOE estimated the manufacturing cost of implementing a backward-inclined impeller and compared it to the average cost of using the forward-inclined impellers that are

ubiquitous in furnace fans currently on the market to determine the incremental increase in MPC associated with implementing backward-inclined impellers as compared to forward-inclined impellers. The cost increases for backward-inclined impellers at each capacity were applied at the max-tech level to estimate the MPCs and are outlined in Table IV.18.

TABLE IV.18—BACKWARD-INCLINED IMPELLER MPC INCREASES

Input capacity (kBtu/h)	High volume (2022\$)	Low volume (2022\$)
40	28.60	34.15
60	34.93	41.71
80	37.21	44.43
100	55.18	65.89
120	59.09	70.56

3. Cost-Efficiency Results

The results of the October 2023 NOPD engineering analysis are the MPCs for each furnace fan product class analyzed at each FER efficiency level (and associated design option), resulting in a cost-efficiency relationship. The cost-efficiency results are shown in tabular form in Table IV.19 through Table IV.21 in the form of efficiency versus MPC. (Q_{Max} is the airflow, in cfm, at the

maximum airflow-control setting measured using the DOE test procedure.) As described in section IV.B.2.b of this document, the MPC presented is not for the entire HVAC product, because furnace fans are a component of the HVAC product in which they are integrated.

As discussed in section IV.B.2.b of this document, separate cost values were developed for constant-airflow BPM motors and multi-staging because

these premium design elements could add comfort or provide other benefits but were not incorporated as design options into efficiency levels for furnace fans used in this analysis.

DOE used the cost-efficiency curves from the engineering analysis as an input to the LCC analysis to determine the added price of the more-efficient furnace fan components in HVAC equipment sold to the customer (*see* section IV.E of this document).

TABLE IV.19—COST-EFFICIENCY RESULTS BY PRODUCT CLASS—NWG–NC, NWG–C, WGF–NC, NWEF/NWMB, AND MH–EF/MB

	Efficiency level	
	Design option	
	Baseline	EL 1
	BPM motor	BPM motor + backward-inclined impeller
MPC	\$108.06	\$136.13.
Product class	Maximum allowable FER equation	

TABLE IV.19—COST-EFFICIENCY RESULTS BY PRODUCT CLASS—NWG–NC, NWG–C, WGF–NC, NWEF/NWMB, AND MH–EF/MB—Continued

	Efficiency level	
	Design option	
	Baseline	EL 1
	BPM motor	BPM motor + backward-inclined impeller
NWG–NC	$0.044 * Q_{Max} + 182$	$0.04 * Q_{Max} + 164$.
NWG–C	$0.044 * Q_{Max} + 195$	$0.04 * Q_{Max} + 176$.
WG–NC	$0.044 * Q_{Max} + 199$	$0.04 * Q_{Max} + 179$.
NWEF/NWMB	$0.044 * Q_{Max} + 165$	$0.04 * Q_{Max} + 149$.
MH–EF/MB	$0.044 * Q_{Max} + 101$	$0.04 * Q_{Max} + 91$.

TABLE IV.20—COST-EFFICIENCY RESULTS BY PRODUCT CLASS—MH–NWG–NC AND MH–NWG–C

	Efficiency level		
	Design option		
	Baseline	EL 1	EL 2
	Improved PSC	BPM motor	BPM motor + backward-inclined impeller
MPC	\$82.39	\$108.06	\$136.13.
Product class	Maximum allowable FER equation		
MH–NWG–NC	$0.071 * Q_{Max} + 222$	$0.044 * Q_{Max} + 137$	$0.04 * Q_{Max} + 123$.
MH–NWG–C	$0.071 * Q_{Max} + 240$	$0.044 * Q_{Max} + 148$	$0.04 * Q_{Max} + 133$.

TABLE IV.21—COST-EFFICIENCY RESULTS BY PRODUCT CLASS—NWO–NC AND MH–NWO–NC

	Efficiency level		
	Design option		
	Baseline	EL 1	EL 2
	Improved PSC	BPM motor	BPM motor + backward-inclined impeller
MPC	\$195.61	\$216.95	\$300.62.
Product Class	Maximum allowable FER equation		
NWO–NC	$0.071 * Q_{Max} + 382$	$0.044 * Q_{Max} + 236$	$0.04 * Q_{Max} + 212$.
MH–NWO–NC	$0.071 * Q_{Max} + 287$	$0.044 * Q_{Max} + 176$	$0.04 * Q_{Max} + 158$.

In commenting on the October 2023 NOPD, Lennox stated that equipment costs have increased since the most recent furnace fans standards went into effect in 2019. (Lennox, No. 30 at pp. 1–3) The commenter argued that consumers are struggling to afford new furnace equipment due to inflation and supply-chain issues. Lennox stated that this makes increasing furnace fan costs through standards particularly ill-advised, and Lennox supported the NOPD's conclusion that amended standards are not appropriate. (*Id.*)

In response, DOE notes that changes in equipment costs have been taken into account in the engineering analysis for this final determination. As discussed in section IV.B.2.b of this document, DOE

gathered price quotations for purchased parts from major suppliers at different production volumes during manufacturer interviews that were conducted after the standards went into effect in 2019. For parts produced in-house, metal raw material prices are estimated on the basis of five-year averages, spanning from 2018 through 2022, which includes changes since the 2019 standards went into effect. These material costs are captured in the cost-efficiency results and, in turn, are reflected in the LCC and PBP analyses, which are outlined in section IV.E of this document.

In this final determination DOE maintained the same cost analysis as that used for the October 2023 NOPD.

As a result, the cost-efficiency relationships used for this final determination are the same as those presented in the October 2023 NOPD.

C. Markups Analysis

The markups analysis develops appropriate markups (*e.g.*, distributor markups, retailer markups, contractor markups) in the distribution chain and sales taxes to convert the MSP estimates derived in the engineering analysis to consumer prices, which are then used in the LCC and PBP analyses. At each step in the distribution channel, companies mark up the price of the product to cover business costs and profit margin.

As part of the analysis, DOE identifies key market participants and distribution

channels. As in the October 2023 NOPD, DOE used the same distribution channels for furnace fans as it used for furnaces in the recent energy conservation standards rulemaking for those products. DOE believes that this is an appropriate approach because the vast majority of the furnace fans covered in this rulemaking are a component of a furnace. DOE has concluded that there is insufficient evidence of a replacement market for furnace fans to establish a separate distribution channel on that basis.

DOE developed baseline and incremental markups for each actor in the distribution chain. Baseline markups are applied to the price of products with baseline efficiency, while incremental markups are applied to the difference in price between baseline and higher-efficiency models (the incremental cost increase). The incremental markup is typically less than the baseline markup and is designed to maintain similar per-unit operating profit before and after new or amended standards.¹⁵

To estimate average baseline and incremental markups, DOE relied on several sources, including: (1) the HARDI 2013 Profit Report (*i.e.*, for wholesalers), and (2) U.S. Census Bureau 2017 Economic Census data on the residential and commercial building construction industry (*i.e.*, for general contractors, mechanical contractors, and mobile home manufacturers). In addition, DOE used the 2005 Air Conditioning Contractors of America's ("ACCA's") financial analysis on the heating, ventilation, air-conditioning, and refrigeration contracting industry to disaggregate the mechanical contractor markups into replacement and new construction markets. DOE also used various sources for the derivation of the mobile home dealer markups (*see* chapter 6 of the November 2022 Preliminary Analysis TSD).

DOE derived State and local taxes from data provided by the Sales Tax Clearinghouse.¹⁶ These data represent weighted averages that include county and city rates. DOE applied the State sales taxes to match the State-level

markups for wholesalers and mechanical and general contractors.

DOE did not receive comments regarding markups in response to the October 2023 NOPD. Chapter 6 of the November 2022 Preliminary Analysis TSD provides details on DOE's development of markups for consumer furnace fans.

D. Energy Use Analysis

The purpose of the energy use analysis is to determine the annual energy consumption of consumer furnace fans at different efficiencies in representative U.S. homes and commercial buildings, and to assess the energy savings potential of increased consumer furnace fan efficiency. The energy use analysis estimates the range of energy use of the subject products in the field (*i.e.*, as the products are actually used by consumers). The energy use analysis provides the basis for other analyses DOE performed, particularly assessments of the potential energy savings and the savings in consumer operating costs that could result from adoption of amended or new standards.

For the October 2023 NOPD, DOE primarily used data from the U.S. Energy Information Administration's ("EIA's") 2015 Residential Energy Consumption Survey ("RECS 2015") to establish a reasonable range of energy consumption for consumer furnace fans. RECS 2015 is a national sample survey of housing units that collects statistical information on the consumption of and expenditures for energy in housing units, along with data on energy-related characteristics of the housing units and occupants. RECS 2015 has a sample size of 5,686 housing units and was constructed by EIA to be a national representation of the household population in the United States. DOE also considered the use of consumer furnace fans in commercial applications, based on characteristics from EIA's most recent 2012 Commercial Building Energy Consumption Survey ("CBECS 2012") for a subset of building types that use consumer furnace fans covered by a potential standard. DOE utilized additional data sources to refine the development of a representative population of buildings for each furnace fan product class, as detailed in chapter 7 of the November 2022 Preliminary Analysis TSD.

EIA recently published the microdata for the 2020 edition of RECS.¹⁷ To

assess the impact of using RECS 2020, DOE compared the LCC consumer sample in the July 2022 Furnace NOPR, which used RECS 2015, to the consumer sample used in the December 2023 Furnace Final Rule consumer sample, which used RECS 2020. DOE assumed that changes in annual energy heating use between the two RECS editions serves as a reasonable proxy for the relative change in consumer furnace fans energy use. As can be seen by comparing Table 7.4.1 of the TSD for the July 2022 Furnace NOPR and Table 7.4.1 of the TSD for the December 2023 Furnace final rule, the estimated average annual energy consumption by region and efficiency level is similar between the two versions of RECS for households with furnaces, with RECS 2020 showing slightly lower energy consumption. Given the correlation in usage between furnaces and furnace fans and given that the estimated furnace energy use declines when updating to RECS 2020, updating the consumer sample to RECS 2020 would not alter the conclusions of this final determination. Therefore, DOE continued to use RECS 2015 as the basis for its consumer sample, as was done in the October 2023 NOPD.

DOE notes that commercial installations of consumer furnace fans account for approximately five percent or less of total installations, as shown in Table 6.2.1 of the November 2022 Preliminary Analysis TSD. Given the relatively small number of installations in the commercial sector relative to the residential sector, changes between CBECS 2012 and 2018 would not significantly impact overall analytical conclusions. Therefore, for this final determination, DOE continued to use CBECS 2012 as the basis of its consumer sample, as was done in October 2023 NOPD.

In calculating the energy consumption of furnace fans, DOE adjusted the energy use from RECS 2015 and CBECS 2012 to normalize for year-to-year variation in weather. This was accomplished by adjusting the RECS 2015 household and CBECS 2012 building energy consumption values based on 10-year average heating degree day ("HDD") and average cooling degree day ("CDD") data for each geographical region. DOE also accounted for the change in building shell characteristics by applying the building shell efficiency index and projected trend in the HDD and CDD in EIA's *Annual Energy Outlook 2023* ("AEO 2023").

As in the October 2023 NOPD, DOE's analysis takes into account ACCA

¹⁵ Because the projected price of standards-compliant products is typically higher than the price of baseline products, using the same markup for the incremental cost and the baseline cost would result in higher per-unit operating profit. While such an outcome is possible, DOE maintains that in markets that are reasonably competitive it is unlikely that standards would lead to a sustainable increase in profitability in the long run.

¹⁶ Sales Tax Clearinghouse, Inc., State Sales Tax Rates Along With Combined Average City and County Rates (Jan. 4, 2023) (Available at: www.thestc.com/STrates.stm) (last accessed June 28, 2024).

¹⁷ Energy Information Administration (EIA), 2020 Residential Energy Consumption Survey (RECS) (Available at: www.eia.gov/consumption/residential/data/2020/index.php/) (last accessed June 11, 2024).

Manuals J, S, and D methods to size every household and building in the sample. DOE first uses Manual J to estimate the house or building design heating load in order to determine the blower requirements for the assigned heating and cooling equipment. DOE's analysis considers that typically the furnace fan is sized based on the maximum cooling capacity required. The heating and cooling furnace fan speed setting is then varied to match the recommended/required airflow performance and takes into account differences in the ductwork system curve in the field.

DOE did not receive comments regarding energy use in response to the October 2023 NOPD. Chapter 7 of the November 2022 Preliminary Analysis TSD provides details on DOE's energy use analysis for consumer furnace fans.

E. Life-Cycle Cost and Payback Period Analysis

DOE conducts LCC and PBP analyses to evaluate the economic impacts on individual consumers of potential amended energy conservation standards for consumer furnace fans. The effect of new or amended energy conservation standards on individual consumers usually involves a reduction in operating cost and an increase in purchase cost. DOE typically uses the following two metrics to measure consumer impacts:

□ Life-Cycle Cost ("LCC") is the total consumer expense of operating the product over the lifetime of that product, consisting of total installed cost (which includes manufacturer selling price, distribution chain markups, sales tax, and installation costs) plus operating costs (e.g., expenses for energy use, maintenance, and repair). To compute the operating costs, DOE discounts future operating costs to the time of purchase and sums them over the lifetime of the product.

□ Payback Period ("PBP") is the estimated amount of time (in years) it takes consumers to recover the increased purchase cost (including installation) of a more-efficient product through lower operating costs. DOE

calculates the PBP by dividing the change in purchase cost at higher efficiency levels by the change in annual operating cost for the year that amended or new standards are assumed to take effect.

For any given efficiency level, DOE measures the change in LCC relative to the LCC in the no-new-standards case, which reflects the estimated efficiency distribution of the product in the absence of new or amended energy conservation standards. In contrast, the PBP for a given efficiency level is measured relative to the baseline product.

For each considered efficiency level in each product class, DOE calculated the LCC and PBP for a nationally representative set of housing units and, where appropriate, commercial buildings. As stated previously, DOE developed household and commercial building samples from RECS 2015 and CBECS 2012, respectively. For each sample household or commercial building, DOE determined the energy consumption for the consumer furnace fans and the appropriate energy price. By developing a representative sample of households and commercial buildings, the analysis captured the variability in energy consumption and energy prices associated with the use of consumer furnace fans.

Inputs to the LCC calculation include the installed cost to the consumer, operating expenses, the lifetime of the product, and a discount rate. Inputs to the calculation of total installed cost include the cost of the product—which includes MPCs, manufacturer markups, retailer and distributor markups, and sales taxes (where applicable)—and installation costs. Inputs to the calculation of operating expenses include annual energy consumption, energy prices and price projections, repair and maintenance costs, product lifetimes, and discount rates. Inputs to the PBP calculation include the installed cost to the consumer and first-year operating expenses. DOE created distributions of values for installation cost, repair and maintenance, product lifetime, discount rates, and sales taxes,

with probabilities attached to each value, to account for their uncertainty and variability.

The computer model DOE uses to calculate the LCC relies on a Monte Carlo simulation to incorporate uncertainty and variability into the analysis. The Monte Carlo simulations randomly sample input values from the probability distributions and product user samples. For this proceeding, the Monte Carlo approach is implemented in Microsoft Excel together with the Crystal Ball™ add-on.¹⁸ The model calculated the LCC for products at each efficiency level for 10,000 consumers per simulation run. The analytical results include a distribution of 10,000 data points showing the range of LCC savings for a given efficiency level relative to the no-new-standards case efficiency distribution. In performing an iteration of the Monte Carlo simulation for a given consumer, product efficiency is chosen based on its probability. If the chosen product efficiency is greater than or equal to the efficiency of the standard level under consideration, the LCC calculation reveals that a consumer is not impacted by the standard level. By accounting for consumers who are already projected to purchase more-efficient products than the baseline in a given case, DOE avoids overstating the potential benefits from increasing product efficiency.

DOE calculated the LCC and PBP for consumers of consumer furnace fans as if each were to purchase a new product in the expected first year of required compliance with new or amended standards. For purposes of this final determination, DOE used 2030 as the first year of compliance with any amended standards.

Table IV.22 summarizes the approach and data DOE used to derive inputs to the LCC and PBP analysis. The subsections that follow provide further discussion. Details of the spreadsheet model, and how all inputs to the LCC and PBP analyses are applied, are contained in chapter 8 of the November 2022 Preliminary Analysis TSD and its appendices.

TABLE IV.22—SUMMARY OF INPUTS AND METHODS FOR THE LCC AND PBP ANALYSES *

Inputs	Source/method
Product Cost	Derived from the manufacturer production cost ("MPC") for furnace fans at different heating input capacities for each efficiency level (from the engineering analysis). The MPCs are then multiplied by the various market participant markups (e.g., manufacturer, wholesaler, and plumbing contractor) for each distribution channel and sales taxes derived for each State and the District of Columbia.

¹⁸Crystal Ball™ is a commercially-available software tool to facilitate the creation of these types of models by generating probability distributions

and summarizing results within Excel (Available at: www.oracle.com/technetwork/middleware/

crystalball/overview/index.html) (last accessed June 11, 2024).

TABLE IV.22—SUMMARY OF INPUTS AND METHODS FOR THE LCC AND PBP ANALYSES *—Continued

Inputs	Source/method
Installation Costs	Varies by efficiency level and individual house/building characteristic. Material and labor costs are derived for each State and the District of Columbia mainly using RSMeans Residential Cost Data 2023. Overhead and profits are included in the RSMeans data. Probability distributions are derived for various installation cost input parameters.
Annual Energy Use	Derived mainly by using the heating energy use data for each housing unit and building from the Energy Information Administration's ("EIA's") 2015 Residential Energy Consumption Survey ("RECS 2015") and EIA's 2012 Commercial Buildings Energy Consumption Survey ("CBECS 2012"), together with consumer furnace fans test procedure calculation methodologies used to determine the annual energy consumption associated with the considered standard levels. Probability distributions are derived for various input parameters.
Energy Prices	Calculated monthly marginal average electricity, natural gas or liquefied petroleum gas ("LPG"), and fuel oil prices in each of the 50 U.S. States and District of Columbia, using EIA historical data and billing data for each RECS 2015 housing unit and CBECS 2012 building.
Energy Price Trends	Residential and commercial prices were escalated by using EIA's <i>Annual Energy Outlook 2023</i> (AEO 2023) forecasts to estimate future energy prices. Escalation was performed at the Census Division level.
Repair and Maintenance Costs	Estimated the costs associated with preventive maintenance (e.g., checking furnace fan) and repair (e.g., replacing motor) based on data from a variety of published sources, including RSMeans 2023 Facilities Maintenance and Repair Data. It is assumed that maintenance and repair costs vary by efficiency level, and probability distributions are derived for various input parameters.
Product Lifetime	Used Weibull probability distribution of lifetimes developed for consumer furnace fans based on various survey and shipments data.
Discount Rates	Probability distributions by income bins are derived for residential discount rates based on the Federal Reserve Board's Survey of Consumer Finances from 1995 to 2019 and various interest rate sources. Probability distributions for commercial discount rates for various building activities (e.g., office) are derived using multiple interest rate sources. See section IV.E.7 of this document.
Compliance Date	2030 (five years after expected publication of the final rule).

* References for the data sources mentioned in this table are provided in the sections following the table or in chapter 8 of the November 2022 Preliminary Analysis TSD. Energy price trends, product lifetimes, and discount rates are not used for the PBP calculation.

1. Product Cost

To calculate consumer product costs, DOE multiplied the MPCs developed in the engineering analysis by the markups described previously (along with sales taxes). DOE used different markups for baseline products and higher-efficiency products, because DOE applies an incremental markup to the increase in MSP associated with higher-efficiency products.

For the October 2023 NOPD, DOE assumed no price trend for consumer furnace fans due to uncertainty in future commodity prices. DOE did not receive comment on this assumption and maintains the same approach for this final determination.

See chapter 8 of the November 2022 Preliminary Analysis TSD for details.

2. Installation Cost

Installation cost includes labor, overhead, and any miscellaneous materials and parts needed to install the product. Because consumer furnace fans are installed in furnaces in the factory, there is generally no additional installation cost in the home. However, consumer furnace fans that employ a constant-airflow BPM design may require additional installation costs. DOE assumed that all constant-airflow BPM furnace fan installations will require extra labor at startup to check and adjust airflow.

As in the October 2023 NOPD, DOE estimated the installation costs at each considered efficiency level using a variety of sources, including RSMeans data, manufacturer literature, and information from an expert consultant report. DOE's analysis of installation costs accounted for regional differences in labor costs. For a detailed discussion of the development of installation costs, see appendix 8C of the November 2022 Preliminary Analysis TSD.

3. Annual Energy Consumption

For each sampled household or commercial building, DOE determined the energy consumption for a consumer furnace fan at different efficiency levels using the approach described previously in section IV.D of this document.

4. Energy Prices

Energy bills to consumers typically include fixed costs (i.e., costs that do not depend on consumption) and costs that depend on the level of consumption. To estimate the impact of standards on consumer operating costs, DOE calculated average energy prices, which represent the typical cost for a consumer to use energy, including fixed costs, and marginal energy prices, which represent the energy price consumers would pay for reduced consumption. In other words, a marginal energy price reflects the cost or

benefit of adding or subtracting one additional unit of energy consumption. Because marginal price more accurately captures the incremental savings associated with a change in energy use from higher efficiency, it provides a better representation of incremental change in consumer costs than average electricity prices. DOE applied average natural gas and electricity prices for the energy use of the product purchased in the no-new-standards case, and marginal prices for the incremental change in energy use associated with the other efficiency levels considered.

For the October 2023 NOPD, DOE derived average monthly marginal residential and commercial electricity, natural gas, LPG, and fuel oil prices for each State using data from EIA.^{19 20 21} DOE calculated marginal monthly regional energy prices by: (1) first estimating an average annual price for each region; (2) multiplying by monthly energy price factors; and (3) multiplying by seasonal marginal price factors for electricity, natural gas, and LPG. The

¹⁹ EIA, Form EIA-861M (formerly EIA-826) detailed data (2022) (Available at: www.eia.gov/electricity/data/eia861m/) (last accessed June 28, 2024).

²⁰ EIA, Natural Gas Navigator (2022) (Available at: www.eia.gov/naturalgas/data.php) (last accessed June 11, 2024).

²¹ EIA, 2021 State Energy Data System (SEDS) (2021) (Available at: www.eia.gov/state/seds/) (last accessed June 11, 2024).

analysis used 2022 data for residential and commercial natural gas and electricity prices and 2021 data for LPG and fuel oil prices. Further details may be found in chapter 8 of the Preliminary Analysis TSD.

For the October 2023 NOPD, DOE compared marginal price factors developed by DOE from the EIA data to develop seasonal marginal price factors for 23 gas tariffs provided by the Gas Technology Institute for the 2016 residential boilers energy conservation standards rulemaking.²² DOE found that the winter price factors used by DOE are generally comparable to those computed from the tariff data, indicating that DOE's marginal price estimates are reasonable at average usage levels. The summer price factors are also generally comparable. Of the 23 tariffs analyzed, eight have multiple tiers, and of these eight, six have ascending rates and two have descending rates. The tariff-based marginal factors use an average of the two tiers as the commodity price. A full tariff-based analysis would require information about the household's total baseline gas usage (to establish which tier the consumer is in), and a weight factor for each tariff that determines how many customers are served by that utility on that tariff. These data are generally not available in the public domain. DOE's use of EIA State-level data effectively averages overall consumer sales in each State, and so incorporates information from all utilities. DOE's approach is, therefore, more representative of a large group of consumers with diverse baseline gas usage levels than an approach that uses only tariffs.

DOE notes that within a State, there could be significant variation in the marginal price factors, including differences between rural and urban rates. To take this into account, DOE developed marginal price factors for each individual household using RECS 2015 billing data. These data are then normalized to match the average State marginal price factors, which are equivalent to a consumption-weighted average marginal price across all households in the State. For more details on the comparative analysis and updated marginal price analysis, *see* appendix 8D of the November 2022 Preliminary Analysis TSD.

To estimate energy prices in future years, DOE multiplied the 2022 energy

prices by the projection of annual average price changes for each of the nine Census Divisions from the Reference case in *AEO 2023*, which has an end year of 2050.²³ To estimate price trends after 2050, DOE used the average annual rate of change in prices from 2046 through 2050.

To assess the impact of updated energy price estimates, DOE compared the energy price estimates in 2030 from the October 2023 NOPD to the projected estimates using updated EIA energy price data from 2023. The results of this comparison are presented in Table IV.23.

TABLE IV.23—SUMMARY OF ENERGY PRICE COMPARISON OF 2023 EIA DATA RELATIVE TO NOVEMBER 2023 NOPD

Energy type	Percentage change in 2030 energy price
Electricity	–20
Natural Gas	1
LPG	1
Fuel Oil	–16

Based upon this review, DOE has determined that energy prices have either not changed significantly, as in the case of natural gas and LPG, or have decreased, as in the case of electricity and fuel oil, relative to the energy prices used in the October 2023 NOPD. Consequently, updating energy prices would either have no impact on analytical results or decrease operating cost savings, thereby further justifying DOE's decision to not amend the existing energy conservation standards for consumer furnace fans. DOE did not receive comments regarding energy prices in response to the October 2023 NOPD. As a result, DOE has continued to use the energy prices from the October 2023 NOPD in this determination.

5. Maintenance and Repair Costs

The maintenance cost is the routine cost to the consumer of maintaining product operation. The regular furnace maintenance generally includes checking the furnace fan. As in the October 2023 NOPD, DOE assumes for this analysis that this maintenance cost is the same at all efficiency levels.

The repair cost is the cost to the consumer for replacing or repairing components in the consumer furnace fan that have failed. For the October

2023 NOPR, DOE included motor replacement as a repair cost for a fraction of furnace fans. To estimate rates of motor failure, DOE developed a distribution of fan motor lifetime (expressed in operating hours) by motor size using data from DOE's analysis for the March 9, 2010 Small Electric Motors Final Rule and manufacturer literature. (75 FR 10874) DOE then paired these data with the calculated number of annual operating hours for each sample furnace fan. Motor costs were based on costs developed in the engineering analysis and the replacement markups developed in the markup analysis. DOE assumed that the motor cost does not apply if motor failure occurs during the furnace warranty period (assumed to be at least one year, and five or more years for a fraction of installations).

For the October 2023 NOPD, the repair costs (including labor hours, component costs, and frequency) at each considered efficiency level were derived based on RSMeans data,²⁴ manufacturer literature, and a report from the Gas Research Institute.²⁵ DOE accounted for regional differences in labor costs. DOE did not receive comments related to its repair cost assumptions, and accordingly, the Department has maintained the same costs as used in the October 2023 NOPD for this final determination.

For a detailed discussion of the development of maintenance and repair costs, *see* appendix 8E of the November 2022 Preliminary Analysis TSD.

6. Product Lifetime

Product lifetime is the age at which an appliance is retired from service. Furnace fan lifetimes are considered equivalent to furnace lifetimes, so DOE modeled furnace fan lifetime based on estimated furnace lifetimes. Because product lifetime varies, DOE uses a lifetime distribution to characterize the probability that a product will be retired from service at a given age. DOE conducted an extensive literature review and took into account published studies. Because the basis for the estimates in the literature was uncertain, DOE developed a method using national survey data, along with shipment data, to estimate the distribution of consumer furnace lifetimes in the field.

²⁴ RSMeans Company Inc., *RS Means Facilities Maintenance & Repair Cost Data* (2021) (Available at: www.rsmeans.com/) (last accessed June 1, 2024).

²⁵ Jakob, F.E., et al., *Assessment of Technology for Improving the Efficiency of Residential Gas Furnaces and Boilers, Volume I and II—Appendices* (September 1994), Gas Research Institute, Report No. GRI-94/0175 (Available at: www.gti.energy/software-and-reports/) (last accessed Feb. 15, 2022).

²² The Gas Technology Institute provided a reference located in the docket of DOE's 2016 rulemaking to develop energy conservation standards for residential boilers. (Docket No. EERE-2012-BT-STD-0047-0068) (Available at: www.regulations.gov/document/EERE-2012-BT-STD-0047-0068) (last accessed June 28, 2024).

²³ EIA, *Annual Energy Outlook 2023 with Projections to 2050*, Washington, DC (Available at: www.eia.gov/forecasts/aeo/) (last accessed June 11, 2024).

DOE assumed that the probability function for the annual survival of consumer furnaces would take the form of a Weibull distribution. For the October 2023 NOPD, DOE derived the Weibull distribution parameters by using stock and age data on consumer furnaces from the U.S. Census's biennial American Housing Survey ("AHS") from 1974–2019²⁶ and EIA's RECS 1990, 1993, 2001, 2005, 2009, and 2015.²⁷ DOE used the results from the 2022 American Home Comfort Survey ("AHCS") to estimate the national average lifetime of 21.4 years.²⁸ DOE also determined the average lifetime for different regions: 22.5 years for the North region and 20.2 years for rest of the country. These results were used to scale the average lifetime for these regions.

DOE did not receive any comments on the lifetime distributions used in the October 2023 NOPD. As consumer furnace fans, and the furnaces in which they reside, have not changed significantly since the October 2023 NOPD, DOE has maintained the same lifetime distribution in this final determination.

7. Discount Rates

In the calculation of LCC, DOE applies discount rates appropriate to estimate the present value of future expenditures and savings. DOE estimated a distribution of discount rates for consumer furnace fans based on the opportunity cost of funds. DOE estimates discount rates separately for residential and commercial end users.

For residential end users, DOE applies weighted-average discount rates calculated from consumer debt and asset data, rather than marginal or implicit discount rates.²⁹ The LCC

analysis estimates net present value over the lifetime of the product, so the appropriate discount rate will reflect the general opportunity cost of household funds, taking this time scale into account. Given the long time horizon modeled in the LCC analysis, the application of a marginal interest rate associated with an initial source of funds is inaccurate. Regardless of the method of purchase, consumers are expected to continue to rebalance their debt and asset holdings over the LCC analysis period, based on the restrictions consumers face in their debt payment requirements and the relative size of the interest rates available on debts and assets.

To establish residential discount rates for the LCC analysis, DOE identified all relevant household debt or asset classes in order to approximate a consumer's opportunity cost of funds related to appliance energy cost savings. It estimated the average percentage shares of the various types of debt and equity by household income group using data from the Federal Reserve Board's triennial Survey of Consumer Finances³⁰ ("SCF"). Using the SCF and other sources, DOE developed a distribution of rates for each type of debt and asset by income group to represent the rates that may apply in the year in which amended standards would take effect. DOE assigned each sample household a specific discount rate drawn from one of the distributions. The average rate across all types of household debt and equity and income groups, weighted by the shares of each type, is 4.1 percent.

To establish commercial discount rates for commercial end users in the small fraction of consumer furnace fans in commercial buildings, DOE estimated the weighted-average cost of capital using data from Damodaran Online.³¹ The weighted-average cost of capital is commonly used to estimate the present value of cash flows to be derived from

incorporating the influence of several factors: transaction costs, risk premiums and response to uncertainty, time preferences, and interest rates at which a consumer is able to borrow or lend. The implicit discount rate is not appropriate for the LCC analysis because it reflects a range of factors that influence consumer purchase decisions, rather than the opportunity cost of the funds that are used in purchases.

³⁰ U.S. Board of Governors of the Federal Reserve System, Survey of Consumer Finances, 1995, 1998, 2001, 2004, 2007, 2010, 2013, 2016, and 2019 (Available at: www.federalreserve.gov/econresdata/scf/scfindex.htm) (last accessed April 26, 2024).

³¹ Damodaran, A. Data Page: Historical Returns on Stocks, Bonds and Bills—United States (2023) (Available at: pages.stern.nyu.edu/~adamodar/) (Last accessed June 1, 2024).

a typical company project or investment. Most companies use both debt and equity capital to fund investments, so their cost of capital is the weighted average of the cost to the firm of equity and debt financing. DOE estimated the cost of equity using the capital asset pricing model, which assumes that the cost of equity for a particular company is proportional to the systematic risk faced by that company. The average rate for consumer furnace fans used in commercial applications in this analysis, across all business activity, is 7.2 percent. DOE did not receive comments regarding discount rates in response to the October 2023 NOPD.

See chapter 8 of the November 2022 Preliminary Analysis TSD for further details on the development of consumer and commercial discount rates.

8. Energy-Efficiency Distribution in the No-New-Standards Case

To accurately estimate the share of consumers that would be affected by a potential energy conservation standard at a particular efficiency level, DOE's LCC analysis considered the projected distribution (*i.e.*, market shares) of product efficiencies under the no-new-standards case (*i.e.*, the case without amended or new energy conservation standards) in the compliance year (2030). This approach reflects the fact that some consumers may purchase products with efficiencies greater than the baseline levels, even in the absence of new or amended standards.

For consumer furnace fans, DOE does not have any shipments data by efficiency after the 2019 furnace fan standards became effective. Due to the lack of available shipments data, DOE used DOE's CCD for furnace fans and furnaces as a proxy to develop an efficiency distribution based on available models.

DOE did not receive additional data or comments on estimated market shares in the no-new-standard case in response to the October 2023 NOPD. Accordingly, DOE continued to use estimates from the October 2023 NOPD for this final determination.

Table IV.24 shows the resulting market shares by efficiency level. For a detailed discussion of the development of no-new-standards case distributions based on models, see appendix 7F of the November 2022 Preliminary Analysis TSD.

²⁶ U.S. Census Bureau: Housing and Household Economic Statistics Division, *American Housing Survey*, Multiple Years (1974, 1975, 1976, 1977, 1978, 1979, 1980, 1981, 1983, 1985, 1987, 1989, 1991, 1993, 1995, 1997, 1999, 2001, 2003, 2005, 2007, 2009, 2011, 2013, 2015, 2017, 2019, and 2021) (Available at: www.census.gov/programs-surveys/ahs.html) (last accessed June 28, 2024).

²⁷ U.S. Department of Energy: Energy Information Administration, *Residential Energy Consumption Survey ("RECS")*, Multiple Years (1990, 1993, 1997, 2001, 2005, 2009, and 2015) (Available at: www.eia.gov/consumption/residential/) (last accessed June 28, 2024).

²⁸ Decision Analysts, 2022 American Home Comfort Study (2022) Arlington, Texas (Available at: www.decisionanalyst.com/syndicated/homecomfort/) (last accessed August 26, 2024).

²⁹ The implicit discount rate is inferred from a consumer purchase decision between two otherwise identical goods with different first cost and operating cost. It is the interest rate that equates the increment of first cost to the difference in net present value of lifetime operating cost,

TABLE IV.24—NO-NEW-STANDARDS CASE ENERGY EFFICIENCY DISTRIBUTIONS IN 2030 FOR CONSUMER FURNACE FANS

Product class	EL	No-new-standards case (%)	Efficiency level (%)	
			1	2
Non-Weatherized, Non-Condensing Gas Furnace Fan	0	100	.....	.....
	1	.....	100	.....
NonWeatherized, Condensing Gas Furnace Fan	0	100	.....	.....
	1	.....	100	.....
Weatherized NonCondensing Gas Furnace Fan	0	100	.....	.....
	1	.....	100	.....
NonWeatherized, NonCondensing Oil Furnace Fan	0	46	.....	.....
	1	54	100	.....
	2	.....	.....	100
NonWeatherized Electric Furnace/Modular Blower Fan	0	100	.....	.....
	1	.....	100	.....
Mobile Home NonWeatherized, NonCondensing Gas Furnace Fan	0	11	.....	.....
	1	89	100	.....
	2	.....	.....	100
Mobile Home NonWeatherized, Condensing Gas Furnace Fan	0	8	.....	.....
	1	92	100	.....
	2	.....	.....	100
Mobile Home NonWeatherized Oil Furnace Fan	0	90	.....	.....
	1	10	100	.....
	2	.....	.....	100
Mobile Home Electric Furnace/Modular Blower Fan	0	100	.....	.....
	1	.....	100	.....

The LCC Monte Carlo simulations draw from the efficiency distributions and assign an efficiency to the consumer furnace fans purchased by each sample household or commercial business in the no-new-standards case. The resulting percentage shares within the sample match the market shares in the efficiency distributions.

9. Payback Period Analysis

The payback period is the amount of time (expressed in years) it takes the consumer to recover the additional installed cost of more-efficient products, compared to baseline products, through energy cost savings. Payback periods that exceed the life of the product mean that the increased total installed cost is not recovered in reduced operating expenses.

The inputs to the PBP calculation for each efficiency level are the change in total installed cost of the product and the change in the first-year annual operating expenditures relative to the baseline. DOE refers to this as a “simple PBP” because it does not consider changes over time in operating cost savings. The PBP calculation uses the same inputs as the LCC analysis when deriving first-year operating costs, except that discount rates are not needed. DOE did not receive comments regarding the payback period methodology in response to the October 2023 NOPD.

F. Shipments Analysis

DOE uses projections of annual product shipments to calculate the national impacts of potential amended or new energy conservation standards on energy use, NPV, and future manufacturer cash flows.³² The shipments model takes an accounting approach, tracking market shares of each product class and the vintage of units in the stock. Stock accounting uses product shipments as inputs to estimate the age distribution of in-service product stocks for all years. The age distribution of in-service product stocks is a key input to calculations of both the NES and NPV, because operating costs for any year depend on the age distribution of the stock.

DOE developed shipment projections based on historical data and an analysis of key market drivers for each product. The vast majority of furnace fans are shipped installed in furnaces, so DOE estimated furnace fan shipments by projecting furnace shipments in three market segments: (1) replacements, (2) new housing, and (3) new owners in buildings that did not previously have a central furnace.

To project furnace replacement shipments, DOE developed retirement functions for furnaces from the lifetime estimates and applied them to the existing products in the housing stock.

³² DOE uses data on manufacturer shipments as a proxy for national sales, as aggregate data on sales are lacking. In general, one would expect a close correspondence between shipments and sales.

The existing stock of products is tracked by vintage and developed from historical shipments data. The shipments analysis uses a distribution of furnace lifetimes to estimate furnace replacement shipments. In addition, DOE adjusted replacement shipments by taking into account demolitions, using the estimated changes to the housing stock from *AEO 2023*.

DOE assembled historical shipments data for consumer furnaces from Appliance Magazine from 1954–2012,³³ AHRI from 1996–2022,³⁴ HARDI from 2013–2022,³⁵ and BRG from 2007–2022.³⁶ DOE also used the 1992 and 1994–2003 shipments data by State provided by AHRI³⁷ and 2004–2009 and 2010–2015 shipments data by the North region and the rest of country

³³ *Appliance Magazine*, Appliance Historical Statistical Review: 1954–2012 (2014).

³⁴ Air-Conditioning, Heating, & Refrigeration Institute (“AHRI”), *Furnace Historical Shipments Data* (1996–2022) (Available at: www.ahrinet.org/analytics/statistics/historical-data/furnaces-historical-data) (last accessed June 28, 2024).

³⁵ Heating, Air-conditioning and Refrigeration Distributors International (“HARDI”), *Gas Furnace Shipments Data from 2013–2022* (Provided to Lawrence Berkeley National Laboratory).

³⁶ BRG Building Solutions, *The North American Heating & Cooling Product Markets* (Available at: www.brgbuildingsolutions.com/solutions/market-reports/) (last accessed June 28, 2024).

³⁷ AHRI (formerly Gas Appliance Manufacturers Association (“GAMA”)), *Updated Shipments Data for Residential Furnaces and Boilers* (April 25, 2005) (Available at: www.regulations.gov/document/EERE-2006-STD-0102-0138) (last accessed June 28, 2024).

provided by AHRI,³⁸ as well as HARDI shipments data that is disaggregated by region and most States to disaggregate shipments by region. DOE also used CBECS 2012 data and BRG shipments data to estimate the commercial fraction of shipments. Disaggregated shipments for mobile home gas furnaces (“MHGFs”) are not available, so DOE disaggregated MHGF shipments from the total by using a combination of data from the U.S. Census,^{39,40} AHS,⁴¹ RECS,⁴² and a 2014 MHGF shipments estimate by Mortex.⁴³

To project shipments to the new housing market, DOE utilized a projection of new housing construction and historic saturation rates of various furnaces in new housing. DOE used the *AEO 2023* housing starts and commercial building floor space projections and data from the U.S. Census Bureau’s Characteristics of New Housing,^{44,45} Home Innovation Research Labs Annual Builder Practices Survey,⁴⁶ RECS 2015, AHS 2021, and CBECS 2012 to estimate new construction saturations. DOE also estimated future furnace saturation rates in new single-family housing based on a weighted average of values from the U.S. Census Bureau’s Characteristics of New Housing from 1999 through 2022, and for multi-family buildings using data from the Census Bureau’s Characteristics of New Housing (Multi-Family Units) from 1973 through 2022.⁴⁷

To project shipments to the new-owner market, DOE estimated the new owners based on the residual shipments from the calculated replacement and new construction shipments compared to historical shipments over five years

(2018–2022). DOE compared this with data from Decision Analyst’s 2002 to 2022 AHCS,⁴⁸ 2023 BRG data,⁴⁹ and AHRI’s estimated shipments in 2000,⁵⁰ which showed similar historical fractions of new owners. DOE assumed that the new-owner fraction would be the 10-year average (2013–2022) in 2030 and then decrease to zero by the end of the analysis period (2059).

DOE did not receive comments on the shipments methodology in response to the October 2023 NOPD. DOE notes that although there may be additional historical data available for 2023, including an additional year of historical data would have a minimal impact to projected shipments over the shipments analysis period (2030–2059). Additionally, the October 2023 NOPD relied on *AEO 2023*, which remains the most recent available edition for *AEO* for many key inputs for future product demand. For these reasons, DOE continued to use shipments from the October 2023 NOPD for this final determination.

G. National Impact Analysis

The NIA assesses the NES and the NPV from a national perspective of total consumer costs and savings that would be expected to result from new or amended energy conservation standards at specific efficiency levels.⁵¹ (“Consumer” in this context refers to consumers of the product being regulated.) DOE calculates the NES and NPV for the potential standard levels considered based on projections of annual product shipments, along with the annual energy consumption and total installed cost data from the energy use and LCC analyses.⁵² For the present

analysis, DOE projected the energy savings, operating cost savings, product costs, and NPV of consumer benefits over the lifetime of consumer furnace fans sold from 2030 through 2059.

DOE evaluates the impacts of new or amended standards by comparing a case without such standards with standards-case projections. The no-new-standards case characterizes energy use and consumer costs for each product class in the absence of new or amended energy conservation standards. For this projection, DOE considers historical trends in efficiency and various forces that are likely to affect the mix of efficiencies over time. DOE compares the no-new-standards case with projections characterizing the market for each product class if DOE adopted new or amended standards at specific energy efficiency levels (*i.e.*, the candidate standards levels (“CSLs”) or standards cases) for that class. For the standards cases, DOE considers how a given standard would likely affect the market shares of products with efficiencies greater than the standard.

DOE uses a spreadsheet model to calculate the energy savings and the national consumer costs and savings from each CSL. Interested parties can review DOE’s analyses by changing various input quantities within the spreadsheet. The NIA spreadsheet model uses typical values (as opposed to probability distributions) as inputs.

Table IV.25 summarizes the inputs and methods DOE used for the NIA for the final determination. Discussion of these inputs and methods follows the table. *See* chapter 10 of the November 2022 Preliminary Analysis TSD for details.

TABLE IV.25—SUMMARY OF INPUTS AND METHODS FOR THE NATIONAL IMPACT ANALYSIS

Input	Method
Shipments	Annual shipments from shipments model.
³⁸ AHRI, Non-Condensing and Condensing Regional Gas Furnace Shipments for 2004–2009 and 2010–2015 Data Provided to DOE contractors (July 20, 2010 and November 26, 2016). ³⁹ U.S. Census Bureau, Manufactured Homes Survey: Annual Shipments to States from 1994–2022 (Available at: www.census.gov/data/tables/time-series/econ/mhs/latest-data.html) (last accessed June 28, 2024). ⁴⁰ U.S. Census Bureau, Manufactured Homes Survey: Historical Annual Placements by State from 1980–2013 (Available at: www.census.gov/data/tables/time-series/econ/mhs/historical-annual-placements.html) (last accessed June 28, 2024). ⁴¹ U.S. Census Bureau—Housing and Household Economic Statistics Division, American Housing Survey, multiple years from 1973–2021 (Available at: www.census.gov/programs-surveys/ahs/data.html) (last accessed June 28, 2024). ⁴² EIA, Residential Energy Consumption Survey (RECS), multiple years from 1979–2015 (Available at: www.eia.gov/consumption/residential/) (last accessed June 28, 2024). ⁴³ Mortex estimated that the total number of MHGFs manufactured in 2014 was about 54,000, and about two-thirds were sold to the replacement market. Mortex also stated that MHGF sales have not been growing. (Mortex, No. 157 at p. 3) (Available at: www.regulations.gov/document/EERE-2014-BT-STD-0031-0157) (last accessed June 28, 2024). ⁴⁴ U.S. Census, Characteristics of New Housing from 1999–2022 (Available at: www.census.gov/construction/chars/) (last accessed June 1, 2023). ⁴⁵ U.S. Census, Characteristics of New Housing (Multi-Family Units) from 1973–2022 (Available at: www.census.gov/construction/chars/mfu.html) (last accessed June 1, 2023). ⁴⁶ Home Innovation Research Labs (independent subsidiary of the National Association of Home Builders (NAHB), Annual Builder Practices Survey (2015–2019) (Available at: www.homeinnovation.com/trends_and_reports/) (last accessed June 28, 2024). ⁴⁷ U.S. Census Bureau, Characteristics of New Housing (Available at: www.census.gov/construction/chars/) (last accessed June 28, 2024). ⁴⁸ Decision Analyst, 2002, 2004, 2006, 2008, 2010, 2013, 2016, 2019, and 2022 American Home Comfort Study (Available at: www.decisionanalyst.com/syndicated/homecomfort/) (last accessed June 28, 2024). ⁴⁹ BRG data (Available at: www.brgbuildingsolutions.com/) (last accessed June 28, 2024). ⁵⁰ AHRI (formerly GAMA), Furnace and Boiler Shipments data provided to DOE for Furnace and Boiler ANOPR (Jan. 23, 2002). ⁵¹ The NIA accounts for impacts in the United States and U.S. territories. ⁵² For the NIA, DOE adjusts the installed cost data from the LCC analysis to exclude sales tax, which is a transfer.	

TABLE IV.25—SUMMARY OF INPUTS AND METHODS FOR THE NATIONAL IMPACT ANALYSIS—Continued

Input	Method
Compliance Date of Standard	2030.
Efficiency Trends	No-new-standards case based on historical shipment data and on current consumer furnace fans model availability by efficiency level (see chapter 8 of the November 2022 Preliminary Analysis TSD). Roll-up in the compliance year for standards cases.
Annual Energy Consumption per Unit	Annual weighted-average values are a function of shipments-weighted unit energy use consumption.
Total Installed Cost per Unit	Annual weighted-average values as a function of the efficiency distribution (see chapter 8 of the November 2022 Preliminary Analysis TSD).
Annual Energy Cost per Unit	Annual weighted-average values as a function of the annual energy consumption per unit and energy prices.
Repair and Maintenance Cost per Unit	Annual values as a function of efficiency level (see chapter 8 of the November 2022 Preliminary Analysis TSD).
Energy Price Trends	AEO 2023 projections to 2050 and extrapolation thereafter.
Energy Site-to-Primary and FFC Conversion	A time-series conversion factor based on AEO 2023.
Discount Rate	3 percent and 7 percent.
Present Year	2023.

1. Product Efficiency Trends

A key component of the NIA is the trend in energy efficiency projected for the no-new-standards case and each of the standards cases. Section IV.E.8 of this document describes how DOE developed an energy efficiency distribution for the no-new-standards case (which yields a shipment-weighted average efficiency) for each of the considered product classes for the year of anticipated compliance with an amended or new standard (2030). To project efficiencies for the no-new-standards case, DOE used historical shipment data and current consumer furnace fan model availability by efficiency level (see chapter 8 of the November 2022 Preliminary Analysis TSD).

To develop standards-case efficiency trends, DOE used a “roll-up” scenario to establish the shipment-weighted efficiency for the year that standards are assumed to become effective (2030). In this scenario, the market shares of products in the no-new-standards case that do not meet the standard under consideration would “roll up” to meet the new standard level, and the market share of products above the standard would remain unchanged.

2. National Energy Savings

The NES analysis involves a comparison of national energy consumption of the considered products between each potential standards case (*i.e.*, CSL) and the case with no new or amended energy conservation standards. DOE calculated the national energy consumption by multiplying the number of units (*i.e.*, stock) of each product (by vintage or age) by the unit energy consumption (also by vintage). DOE calculated annual NES based on the difference in national energy

consumption for the no-new-standards case and for each higher-efficiency standards case. DOE estimated energy consumption and savings based on site energy and converted the electricity consumption and savings to primary energy (*i.e.*, the energy consumed by power plants to generate site electricity) using annual conversion factors derived from AEO 2023. For natural gas and LPG, primary energy consumption is the same as site energy consumption. Cumulative energy savings are the sum of the NES for each year over the timeframe of the analysis.

Use of higher-efficiency products is sometimes associated with a direct rebound effect, which refers to an increase in utilization of the product due to the increase in efficiency and reduction in operating cost. A rebound effect reduces the energy savings attributable to a standard. Where appropriate, DOE accounts for the direct rebound effect when estimating the NES from potential standards. In the October 2023 NOPD, DOE applied a rebound effect in the residential sector for those standards cases that require a BPM motor furnace fan for product classes that currently have an improved PSC motor standard. A rebound effect factor of 16 percent was determined by calculating the additional electricity use that is required from a doubling of the use of continuous fan circulation compared to the average use assumed in the energy use analysis.⁵³ Although a

⁵³ DOE reviewed an evaluation report from Wisconsin that indicates that a considerable number of homeowners who purchase constant-airflow BPM furnaces significantly increase the frequency with which they operate their furnace fan subsequent to the installation of the constant-airflow BPM furnace. This report indicates that, on average, there is a doubling in the amount of continuous fan circulation use. DOE assumed that this doubling was the same for all types of furnace

lower value might be warranted, DOE preferred to be conservative and not risk understating the rebound effect. For commercial applications, DOE applied no rebound effect, a decision consistent with other recent energy conservation standards rulemakings.^{54 55 56}

DOE did not receive comments on rebound in response to the October 2023 NOPD. Consequently, DOE maintained the same approach for this final determination.

In 2011, in response to the recommendations of a committee on “Point-of-Use and Full-Fuel-Cycle Measurement Approaches to Energy Efficiency Standards” appointed by the National Academy of Sciences, DOE announced its intention to use FFC measures of energy use and greenhouse gas and other emissions in the NIAs and emissions analyses included in future energy conservation standards rulemakings. 76 FR 51281 (August 18, 2011). After evaluating the approaches

fans that had a significant decrease in energy use in the continuous fan circulation mode. (Evaluation report available at: www.focusonenergy.com/sites/default/files/emcfurnaceimpactassessment_evaluationreport.pdf) (last accessed August 26, 2024).

⁵⁴ DOE, Energy Conservation Program for Certain Industrial Equipment: Energy Conservation Standards for Small, Large, and Very Large Air-Cooled Commercial Package Air Conditioning and Heating Equipment and Commercial Warm Air Furnaces; Direct Final Rule. 81 FR 2419 (Jan. 15, 2016) (Available at: www.regulations.gov/document/EERE-2013-BT-STD-0021-0055) (last accessed June 28, 2024).

⁵⁵ DOE, Energy Conservation Program: Energy Conservation Standards for Residential Boilers; Final Rule. 81 FR 2319 (Jan. 15, 2016) (Available at: www.regulations.gov/document/EERE-2012-BT-STD-0047-0078) (last accessed June 11, 2024).

⁵⁶ DOE, Energy Conservation Program: Energy Conservation Standards for Commercial Packaged Boilers; Final Rule. 85 FR 1592 (Jan. 10, 2020) (Available at: www.regulations.gov/document/EERE-2013-BT-STD-0030-0099) (last accessed June 11, 2024).

discussed in the August 18, 2011 notice, DOE published a statement of amended policy in which DOE explained its determination that EIA's National Energy Modeling System ("NEMS") is the most appropriate tool for its FFC analysis and its intention to use NEMS for that purpose. 77 FR 49701 (August 17, 2012). NEMS is a public domain, multi-sector, partial equilibrium model of the U.S. energy sector⁵⁷ that EIA uses to prepare its *Annual Energy Outlook*. The FFC factors incorporate losses in production and delivery in the case of natural gas (including fugitive emissions) and additional energy used to produce and deliver the various fuels used by power plants. The approach used for deriving FFC measures of energy use and emissions is described in appendix 10B of the November 2022 Preliminary Analysis TSD.

3. Net Present Value Analysis

The inputs for determining the NPV of the total costs and benefits experienced by consumers are: (1) total annual installed cost, (2) total annual operating costs (which include energy costs and repair and maintenance costs), and (3) a discount factor to calculate the present value of costs and savings. DOE calculates net savings each year as the difference between the no-new-standards case and each standards case in terms of total savings in operating costs versus total increases in installed costs. DOE calculates operating cost savings over the lifetime of each product shipped during the projection period.

The operating cost savings are energy cost savings, which are calculated using the estimated energy savings in each year and the projected price of the appropriate form of energy. To estimate energy prices in future years, DOE multiplied the average regional energy prices by the projection of annual national-average residential energy price changes in the *AEO 2023* Reference case, which has an end year of 2050. To estimate price trends after 2050, DOE used the average annual rate of change in prices from 2020 through 2050.

In calculating the NPV, DOE multiplies the net savings in future years by a discount factor to determine their present value. For this final determination, DOE estimated the NPV of consumer benefits using both a 3-percent and a 7-percent real discount rate. DOE uses these discount rates in accordance with guidance provided by the Office of Management and Budget

("OMB") to Federal agencies on the development of regulatory analysis.⁵⁸ The discount rates for the determination of NPV are in contrast to the discount rates used in the LCC analysis, which are designed to reflect a consumer's perspective. The 7-percent real value is an estimate of the average before-tax rate of return to private capital in the U.S. economy. The 3-percent real value represents the "social rate of time preference," which is the rate at which society discounts future consumption flows to their present value. DOE did not receive comments regarding the NIA methodology in response to the October 2023 NOPD.

H. Other Factors Related to Backward-Inclined Impellers

In this analysis, although DOE did not screen out backward-inclined impellers from further considerations in this analysis (for the reasons discussed in section IV.A.4.b of this document), DOE is aware of several points of uncertainty related to the impacts of a potential standard that would require the use of this technology. First, DOE understands that there may be uncertainty related to whether this technology can be implemented across all input capacities and cabinet sizes. Second, as discussed in the October 2023 NOPD, manufacturers raised concerns about the potential negative impacts on consumer features because of increased noise in certain sizes of furnaces (although DOE is not aware of data on this subject). 88 FR 69826, 69836, 69861 (Oct. 6, 2023). Additionally, the incorporation of backward-inclined impellers could require system changes to the furnace system that expand beyond the scope of the furnace fan. Manufacturers noted that adoption of backward-inclined impellers could necessitate system considerations to ensure reliability of heat exchanger performance, acceptable sound performance, and ease of installation. Manufacturers also raised concerns that constraints of backward-inclined impeller designs could impede the flexibility of installation configurations, as discussed in the October 2023 NOPD. *Id.* For a fraction of the market, complete furnace redesign would be required to

accommodate the backward-inclined impellers design option.

Finally, as discussed in section IV.B.1.c of this document, DOE understands that there is uncertainty associated with the estimated 10-percent reduction in FER for fans using a backward-inclined impeller as compared to models that include forward-inclined impellers. Uncertainty related to the results of the energy use analysis contributes uncertainty to all the conclusions of DOE's subsequent analyses, including the LCC and PBP analyses and the NIA.

In commenting on the October 2023 NOPD, Ravnitzky supported DOE's consideration of unintended consequences such as limiting small cabinet-size options and increased noise associated with specific design options, including backward-inclined impellers, so as to ensure that standards did not limit the performance of consumer furnace fans or place excessive burden on manufacturers and consumers. (Ravnitzky, No. 29 at p. 1) Lennox commented that it agrees with DOE's conclusions that the limited number of backward-inclined impellers on the market, concerns about feasibility of implementing the technology across all input capacities and cabinet sizes, unavailability of certain furnace product sizes, and uncertainty of estimates of energy reduction associated with backward-inclined impellers suggest that amended standards may not be appropriate. (Lennox, No. 30 at pp. 2–3)

In response, as discussed in section V.C of this document, DOE has considered these uncertainties in its decision of whether to amend the energy conservation standards for consumer furnace fans.

V. Analytical Results and Conclusions

The following section addresses the results from DOE's analyses with respect to the considered energy conservation standards for consumer furnace fans. It addresses the CSLs examined by DOE (see section IV.B.1 of this document) and the projected impacts of each of these levels if adopted as energy conservation standards for the subject consumer furnace fans. To estimate the impacts of amended standards for consumer furnace fans, DOE compared the no-new-standards case to scenarios in which specific CSLs are implemented. CSL 1 analyzes a scenario in which standards corresponding to EL 1 are adopted for the NWO-NC, MH-NWG-NC, MH-NWG-C, and MH-NWO product classes and standards are not amended for the NWG-NC, NWG-C,

⁵⁸ United States Office of Management and Budget, *Circular A-4: Regulatory Analysis* (Sept. 17, 2003) Section E. (Available at: www.whitehouse.gov/omb/information-for-agencies/circulars) (last accessed June 28, 2024). DOE used the prior version of Circular A-4 (September 17, 2003) in accordance with the effective date of the November 9, 2023 version (Available at: www.whitehouse.gov/wp-content/uploads/legacy_drupal_files/omb/circulars/A4/a-4.pdf) (last accessed June 28, 2024).

⁵⁷ For more information on NEMS, refer to *The National Energy Modeling System: An Overview May 2023*, DOE/EIA (May 2023) (Available at: [www.eia.gov/outlooks/archive/0581\(2023\).pdf](http://www.eia.gov/outlooks/archive/0581(2023).pdf)) (last accessed June 11, 2024).

WG–NC, NWEF/NWMB, and MH–EF/MB product classes. CSL 2 analyzes a scenario in which standards are adopted corresponding to EL 1 for the NWG–NC, NWG–C, WG–NC, NWEF/NWMB, and MH–EF/MB product classes and as EL 2 for the NWO–NC, MH–NWG–NC, MH–NWG–C, and MH–NWO product classes. In other words, CSL 1 analyzes a scenario with standards set at a level at which BPM motors are effectively required for all product classes, and CSL 2 analyzes a scenario with standards set at a level at which BPM motors with backward-inclined impellers are effectively required for all product classes, corresponding to the max-tech efficiency level for all product classes. Additional details regarding DOE's analyses are contained in the November 2022 Preliminary Analysis TSD supporting this document.

A. Economic Impacts on Individual Consumers

DOE analyzed the economic impacts on furnace fan consumers by looking at the effects that potential amended energy conservation standards at each

EL would have on the LCC and PBP. This approach allowed DOE to assess the potential standards' cost-effectiveness (*i.e.*, the savings in operating costs throughout the estimated average life of consumer furnace fans compared to any increase in the price of, or in the initial charges for, or maintenance expenses of, the consumer furnace fans that are likely to result from the imposition of a standard). These analyses are discussed in the following sections.

In general, higher-efficiency products typically affect consumers in two ways: (1) purchase price increases, and (2) annual operating costs decrease. Inputs used for calculating the LCC and PBP include total installed costs (*i.e.*, product price plus installation costs), and operating costs (*i.e.*, annual energy use, energy prices, energy price trends, repair costs, and maintenance costs). The LCC calculation also uses product lifetime and a discount rate. Section IV.E of this final determination and chapter 8 of the November 2022 Preliminary Analysis TSD provide

detailed information on the LCC and PBP analyses.

Table V.1 through Table V.18 show the average LCC and PBP results for the ELs considered for each product class of consumer furnace fans. In the first of each pair of tables, the simple payback is measured relative to the baseline level. In the second table, the impacts are measured relative to the efficiency distribution in the no-new-standards case in the compliance year. The LCC and PBP results for consumer furnace fans include both residential and commercial users. Because some consumers purchase products with higher efficiency in the no-new-standards case, the average savings are less than the difference between the average LCC of the baseline product and the average LCC at each EL. The savings refer only to consumers who are affected by a standard at a given EL. Those who already purchase products with efficiency at or above a given EL are not affected. Consumers for whom the LCC increases at a given EL experience a net cost.

TABLE V.1—AVERAGE LCC AND PBP RESULTS BY EFFICIENCY LEVEL FOR NON-WEATHERIZED, NON-CONDENSING GAS FURNACE FANS (NWG–NC)

Efficiency level	Average costs (2022\$)				Simple payback period (years)	Average lifetime (years)
	Installed cost	First year's operating cost	Lifetime operating cost	LCC		
0	403	67	1,160	1,563	.....	20.9
1	495	60	1,069	1,565	12.9	20.9

Note: The results for each EL are calculated assuming that all consumers use products at that efficiency level. The PBP is measured relative to the baseline product.

TABLE V.2—AVERAGE LCC SAVINGS RELATIVE TO THE BASE CASE EFFICIENCY DISTRIBUTION FOR NON-WEATHERIZED, NON-CONDENSING GAS FURNACE FANS (NWG–NC)

Efficiency level	Percentage of consumers with net cost	Average savings— impacted consumers (2022\$) *
1	68.4	(1)

* The savings represent the average LCC for affected consumers. Parentheses indicate negative (–) values.

TABLE V.3—AVERAGE LCC AND PBP RESULTS BY EFFICIENCY LEVEL FOR NON-WEATHERIZED, CONDENSING GAS FURNACE FANS (NWG–C)

Efficiency level	Average costs (2022\$)				Simple payback period (years)	Average lifetime (years)
	Installed cost	First year's operating cost	Lifetime operating cost	LCC		
0	420	61	1,106	1,525	.....	21.9
1	501	55	1,024	1,526	13.3	21.9

Note: The results for each EL are calculated assuming that all consumers use products at that efficiency level. The PBP is measured relative to the baseline product.

TABLE V.4—AVERAGE LCC SAVINGS RELATIVE TO THE BASE CASE EFFICIENCY DISTRIBUTION FOR NON-WEATHERIZED, CONDENSING GAS FURNACE FANS (NWG-C)

Efficiency level	Percentage of consumers with net cost	Average savings—impacted consumers (2022\$) *
1	70.7	(0)

* The savings represent the average LCC for affected consumers. Parentheses indicate negative (–) values.

TABLE V.5—AVERAGE LCC AND PBP RESULTS BY EFFICIENCY LEVEL FOR MOBILE HOME NON-WEATHERIZED, NON-CONDENSING GAS FURNACE FANS (MH-NWG-NC)

Efficiency level	Average costs (2022\$)				Simple payback period (years)	Average lifetime (years)
	Installed cost	First year's operating cost	Lifetime operating cost	LCC		
0	212	54	884	1,096	.....	20.7
1	258	35	589	847	2.3	20.7
2	332	30	530	863	5.0	20.7

Note: The results for each EL are calculated assuming that all consumers use products at that efficiency level. The PBP is measured relative to the baseline product.

TABLE V.6—AVERAGE LCC SAVINGS RELATIVE TO THE BASE CASE EFFICIENCY DISTRIBUTION FOR MOBILE HOME NON-WEATHERIZED, NON-CONDENSING GAS FURNACE FANS (MH-NWG-NC)

Efficiency level	Percentage of consumers with net cost	Average savings—impacted consumers (2022\$) *
1	3.8	231
2	76.1	9

* The savings represent the average LCC for affected consumers.

TABLE V.7—AVERAGE LCC AND PBP RESULTS BY EFFICIENCY LEVEL FOR MOBILE HOME NON-WEATHERIZED, CONDENSING GAS FURNACE FANS (MH-NWG-C)

Efficiency level	Average costs (2022\$)				Simple payback period (years)	Average lifetime (years)
	Installed cost	First year's operating cost	Lifetime operating cost	LCC		
0	238	62	1,039	1,277	.....	21.5
1	300	37	666	966	2.5	21.5
2	364	34	631	995	4.6	21.5

Note: The results for each EL are calculated assuming that all consumers use products at that efficiency level. The PBP is measured relative to the baseline product.

TABLE V.8—AVERAGE LCC SAVINGS RELATIVE TO THE BASE CASE EFFICIENCY DISTRIBUTION FOR MOBILE HOME NON-WEATHERIZED, CONDENSING GAS FURNACE FANS (MH-NWG-C)

Efficiency level	Percentage of consumers with net cost	Average savings—impacted consumers (2022\$) *
1	1.5	292
2	82.1	(7)

* The savings represent the average LCC for affected consumers. Parentheses indicate negative (–) values.

TABLE V.9—AVERAGE LCC AND PBP RESULTS BY EFFICIENCY LEVEL FOR MOBILE HOME ELECTRIC FURNACE/MODULAR BLOWER FANS (MH-EF/MB)

Efficiency level	Average costs (2022\$)				Simple payback period (years)	Average lifetime (years)
	Installed cost	First year's operating cost	Lifetime operating cost	LCC		
0	255	36	629	885	.....	20.7

TABLE V.9—AVERAGE LCC AND PBP RESULTS BY EFFICIENCY LEVEL FOR MOBILE HOME ELECTRIC FURNACE/MODULAR BLOWER FANS (MH-EF/MB)—Continued

Efficiency level	Average costs (2022\$)				Simple payback period (years)	Average lifetime (years)
	Installed cost	First year's operating cost	Lifetime operating cost	LCC		
1	315	32	578	893	14.7	20.7

Note: The results for each EL are calculated assuming that all consumers use products at that efficiency level. The PBP is measured relative to the baseline product.

TABLE V.10—LCC AVERAGE SAVINGS RELATIVE TO THE BASE CASE EFFICIENCY DISTRIBUTION FOR MOBILE HOME ELECTRIC FURNACE/MODULAR BLOWER FANS (MH-EF/MB)

Efficiency level	Percentage of consumers with net cost	Average savings— impacted consumers (2022\$) *
1	71.5	(8)

* The savings represent the average LCC for affected consumers. Parentheses indicate negative (–) values.

TABLE V.11—AVERAGE LCC AND PBP RESULTS BY EFFICIENCY LEVEL FOR NON-WEATHERIZED, NON-CONDENSING OIL FURNACE FANS (NWO-NC)

Efficiency level	Average costs (2022\$)				Simple payback period (years)	Average lifetime (years)
	Installed cost	First year's operating cost	Lifetime operating cost	LCC		
0	568	151	2,601	3,169	.....	22.2
1	654	110	1,940	2,594	2.1	22.2
2	765	103	1,840	2,605	4.1	22.2

Note: The results for each EL are calculated assuming that all consumers use products at that efficiency level. The PBP is measured relative to the baseline product.

TABLE V.12—AVERAGE LCC SAVINGS RELATIVE TO THE BASE CASE EFFICIENCY DISTRIBUTION FOR NON-WEATHERIZED, NON-CONDENSING OIL FURNACE FANS (NWO-NC)

Efficiency level	Percentage of consumers with net cost	Average savings— impacted consumers (2022\$) *
1	4.4	618
2	52.2	274

* The savings represent the average LCC for affected consumers.

TABLE V.13—AVERAGE LCC AND PBP RESULTS BY EFFICIENCY LEVEL FOR WEATHERIZED, NON-CONDENSING GAS FURNACE FANS (WG-NC)

Efficiency level	Average costs (2022\$)				Simple payback period (years)	Average lifetime (years)
	Installed cost	First year's operating cost	Lifetime operating cost	LCC		
0	385	81	1,322	1,706	.....	20.6
1	478	71	1,188	1,666	9.1	20.6

Note: The results for each EL are calculated assuming that all consumers use products at that efficiency level. The PBP is measured relative to the baseline product.

TABLE V.14—AVERAGE LCC SAVINGS RELATIVE TO THE BASE CASE EFFICIENCY DISTRIBUTION FOR WEATHERIZED, NON-CONDENSING GAS FURNACE FANS (WG–NC)

Efficiency level	Percentage of consumers with net cost	Average savings—impacted consumers (2022\$) *
1	54.9	40

* The savings represent the average LCC for affected consumers.

TABLE V.15—AVERAGE LCC AND PBP RESULTS BY EFFICIENCY LEVEL FOR ELECTRIC FURNACE/MODULAR BLOWERS (NWEF/NWMB)

Efficiency level	Average costs (2022\$)				Simple payback period (years)	Average lifetime (years)
	Installed cost	First year's operating cost	Lifetime operating cost	LCC		
0	305	43	726	1,031	.....	20.7
1	371	39	673	1,045	16.0	20.7

Note: The results for each EL are calculated assuming that all consumers use products at that efficiency level. The PBP is measured relative to the baseline product.

TABLE V.16—AVERAGE LCC SAVINGS RELATIVE TO THE BASE CASE EFFICIENCY DISTRIBUTION FOR ELECTRIC FURNACE/MODULAR BLOWERS (NWEF/NWMB)

Efficiency level	Percentage of consumers with net cost	Average savings—impacted consumers (2022\$) *
1	77.5	(14)

* The savings represent the average LCC for affected consumers. Parentheses indicate negative (–) values.

TABLE V.17—AVERAGE LCC AND PBP RESULTS BY EFFICIENCY LEVEL FOR MOBILE HOME NON-WEATHERIZED, NON-CONDENSING OIL FURNACE FANS (MH–NWO–NC)

Efficiency level	Average costs (2022\$)				Simple payback period (years)	Average lifetime (years)
	Installed cost	First year's operating cost	Lifetime operating cost	LCC		
0	491	88	1,539	2,030	.....	22.5
1	541	66	1,187	1,728	2.3	22.5
2	624	61	1,105	1,729	5.0	22.5

Note: The results for each EL are calculated assuming that all consumers use products at that efficiency level. The PBP is measured relative to the baseline product.

TABLE V.18—AVERAGE LCC SAVINGS RELATIVE TO THE BASE CASE EFFICIENCY DISTRIBUTION FOR MOBILE HOME NON-WEATHERIZED, NON-CONDENSING OIL FURNACE FAN (MH–NWO–NC)

Efficiency level	Percentage of consumers with net cost	Average savings—impacted consumers (2022\$) *
1	21.0	308
2	54.7	276

* The savings represent the average LCC for affected consumers.

B. National Impact Analysis

This section presents DOE's estimates of the NES and the NPV of consumer benefits that would result from each of the CSLs considered as potential amended standards.

1. National Energy Savings

To estimate the energy savings attributable to potential amended energy conservation standards for consumer furnace fans, DOE compared their energy consumption under the no-new-standards case to their anticipated energy consumption under each CSL. The savings are measured over the

entire lifetime of products purchased during the 30-year period that begins in the year of anticipated compliance with amended standards (2030–2059).

Table V.19 presents DOE's projections of the national energy savings for each CSL considered for the analysis. The savings were calculated using the

approach described in section IV.G.2 of this document.

TABLE V.19—CUMULATIVE NATIONAL ENERGY SAVINGS FOR CONSUMER FURNACE FANS; 30 YEARS OF SHIPMENTS

[2030–2059]

	Candidate standards level	
	1	2
	(quads)	
Primary energy	0.013	1.355
FFC energy	0.013	1.374

OMB Circular A–4⁵⁹ requires agencies to present analytical results, including separate schedules of the monetized benefits and costs that show the type and timing of benefits and costs. Circular A–4 also directs agencies to consider the variability of key elements underlying the estimates of benefits and costs. For this final determination, DOE undertook a sensitivity analysis using nine years, rather than 30 years, of product shipments. The choice of a nine-year period is a proxy for the timeline in EPCA for the review of certain energy conservation standards and potential revision of and compliance with such revised standards.⁶⁰ The review timeframe established in EPCA is generally not synchronized with the product lifetime, product manufacturing cycles, or other factors specific to consumer furnace fans. Thus, such

results are presented for informational purposes only and are not indicative of any change in DOE's analytical methodology. The NES sensitivity analysis results based on a nine-year analytical period are presented in Table V.20. The impacts are counted over the lifetime of consumer furnace fans purchased during the period 2030–2038.

TABLE V.20—CUMULATIVE NATIONAL ENERGY SAVINGS FOR CONSUMER FURNACE FANS; 9 YEARS OF SHIPMENTS

[2030–2038]

	Candidate standards level	
	1	2
	(quads)	
Primary energy	0.005	0.376
FFC energy	0.005	0.381

2. Net Present Value of Consumer Costs and Benefits

DOE estimated the cumulative NPV of the total costs and savings for consumers that would result from the CSLs considered for consumer furnace fans. In accordance with OMB Circular A–4, DOE calculated NPV using both a 7-percent and a 3-percent real discount rate. Table V.21 shows the consumer NPV results with impacts counted over the lifetime of products purchased during the period 2030–2059.

TABLE V.21—CUMULATIVE NET PRESENT VALUE OF CONSUMER BENEFITS FOR CONSUMER FURNACE FANS; 30 YEARS OF SHIPMENTS

[2030–2059]

Discount rate	Candidate standards level	
	1	2
	(billion 2022\$)	
3 percent	0.112	1.821
7 percent	0.042	(0.150)

Note: Parentheses indicate negative (–) values.

The NPV results based on the aforementioned nine-year analytical period are presented in Table V.22. The impacts are counted over the lifetime of consumer furnace fan products purchased during the period 2030–2038. As mentioned previously, such results are presented for informational purposes only and are not indicative of any change in DOE's analytical methodology or decision criteria.

TABLE V.22—CUMULATIVE NET PRESENT VALUE OF CONSUMER BENEFITS FOR CONSUMER FURNACE FANS; 9 YEARS OF SHIPMENTS

[2030–2038]

Discount rate	Candidate standards level	
	1	2
	(billion 2022\$)	
3 percent	0.056	0.716
7 percent	0.026	(0.071)

Note: Parentheses indicate negative (–) values.

C. Final Determination

As discussed previously, in order to make a final determination that the energy conservation standards for consumer furnace fans do not need to be amended, EPCA requires that DOE analyze whether amended standards would result in significant conservation of energy, be technologically feasible, and be cost-effective. (42 U.S.C. 6295(m)(1)(A) and 42 U.S.C. 6295(n)(2))

DOE has determined that technology options are available that can improve the efficacy of consumer furnace fans. These technology options are being used in commercially-available consumer furnace fans and, therefore, are technologically feasible. (See section IV.A.4 of this document for further information.) Hence, DOE has determined that amended energy conservation standards for consumer furnace fans would be technologically feasible.

Under 42 U.S.C. 6295(o)(2)(B)(i)(II), an evaluation of cost-effectiveness requires DOE to consider savings in operating costs throughout the estimated average life of the covered product in the type (or class) compared to any increase in the price, initial charges, or maintenance expenses for the covered product that are likely to result from the standard. (42 U.S.C. 6295(n)(2)(C) and 42 U.S.C. 6295(o)(2)(B)(i)(II)) DOE conducted an LCC analysis to estimate the net costs/benefits to users from increased efficiency in the considered consumer furnace fan product classes, the results of which are shown in Table V.1 through Table V.18. DOE then aggregated the results from the LCC analysis to estimate the NPV of the total costs and benefits experienced by the Nation. (See results in Table V.21.) As noted, the inputs for determining the NPV are: (1) total annual installed cost, (2) total annual operating costs (energy costs and repair and maintenance costs),

⁵⁹ U.S. Office of Management and Budget, *Circular A–4: Regulatory Analysis* (Available at: www.whitehouse.gov/omb/information-for-agencies/circulars) (last accessed Sept. 9, 2021). DOE used the prior version of Circular A–4 (Sept. 17, 2003) in accordance with the effective date of the November 9, 2023 version (Available at: www.whitehouse.gov/wp-content/uploads/legacy_drupal_files/omb/circulars/A4/a-4.pdf) (last accessed June 11, 2024).

⁶⁰ EPCA requires DOE to review its standards at least once every six years, and requires, for certain products, a three-year period after any new standard is promulgated before compliance is required, except that in no case may any new standards be required within six years of the compliance date of the previous standards. (42 U.S.C. 6295(m)) If DOE makes a determination that amended standards are not needed, it must conduct a subsequent review within three years following such a determination. As DOE is evaluating the need to amend the standards, the sensitivity analysis is based on the review timeframe associated with amended standards. While adding a six-year review to the three-year compliance period adds up to nine years, DOE notes that it may undertake reviews at any time within the six-year period and that the three-year compliance date may yield to the six-year backstop. A nine-year analysis period may not be appropriate given the variability that occurs in the timing of standards reviews and the fact that for some products, the compliance period is five years rather than three years.

and (3) a discount factor to calculate the present value of costs and savings.

EPCA also requires that DOE consider whether amended energy conservation standards for the subject consumer furnace fans would result in significant conservation of energy. (42 U.S.C. 6295(m)(1)(A) and 42 U.S.C. 6295(n)(2)(A)) To estimate the energy savings attributable to potential amended standards for consumer furnace fans, DOE compared their energy consumption under the no-new-standards case to their anticipated energy consumption under each potential standard level. The savings are measured over the entire lifetime of products purchased in the 30-year period that begins in the year of anticipated compliance with amended standards (2030–2059). The results of this analysis are shown in Table V.19.

Because an analysis of potential cost-effectiveness and energy savings first requires an evaluation of the relevant technology, DOE typically first discusses the technological feasibility of amended standards. DOE then typically addresses the cost-effectiveness and energy savings associated with potential amended standards. For this final determination, DOE reviewed the impacts of amended standards corresponding to the implementation of the two design options analyzed in this proceeding separately (*i.e.*, BPM motor with forward-curved impellers and BPM motor with backward-inclined impellers, as discussed in section IV.B.1 of this document). For each design option, DOE considered the technological feasibility, cost-effectiveness, and significance of energy savings.

1. BPM Motor With Backward-Inclined Impellers

BPM motors with backward-inclined impellers are included in the current analysis as the max-tech design option for all furnace fan product classes. In other words, they are analyzed as EL 1 for the NWG–NC, NWG–C, WG–NC, NWEF/NWMB, and MH–EF/MB product classes and as EL 2 for the NWO–NC, MH–NWG–NC, MH–NWG–C, and MH–NWO product classes. As discussed in section IV.A.4 of this document, DOE is aware of BPM motors with backward-inclined impellers being used in commercially-available consumer furnace fans, and, therefore, this technology is technologically feasible.

As seen in Table V.19, DOE estimates that amended standards for consumer furnace fans would result in FFC energy savings of 1.374 quads at max-tech levels over a 30-year analysis period

(2030–2059). However, as seen in Table V.1 through Table V.18 and Table V.21, these efficiency levels result in net LCC costs for the majority of consumers and negative net present value at a 7-percent discount rate. Therefore, DOE finds that the max-tech ELs (which would require the use of backward-inclined impellers) are not cost-effective.

Additionally, as discussed in section IV.H of this document, there is a significant amount of uncertainty associated with the inputs and results of this analysis. At this time, DOE has concerns about the feasibility of implementing backward-inclined impellers across all input capacities and cabinet sizes and the unavailability of certain furnace product sizes, concerns about potential negative impacts on consumer features, and uncertainty related to its assumptions about the energy reduction associated with backward-inclined impellers as opposed to forward-curved impellers.

2. BPM Motors With Forward-Inclined Impellers

BPM motors with forward-curved impellers (which is the type of impeller used in the vast majority of consumer furnace fans on the market today) are included in the current analysis as the design option analyzed in CSL 1. For these product classes, the current standards can be met using less-efficient PSC motors, so replacing the motor with a BPM motor can improve the efficiency of the furnace fan. BPM motors are widely used in commercially-available consumer furnace fans and, therefore, are technologically feasible.

As seen in Table V.21, CSL 1 results in positive NPV at the 3-percent and 7-percent discount rates. And, as seen in Table V.19, DOE estimates that amended standards for consumer furnace fans would result in energy savings of 0.013 quads at CSL 1 over a 30-year analysis period (2030–2059). However, as discussed in section IV.F of this document, shipments in the affected product classes have declined over the past 20 years and could decline faster than current shipment projections, which may lead to reductions in energy savings from amended standards. Given the small role of NWO–NC, MH–NWG–NC, MH–NWG–C, and MH–NWO in the overall furnace market and the low sales relative to the consumer boiler and consumer water heater markets, manufacturers may deprioritize furnace fan updates for these product classes. Depending on how companies prioritize resources, there could be reduced availability of NWO–NC, MH–NWG–NC, and MH–NWO products in the

marketplace after 2030. Additionally, there is a potential risk that some manufacturers would choose to exit these markets rather than redesign affected products, given the low shipment volumes, lack of anticipated growth, limited potential for cost recovery, and need to prioritize technical resources. In particular, the loss of a few manufacturers in the NWO–NC market could lead to changes in competition and shifts toward the market becoming highly concentrated. Based on the declining shipments of the affected product classes and uncertainty over whether manufacturers will choose to remain in a shrinking market, DOE has determined that it is unable to conclude that amended standards for consumer furnace fans would be economically justified.

3. Summary

As discussed previously, a determination that amended standards are not needed must be based on consideration of whether amended standards will result in significant conservation of energy, are technologically feasible, and are cost-effective. (42 U.S.C. 6295(m)(1)(A) and 42 U.S.C. 6295(n)(2)) Additionally, DOE can only propose an amended standard if it is, among other things, economically justified. (42 U.S.C. 6295(m)(1)(B); 42 U.S.C. 6295(o)(2)(A)) However, for the reasons discussed in the preceding sections, DOE is unable to conclude that amended standards for furnace fans at any of the CSLs analyzed would result in significant conservation of energy, be technologically feasible, and also be cost-effective. Therefore, DOE has determined that energy conservation standards for consumer furnace fans do not need to be amended at this time.

VI. Procedural Issues and Regulatory Review

A. Review Under Executive Orders 12866, 13563, and 14094

Executive Order (“E.O.”) 12866, “Regulatory Planning and Review,” 58 FR 51735 (Oct. 4, 1993), as supplemented and reaffirmed by E.O. 13563, “Improving Regulation and Regulatory Review,” 76 FR 3821 (Jan. 21, 2011) and amended by E.O. 14094, “Modernizing Regulatory Review,” 88 FR 21879 (April 11, 2023), requires agencies, to the extent permitted by law, to: (1) propose or adopt a regulation only upon a reasoned determination that its benefits justify its costs (recognizing that some benefits and costs are difficult to quantify); (2) tailor regulations to impose the least burden

on society, consistent with obtaining regulatory objectives, taking into account, among other things, and to the extent practicable, the costs of cumulative regulations; (3) select, in choosing among alternative regulatory approaches, those approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity); (4) to the extent feasible, specify performance objectives, rather than specifying the behavior or manner of compliance that regulated entities must adopt; and (5) identify and assess available alternatives to direct regulation, including providing economic incentives to encourage the desired behavior, such as user fees or marketable permits, or providing information upon which choices can be made by the public. DOE emphasizes as well that E.O. 13563 requires agencies to use the best available techniques to quantify anticipated present and future benefits and costs as accurately as possible. In its guidance, the Office of Information and Regulatory Affairs ("OIRA") in the OMB has emphasized that such techniques may include identifying changing future compliance costs that might result from technological innovation or anticipated behavioral changes. For the reasons stated in this preamble, this final regulatory action is consistent with these principles.

Section 6(a) of E.O. 12866 also requires agencies to submit "significant regulatory actions" to OIRA for review. OIRA has determined that this final regulatory action does not constitute a "significant regulatory action" under section 3(f) of E.O. 12866, as amended by E.O. 14094. Accordingly, this action was not submitted to OIRA for review under E.O. 12866.

B. Review Under the Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires preparation of an initial regulatory flexibility analysis ("IRFA") and a final regulatory flexibility analysis ("FRFA") for any rule that by law must be proposed for public comment, unless the agency certifies that the rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. As required by E.O. 13272, "Proper Consideration of Small Entities in Agency Rulemaking," 67 FR 53461 (August 16, 2002), DOE published procedures and policies in the **Federal Register** on February 19, 2003, to ensure that the potential impacts of its rules on small entities are properly considered

during the rulemaking process. 68 FR 7990. DOE has made its procedures and policies available on the Office of the General Counsel's website (www.energy.gov/gc/office-general-counsel).

DOE reviewed this final determination under the provisions of the Regulatory Flexibility Act and the policies and procedures published on February 19, 2003. Because DOE is not amending standards for consumer furnace fans, the determination will not amend any energy conservation standards. On the basis of the foregoing, DOE certifies that the final determination will have no significant economic impact on a substantial number of small entities. Accordingly, DOE has not prepared an FRFA for this final determination. DOE has transmitted this certification and supporting statement of factual basis to the Chief Counsel for Advocacy of the Small Business Administration for review under 5 U.S.C. 605(b).

C. Review Under the Paperwork Reduction Act of 1995

This final determination, which concludes that no amended energy conservation standards for consumer furnace fans are needed, imposes no new informational or recordkeeping requirements. Accordingly, OMB clearance is not required under the Paperwork Reduction Act. (44 U.S.C. 3501 *et seq.*)

D. Review Under the National Environmental Policy Act of 1969

DOE has analyzed this final action in accordance with the National Environmental Policy Act of 1969 ("NEPA") and DOE's NEPA implementing regulations (10 CFR part 1021). DOE's regulations include a categorical exclusion for actions which are interpretations or rulings with respect to existing regulations. 10 CFR part 1021, subpart D, appendix A4. DOE has determined that this rule qualifies for categorical exclusion A4 because it is an interpretation or ruling in regard to an existing regulation and otherwise meets the requirements for application of a categorical exclusion. See 10 CFR 1021.410. Accordingly, neither an environmental assessment nor an environmental impact statement is required.

E. Review Under Executive Order 13132

E.O. 13132, "Federalism," 64 FR 43255 (August 10, 1999), imposes certain requirements on Federal agencies formulating and implementing policies or regulations that preempt State law or that have federalism

implications. The Executive order requires agencies to examine the constitutional and statutory authority supporting any action that would limit the policymaking discretion of the States and to carefully assess the necessity for such actions. The Executive order also requires agencies to have an accountable process to ensure meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications. On March 14, 2000, DOE published a statement of policy describing the intergovernmental consultation process it will follow in the development of such regulations. 65 FR 13735. DOE has examined this final determination and has determined that it 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. EPCA governs and prescribes Federal preemption of State regulations as to energy conservation for the products that are the subject of this final determination. States can petition DOE for exemption from such preemption to the extent, and based on criteria, set forth in EPCA. (42 U.S.C. 6297) Therefore, no further action is required by E.O. 13132.

F. Review Under Executive Order 12988

With respect to the review of existing regulations and the promulgation of new regulations, section 3(a) of E.O. 12988, "Civil Justice Reform," 61 FR 4729 (Feb. 7, 1996), imposes on Federal agencies the general duty to adhere to the following requirements: (1) eliminate drafting errors and ambiguity; (2) write regulations to minimize litigation; (3) provide a clear legal standard for affected conduct rather than a general standard, and (4) promote simplification and burden reduction. Regarding the review required by section 3(a), section 3(b) of E.O. 12988 specifically requires that Executive agencies make every reasonable effort to ensure that the regulation: (1) clearly specifies the preemptive effect, if any; (2) clearly specifies any effect on existing Federal law or regulation; (3) provides a clear legal standard for affected conduct while promoting simplification and burden reduction; (4) specifies the retroactive effect, if any; (5) adequately defines key terms, and (6) addresses other important issues affecting clarity and general draftsmanship under any guidelines issued by the Attorney General. Section 3(c) of E.O. 12988 requires Executive agencies to review regulations in light of

applicable standards in section 3(a) and section 3(b) to determine whether they are met or it is unreasonable to meet one or more of them. DOE has completed the required review and determined that, to the extent permitted by law, this final determination meets the relevant standards of E.O. 12988.

G. Review Under the Unfunded Mandates Reform Act of 1995

Title II of the Unfunded Mandates Reform Act of 1995 (“UMRA”) requires each Federal agency to assess the effects of Federal regulatory actions on State, local, and Tribal governments and the private sector. Public Law 104–4, sec. 201 (codified at 2 U.S.C. 1531). For a regulatory action likely to result in a rule that may cause the expenditure by State, local, and Tribal governments, in the aggregate, or by the private sector of \$100 million or more in any one year (adjusted annually for inflation), section 202 of UMRA requires a Federal agency to publish a written statement that estimates the resulting costs, benefits, and other effects on the national economy. (2 U.S.C. 1532(a), (b)) UMRA also requires a Federal agency to develop an effective process to permit timely input by elected officers of State, local, and Tribal governments on a proposed “significant intergovernmental mandate,” and requires an agency plan for giving notice and opportunity for timely input to potentially affected small governments before establishing any requirements that might significantly or uniquely affect them. On March 18, 1997, DOE published a statement of policy on its process for intergovernmental consultation under UMRA. 62 FR 12820. DOE’s policy statement is also available at www.energy.gov/sites/prod/files/gcprod/documents/umra_97.pdf.

DOE examined this final determination according to UMRA and its statement of policy and determined that the final determination does not contain a Federal intergovernmental mandate, nor is it expected to require expenditures of \$100 million or more in any one year by State, local, and Tribal governments, in the aggregate, or by the private sector. As a result, the analytical requirements of UMRA do not apply.

H. Review Under the Treasury and General Government Appropriations Act, 1999

Section 654 of the Treasury and General Government Appropriations Act, 1999 (Pub. L. 105–277) requires Federal agencies to issue a Family Policymaking Assessment for any proposed rule or policy that may affect family well-being. When developing a

Family Policymaking Assessment, agencies must assess whether: (1) the action strengthens or erodes the stability or safety of the family and, particularly, the marital commitment; (2) the action strengthens or erodes the authority and rights of parents in the education, nurture, and supervision of their children; (3) the action helps the family perform its functions, or substitutes governmental activity for the function; (4) the action increases or decreases disposable income or poverty of families and children; (5) the proposed benefits of the action justify the financial impact on the family; (6) the action may be carried out by State or local government or by the family, and whether (7) the action establishes an implicit or explicit policy concerning the relationship between the behavior and personal responsibility of youth, and the norms of society. In evaluating the above factors, DOE has concluded that it is not necessary to prepare a Family Policymaking Assessment as none of the above factors are implicated. Further, this final determination would not have any financial impact on families nor any impact on the autonomy or integrity of the family as an institution.

I. Review Under Executive Order 12630

Pursuant to E.O. 12630, “Governmental Actions and Interference with Constitutionally Protected Property Rights,” 53 FR 8859 (March 18, 1988), DOE has determined that this final determination would not result in any takings that might require compensation under the Fifth Amendment to the U.S. Constitution.

J. Review Under the Treasury and General Government Appropriations Act, 2001

Section 515 of the Treasury and General Government Appropriations Act, 2001 (44 U.S.C. 3516 note) provides for Federal agencies to review most disseminations of information to the public under information quality guidelines established by each agency pursuant to general guidelines issued by OMB. OMB’s guidelines were published at 67 FR 8452 (Feb. 22, 2002), and DOE’s guidelines were published at 67 FR 62446 (Oct. 7, 2002). Pursuant to OMB Memorandum M–19–15, “Improving Implementation of the Information Quality Act” (April 24, 2019), DOE published updated guidelines, which are available at www.energy.gov/sites/prod/files/2019/12/f70/DOE%20Final%20Updated%20IQA%20Guidelines%20Dec%202019.pdf. DOE has reviewed this final determination under the OMB and DOE guidelines and has concluded

that it is consistent with applicable policies in those guidelines.

K. Review Under Executive Order 13211

E.O. 13211, “Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use,” 66 FR 28355 (May 22, 2001), requires Federal agencies to prepare and submit to OIRA at OMB a Statement of Energy Effects for any proposed significant energy action. A “significant energy action” is defined as any action by an agency that promulgates or is expected to lead to promulgation of a final rule, and that: (1) is a significant regulatory action under Executive Order 12866, or any successor order, and is likely to have a significant adverse effect on the supply, distribution, or use of energy; or (2) is designated by the Administrator of OIRA as a significant energy action. For any significant energy action, the agency must give a detailed statement of any adverse effects on energy supply, distribution, or use should the proposal be implemented, and of reasonable alternatives to the action and their expected benefits on energy supply, distribution, and use.

This final determination, which does not amend energy conservation standards for consumer furnace fans, is not a significant regulatory action under E.O. 12866. Moreover, it would not have a significant adverse effect on the supply, distribution, or use of energy, nor has it been designated as such by the Administrator at OIRA. Therefore, it is not a significant energy action, and accordingly, DOE has not prepared a Statement of Energy Effects.

L. Review Under the Information Quality Bulletin for Peer Review

On December 16, 2004, OMB, in consultation with the Office of Science and Technology Policy (“OSTP”), issued its Final Information Quality Bulletin for Peer Review (“the Bulletin”). 70 FR 2664 (Jan. 14, 2005). The Bulletin establishes that certain scientific information shall be peer reviewed by qualified specialists before it is disseminated by the Federal Government, including influential scientific information related to agency regulatory actions. The purpose of the bulletin is to enhance the quality and credibility of the Government’s scientific information. Under the Bulletin, the energy conservation standards rulemaking analyses are “influential scientific information,” which the Bulletin defines as “scientific information the agency reasonably can determine will have, or does have, a clear and substantial impact on

important public policies or private sector decisions.” *Id.* at 70 FR 2667.

In response to OMB’s Bulletin, DOE conducted formal peer reviews of the energy conservation standards development process and the analyses that are typically used and has prepared a peer review report pertaining to the energy conservation standards rulemaking analyses.⁶¹ Generation of this report involved a rigorous, formal, and documented evaluation using objective criteria and qualified and independent reviewers to make a judgment as to the technical/scientific/business merit, the actual or anticipated results, and the productivity and management effectiveness of programs and/or projects. Because available data, models, and technological understanding have changed since 2007, DOE has engaged with the National Academy of Sciences (“NAS”) to review

DOE’s analytical methodologies to ascertain whether modifications are needed to improve DOE’s analyses. DOE is in the process of evaluating the resulting December 2021 report.⁶²

M. Congressional Notification

As required by 5 U.S.C. 801, DOE will report to Congress on the promulgation of this final determination prior to its effective date. The Office of Information and Regulatory Affairs has determined that this rule does not meet the criteria set forth in 5 U.S.C. 804(2).

VII. Approval of the Office of the Secretary

The Secretary of Energy has approved publication of this final determination.

Signing Authority

This document of the Department of Energy was signed on October 10, 2024,

by Jeffrey Marootian, Principal Deputy Assistant Secretary for Energy Efficiency and Renewable Energy, pursuant to delegated authority from the Secretary of Energy. That document with the original signature and date is maintained by DOE. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DOE Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of the Department of Energy. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Signed in Washington, DC, on October 10, 2024.

Treena V. Garrett,

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

[FR Doc. 2024–23907 Filed 10–17–24; 8:45 am]

BILLING CODE 6450–01–P

⁶¹ “Energy Conservation Standards Rulemaking Peer Review Report” (2007) (Available at: www.energy.gov/eere/buildings/downloads/energy-conservation-standards-rulemaking-peer-review-report-0) (last accessed June 28, 2024).

⁶² The December 2021 NAS report is available at www.nationalacademies.org/our-work/review-of-methods-for-setting-building-and-equipment-performance-standards (Last accessed August 28, 2024).



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Part IV

Department of Energy

10 CFR Part 430

Energy Conservation Program: Energy Conservation Standards for Oil, Electric, and Weatherized Gas Consumer Furnaces; Final Rule

DEPARTMENT OF ENERGY**10 CFR Part 430****[EERE–2021–BT–STD–0031]****RIN 1904–AF19****Energy Conservation Program: Energy Conservation Standards for Oil, Electric, and Weatherized Gas Consumer Furnaces**

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

ACTION: Final determination.

SUMMARY: The Energy Policy and Conservation Act, as amended (“EPCA”), prescribes energy conservation standards for various consumer products and certain commercial and industrial equipment, including non-weatherized oil-fired furnaces (“NWOFS”), mobile home oil-fired furnaces (“MHOFS”), weatherized gas furnaces (“WGFs”), weatherized oil-fired furnaces (“WOFs”), and electric furnaces (“EFs”). EPCA also requires the U.S. Department of Energy (“DOE”) to periodically review its existing standards to determine whether more-stringent, amended standards would be technologically feasible and economically justified, and would result in significant energy savings. In this final determination, DOE has determined that the energy conservation standards for EFs, NWOFS, MHOFS, WOFs, and WGFs do not need to be amended.

DATES: The effective date of this final determination is November 18, 2024.

ADDRESSES: The docket for this activity, which includes **Federal Register** notices, public meeting attendee lists and transcripts, comments, and other supporting documents/materials, is available for review at www.regulations.gov. All documents in the docket are listed in the www.regulations.gov index. However, not all documents listed in the index may be publicly available, such as information that is exempt from public disclosure.

The docket web page can be found at www.regulations.gov/docket/EERE-2021-BT-STD-0031. The docket web page contains instructions on how to access all documents, including public comments, in the docket.

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For further information on how to review the docket, contact the Appliance and Equipment Standards Program staff at (202) 287–1445 or by email: ApplianceStandardsQuestions@ee.doe.gov.

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I. Synopsis of the Final Determination

The Energy Policy and Conservation Act, Public Law 94–163, as amended (“EPCA”),¹ authorizes DOE to regulate the energy efficiency of a number of consumer products and certain industrial equipment. (42 U.S.C. 6291–6317, as codified) Title III, Part B of

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

EPCA² established the Energy Conservation Program for Consumer Products Other Than Automobiles. (42 U.S.C. 6291–6309) These products include oil, electric, and weatherized gas consumer furnaces, the subject of this final determination. (42 U.S.C. 6292(a)(5))

Pursuant to EPCA, DOE is required to review its existing energy conservation standards for covered consumer products no later than six years after issuance of any final rule establishing or amending a standard. (42 U.S.C. 6295(m)(1)) Pursuant to that statutory provision, DOE must publish either a notification of determination that standards for the product do not need to be amended, or a notice of proposed rulemaking (“NOPR”) including new proposed energy conservation standards (proceeding to a final rule, as appropriate). (*Id.*) DOE has conducted this review of the energy conservation standards for oil, electric, and weatherized gas consumer furnaces under EPCA’s six-year-lookback authority described herein.

For this final determination, DOE analyzed oil, electric, and weatherized gas consumer furnaces subject to energy conservation standards specified in the Code of Federal Regulations (“CFR”) at 10 CFR 430.32(e)(1). DOE first analyzed the technological feasibility of more energy-efficient oil, electric, and weatherized gas furnaces and determined that amended standards for electric furnaces are not technologically feasible. For those oil and weatherized gas furnaces for which DOE determined higher standards to be technologically feasible, DOE evaluated whether higher standards would be cost-effective by conducting life-cycle cost (“LCC”) and payback period (“PBP”) analyses. In addition, DOE estimated energy savings that would result from potential energy conservation standards by conducting a national impacts analysis (“NIA”), in which it estimated the net present value (“NPV”) of the total costs and benefits experienced by consumers.

Based on the results of the analyses, summarized in section V of this document, DOE has determined that the current standards for oil, electric, and weatherized gas furnaces do not need to be amended and is issuing this final determination accordingly.

II. Introduction

The following sections briefly discuss the statutory authority underlying this final determination, as well as some of the historical background relevant to the

establishment of energy conservation standards for oil, electric, and weatherized gas furnaces.

A. Authority

Among other things, EPCA authorizes DOE to regulate the energy efficiency of a number of consumer products and certain industrial equipment. (42 U.S.C. 6291–6317, as codified) Title III, Part B of EPCA³ established the Energy Conservation Program for Consumer Products Other Than Automobiles. These products include consumer furnaces, the subject of this document. (42 U.S.C. 6292(a)(5))

The energy conservation program under EPCA consists essentially of four parts: (1) testing, (2) labeling, (3) the establishment of Federal energy conservation standards, and (4) certification and enforcement procedures. Relevant provisions of EPCA specifically include definitions (42 U.S.C. 6291), test procedures (42 U.S.C. 6293), labeling provisions (42 U.S.C. 6294), energy conservation standards (42 U.S.C. 6295), and the authority to require information and reports from manufacturers (42 U.S.C. 6296).

Federal energy efficiency requirements for covered products established under EPCA generally supersede State laws and regulations concerning energy conservation testing, labeling, and standards. (42 U.S.C. 6297(a)–(c)) DOE may, however, grant waivers of Federal preemption in limited circumstances for particular State laws or regulations, in accordance with the procedures and other provisions set forth under EPCA. (42 U.S.C. 6297(d))

Subject to certain criteria and conditions, DOE is required to develop test procedures to measure the energy efficiency, energy use, or estimated annual operating cost of each covered product. (42 U.S.C. 6295(o)(3)(A) and 42 U.S.C. 6295(r)) Manufacturers of covered products must use the prescribed DOE test procedure as the basis for certifying to DOE that their product complies with the applicable energy conservation standards and as the basis for any representations regarding the energy use or energy efficiency of the product. (42 U.S.C. 6293(c) and 42 U.S.C. 6295(s)) Similarly, DOE must use these test procedures to evaluate whether a basic model complies with the applicable energy conservation standard(s). (42 U.S.C. 6295(s)) The DOE test procedures

for consumer furnaces appear at title 10 of the Code of Federal Regulations (“CFR”) part 430, subpart B, appendix N.

EPCA prescribed energy conservation standards for consumer furnaces (42 U.S.C. 6295(f)(1)–(2)) and directed DOE to conduct future rulemakings to determine whether to amend these standards. (42 U.S.C. 6295(f)(4) and 42 U.S.C. 6295(m)(1)) As explained in section II.B of this document, DOE has completed its rulemaking obligations pursuant to EPCA under 42 U.S.C. 6295(f)(4) for the subject consumer furnaces. However, DOE has ongoing rulemaking obligations under 42 U.S.C. 6295(m)(1) (*i.e.*, the six-year-lookback review requirement). More specifically, and as noted previously, not later than six years after the issuance of any final rule establishing or amending a standard, DOE must publish either a notice of proposed determination (“NOPD”) that standards for the product do not need to be amended, or a NOPR including new proposed energy conservation standards (proceeding to a final rule, as appropriate). (42 U.S.C. 6295(m)(1) and (3)) DOE must make the analysis on which a NOPD or NOPR is based publicly available and provide an opportunity for written comment. (42 U.S.C. 6295(m)(2))

A determination that amended standards are not needed must be based on consideration of whether amended standards will result in significant conservation of energy, are technologically feasible, and are cost-effective. (42 U.S.C. 6295(m)(1)(A) and 42 U.S.C. 6295(n)(2)) Additionally, any new or amended energy conservation standard prescribed by the Secretary for any type (or class) of covered product shall be designed to achieve the maximum improvement in energy efficiency which the Secretary determines is technologically feasible and economically justified. (42 U.S.C. 6295(o)(2)(A)) Among the factors DOE considers in evaluating whether a proposed standard level is economically justified includes whether the proposed standard at that level is cost-effective, as defined under 42 U.S.C. 6295(o)(2)(B)(i)(II). Under 42 U.S.C. 6295(o)(2)(B)(i)(II), an evaluation of cost-effectiveness requires DOE to consider savings in operating costs throughout the estimated average life of the covered products in the type (or class) compared to any increase in the price, initial charges, or maintenance expenses for the covered products that are likely to result from the standard. (42 U.S.C. 6295(n)(2) and 42 U.S.C. 6295(o)(2)(B)(i)(II))

² For editorial reasons, upon codification in the U.S. Code, Part B was redesignated Part A.

³ As noted previously, for editorial reasons, upon codification in the U.S. Code, Part B was redesignated Part A.

Finally, pursuant to the amendments to EPCA contained in the Energy Independence and Security Act of 2007 (“EISA 2007”), Public Law 110–140, any final rule for new or amended energy conservation standards promulgated after July 1, 2010, is required to address standby mode and off mode energy use. (42 U.S.C. 6295(gg)(3)) Specifically, when DOE adopts a standard for a covered product after that date, it must, if justified by the criteria for adoption of standards under EPCA (42 U.S.C. 6295(o)), incorporate standby mode and off mode energy use into a single standard, or, if that is not feasible, adopt a separate standard for such energy use for that product. (42 U.S.C. 6295(gg)(3)(A)–(B)) DOE’s current test procedures and standards for oil, electric, and weatherized gas furnaces address standby mode and off mode energy use. DOE’s energy conservation standards address standby mode and off mode energy use only for non-weatherized oil-fired furnaces

(“NWOFs”) (including mobile home furnaces) and electric furnaces (“EFs”). 10 CFR 430.32(e)(1)(iv). In this analysis, DOE considers such energy use in its determination of whether energy conservation standards need to be amended.

DOE is publishing this final determination pursuant to the six-year-lookback review requirement in EPCA.

B. Background

1. Current Standards

DOE most recently completed a review of the subject consumer furnace standards in a direct final rule (“DFR”) published in the **Federal Register** on June 27, 2011 (“June 2011 DFR”), through which DOE prescribed amended energy conservation standards for non-weatherized gas furnaces (“NWGFs”), mobile home gas furnaces (“MHGFs”), weatherized gas furnaces (“WGFs”), non-weatherized oil-fired furnaces (“NWOFs”), mobile home oil furnaces (“MHOFs”), and weatherized

oil furnaces (“WOFs”).⁴ 76 FR 37408. The June 2011 DFR amended the existing energy conservation standards for NWGFs, MHGFs, and NWOFs (which are specified in terms of annual fuel utilization efficiency (“AFUE”)) and amended the compliance date (but left the existing standards in place) for WGFs. The June 2011 DFR also established electrical standby mode and off mode standards for NWGFs, MHGFs, NWOFs, MHOFs, and electric furnaces. As a result of a settlement agreement approved by the Court of Appeals for the District of Columbia (“D.C.”) Circuit, the standards established by the June 2011 DFR for NWGFs and MHGFs did not go into effect.⁵ However, the court order left in place the standards for WGFs, NWOFs, MHOFs, WOFs, and EFs, which are the subject of this final determination. These standards are set forth in DOE’s regulations at 10 CFR 430.32(e)(1)(ii) and (e)(1)(iv) and are shown in Table II.1 and Table II.2.

TABLE II.1—FEDERAL AFUE ENERGY CONSERVATION STANDARDS FOR OIL, ELECTRIC, AND WEATHERIZED GAS FURNACES

Product class	AFUE (percent)	Compliance date
Non-weatherized oil-fired furnaces (not including mobile home furnaces)	83	May 1, 2013.
Mobile home oil-fired furnaces	75	September 1, 1990.
Weatherized gas furnaces	81	January 1, 2015.
Weatherized oil-fired furnaces	78	January 1, 1992.
Electric furnaces	78	January 1, 1992.

TABLE II.2—FEDERAL STANDBY MODE AND OFF MODE ENERGY CONSERVATION STANDARDS FOR OIL AND ELECTRIC FURNACES

Product class	Maximum standby mode electrical power consumption, P _{W, SB} (watts)	Maximum off mode electrical power consumption, P _{W, OFF} (watts)	Compliance date
Non-weatherized oil-fired furnaces (including mobile home furnaces)	11	11	May 1, 2013.
Electric furnaces	10	10	May 1, 2013.

2. Current Rulemaking History

Amendments to EPCA in the National Appliance Energy Conservation Act of 1987 (“NAECA”; Pub. L. 100–12) established EPCA’s original energy conservation standards for furnaces,

consisting of the minimum AFUE levels for mobile home furnaces and for all other furnaces except “small” gas furnaces. (42 U.S.C. 6295(f)(1)–(2)) The original standards established a minimum AFUE of 75 percent for mobile home furnaces and 78 percent

for all other furnaces. Pursuant to authority conferred under 42 U.S.C. 6295(f)(1)(B), DOE subsequently adopted a mandatory minimum AFUE level for “small” furnaces through a final rule published in the **Federal Register** on November 17, 1989 (“the

⁴ This rulemaking was undertaken pursuant to the voluntary remand in *State of New York, et al. v. Department of Energy, et al.*, 08–311–ag(L); 08–312–ag(con) (2d Cir. filed Jan. 17, 2008).

⁵ DOE confirmed the standards and compliance dates promulgated in the June 2011 DFR in a notice of effective date and compliance dates published in the **Federal Register** on October 31, 2011 (“October 2011 notice”). 76 FR 67037. After publication of the October 2011 notice, the American Public Gas

Association (“APGA”) sued DOE to invalidate the rule as it pertained to NWGFs and MHGFs. Petition for Review, *American Public Gas Association, et al. v. Department of Energy, et al.*, No. 11–1485 (D.C. Cir. filed Dec. 23, 2011). On April 24, 2014, the Court granted a motion that approved a settlement agreement that was reached between DOE, APGA, and the various intervenors in the case, in which DOE agreed to a remand of the NWGF and MHGF portions of the June 2011 DFR in order to conduct further notice-and-comment rulemaking.

Accordingly, the Court’s order vacated the June 2011 DFR in part (*i.e.*, those portions relating to NWGFs and MHGFs) and remanded to the agency for further rulemaking. DOE addressed NWGFs and MHGFs in a separate rulemaking proceeding (*see* Docket No. EERE–2014–BT–STD–0031). DOE published a final rule in the **Federal Register** on December 18, 2023 amending the energy conservation standards for NWGFs and MHGFs. 88 FR 87502.

November 1989 Final Rule”). 54 FR 47916. The standards established by NAECA and the November 1989 Final Rule for “small” gas furnaces are still in effect for MHOFS, WOFs, and EFs.

Pursuant to EPCA, DOE was required to conduct two rounds of rulemaking to consider amended energy conservation standards for all consumer furnaces, and an additional round of rulemaking for mobile home furnaces. (42 U.S.C. 6295(f)(4)(A), (B), and (C)) In satisfaction of the first round of amended standards rulemaking under 42 U.S.C. 6295(f)(4)(B), on November 19, 2007, DOE published in the **Federal Register** a final rule (“November 2007 Final Rule”) that revised the standards for most furnaces but left them in place for two product classes (*i.e.*, MHOFS and WOFs).⁶ The standards amended in the November 2007 Final Rule were to apply to furnaces manufactured or imported on and after November 19, 2015. 72 FR 65136 (Nov. 19, 2007). The energy conservation standards in the November 2007 Final Rule consist of a minimum AFUE level for each of the six classes of furnaces. *Id.* at 72 FR 65169. Based on the market analysis for the November 2007 Final Rule and the standards established under that rule, the November 2007 Final Rule eliminated the distinction between furnaces based on their certified input capacity (*i.e.*, the standards applicable to “small” furnaces were established at the same level and as part of their appropriate class of furnace generally). *Id.*

Following DOE’s adoption of the November 2007 Final Rule, several parties jointly sued DOE in the United States Court of Appeals for the Second Circuit (“Second Circuit”) to invalidate the rule. Petition for Review, *State of New York, et al. v. Department of Energy, et al.*, Nos. 08–0311-ag(L); 08–0312-ag(con) (2d Cir. filed Jan. 17, 2008). The petitioners asserted that the standards for furnaces promulgated in the November 2007 Final Rule did not reflect the “maximum improvement in energy efficiency” that “is technologically feasible and economically justified” under 42 U.S.C. 6295(o)(2)(A). On April 16, 2009, DOE filed with the Court a motion for voluntary remand that the petitioners did not oppose. The motion did not

state that the November 2007 Final Rule would be vacated, but it indicated that DOE would revisit its initial conclusions outlined in the November 2007 Final Rule in a subsequent rulemaking action. DOE also agreed that the final rule in that subsequent rulemaking action would address both regional standards for furnaces and the effects of alternate standards on natural gas prices. The Second Circuit granted DOE’s motion on April 21, 2009. DOE notes that the Second Circuit’s order did not vacate the energy conservation standards set forth in the November 2007 Final Rule, and during the remand, the standards went into effect as originally scheduled.

On June 27, 2011, DOE published a direct final rule (“DFR”) in the **Federal Register** (“June 2011 DFR”) revising the energy conservation standards for residential furnaces pursuant to the voluntary remand in *State of New York, et al. v. Department of Energy, et al.* 76 FR 37408. In the June 2011 DFR, DOE considered the amendment of the same six product classes considered in the November 2007 Final Rule analysis plus electric furnaces. As discussed previously, the June 2011 DFR amended the existing AFUE energy conservation standards for NWGFs, MHGFs, and NWOFS and amended the compliance date (but left the existing standards in place) for WGFs. The June 2011 DFR also established electrical standby mode and off mode energy conservation standards for NWGFs, MHGFs, NWOFS, MHOFS, and EFs. DOE confirmed the standards and compliance dates promulgated in the June 2011 DFR in a notice of effective date and compliance dates published in the **Federal Register** on October 31, 2011 (“October 2011 Notice”). 76 FR 67037. The November 2007 Final Rule and the June 2011 DFR represented the first and the second rounds, respectively, of the two rulemakings required under 42 U.S.C. 6295(f)(4)(B)–(C) to consider amending the energy conservation standards for consumer furnaces.

The June 2011 DFR and October 2011 Notice amended, in relevant part, the AFUE energy conservation standards and compliance dates for three product classes of consumer furnaces (*i.e.*, NWGFs, MHGFs, and NWOFS).⁷ The existing AFUE standards were left in place for three classes of consumer furnaces (*i.e.*, WOFs, MHOFS, and EFs). For WGFs, the existing standard was left

in place, but the compliance date was amended. Electrical standby mode and off mode energy consumption standards were established for non-weatherized gas and oil-fired furnaces (including mobile home furnaces) and EFs. Compliance with the energy conservation standards promulgated in the June 2011 DFR was to be required on May 1, 2013 for NWGFs, MHGFs, and NWOFS, and on January 1, 2015, for weatherized furnaces. 76 FR 37408, 37547–37548 (June 27, 2011); 76 FR 67037, 67051 (Oct. 31, 2011). The amended energy conservation standards and compliance dates in the June 2011 DFR superseded those standards and compliance dates promulgated by the November 2007 Final Rule for NWGFs, MHGFs, and NWOFS. Similarly, the amended compliance date for WGFs in the June 2011 DFR superseded the compliance date in the November 2007 Final Rule.

Following DOE’s adoption of the June 2011 DFR, APGA filed a petition for review with the United States Court of Appeals for the District of Columbia Circuit (“D.C. Circuit”) to invalidate the DOE rule as it pertained to NWGFs and MHGFs. Petition for Review, *American Public Gas Association, et al. v. Department of Energy, et al.*, No. 11–1485 (D.C. Cir. filed Dec. 23, 2011). The parties to the litigation engaged in settlement negotiations, which ultimately led to filing of an unopposed motion on March 11, 2014, seeking to vacate DOE’s rule in part and to remand to the agency for further rulemaking.

On April 24, 2014, the Court granted the motion and ordered that the standards established for NWGFs and MHGFs be vacated and remanded to DOE for further rulemaking. As a result, the standards established by the June 2011 DFR for NWGFs and MHGFs did not go into effect, and, thus, required compliance with the standards established in the November 2007 Final Rule for these products began on November 19, 2015. As stated previously, the AFUE standards for WOFs, MHOFS, and EFs were unchanged, and as such, the original standards for those product classes remain in effect. Further, the amended standard for NWOFS was not subject to the Court order and went into effect as specified in the June 2011 DFR. The AFUE standards currently applicable to all residential furnaces,⁸ including the

⁶ The November 2007 Final Rule adopted amended standards for “oil-fired furnaces” generally. However, on July 28, 2008, DOE published a technical amendment final rule in the **Federal Register** that clarified that the amended standards adopted in the November 2007 Final Rule for oil-fired furnaces did not apply to MHOFS and WOFs; rather, they were only applicable for NWOFS. 73 FR 43611, 43613 (July 28, 2008).

⁷ For NWGFs and MHGFs, the standards were amended to a level of 80-percent AFUE nationally with a more-stringent 90-percent AFUE requirement in the Northern Region. For NWOFS, the standard was amended to 83-percent AFUE nationally. 76 FR 37408, 37410 (June 27, 2011).

⁸ DOE divides consumer furnaces into seven classes for the purpose of setting energy conservation standards: (1) NWGFs, (2) MHGFs, (3) WGFs, (4) NWOFS, (5) MHOFS, (6) WOFs, and (7) EFs. 10 CFR 430.32(e)(1)(ii). As noted previously, DOE analyzed amended standards for NWGFs and

five product classes for which DOE is analyzing amended standards leading to this final determination, are set forth in DOE’s regulations at 10 CFR 430.32(e)(1)(ii).

On January 28, 2022, DOE published in the **Federal Register** a request for information (“January 2022 RFI”) to initiate a review to determine whether any new or amended standards would satisfy the relevant requirements of EPCA for a new or amended energy conservation standard for oil, electric, and weatherized gas consumer furnaces. 87 FR 4513. On November 29, 2022,

DOE published in the **Federal Register** a notice of availability of a preliminary technical support document (“TSD”) (“the November 2022 Preliminary Analysis”) and the accompanying preliminary TSD (“the November 2022 Preliminary Analysis TSD”) that presented initial technical analyses in the following areas: (1) market and technology; (2) screening; (3) engineering; (4) markups to determine product price; (5) energy use; (6) LCC and PBP, and (7) national impacts. 87 FR 73259. DOE held a public meeting

webinar on December 19, 2022, in order to receive public input and information related to the November 2022 Preliminary Analysis for the subject furnaces. On November 29, 2023, DOE published a NOPD (“the November 2023 NOPD”) in the **Federal Register**, which tentatively determined that current standards for oil, electric, and weatherized gas furnaces do not need to be amended.⁹ 88 FR 83426.
DOE received comments in response to the November 2023 NOPD from the interested parties listed in Table II.3.

TABLE II.3—LIST OF COMMENTERS WITH WRITTEN SUBMISSIONS IN RESPONSE TO THE NOVEMBER 2023 NOPD

Commenter(s)	Abbreviation	Comment No. in the docket	Commenter type
Air-Conditioning, Heating, and Refrigeration Institute	AHRI	36	Trade Association.
American Gas Association, American Public Gas Association, National Propane Gas Association.	Joint Commenters	33	Trade Association.
Andrew Chiafullo	Chiafullo	31	Individual.
Appliance Standards Awareness Project, American Council for an Energy-Efficient Economy, Natural Resources Defense Council, New York State Energy Research and Development Authority, Northwest Energy Efficiency Alliance.	Joint Advocates	34	Efficiency Organization.
Daikin Comfort Technologies North America, Inc.	Daikin	35	Manufacturer.
Lennox International	Lennox	32	Manufacturer.
Michael Ravnitzky	Ravnitzky	30	Individual.

A parenthetical reference at the end of a comment quotation or paraphrase provides the location of the item in the public record.¹⁰

III. General Discussion and Rationale

DOE developed this final determination after a review of the market for the subject oil, electric, and weatherized gas consumer furnaces. DOE also considered comments, data, and information from interested parties that represent a variety of interests. This final determination addresses issues raised by these commenters.

A. General Comments

This section summarizes general comments received from interested parties.

1. Comments Supporting Proposed Determination

Daikin supported DOE’s conclusion in the November 2023 NOPD that the current standards for oil, electric, and weatherized gas consumer furnaces do not need to be amended based on the results of the analyses that assessed impacts on manufacturers and product

availability. (Daikin, No. 35 at p. 1) AHRI supported DOE’s determination not to amend energy conservation standards for oil and weatherized gas consumer furnaces due to the small markets for these products, the minimal energy savings potential at the efficiency levels analyzed, and the problems consumers would face from lack of product availability. In addition, AHRI agreed with DOE’s conclusion that amended energy standards for electric furnaces are not technologically feasible. (AHRI, No. 36 at p. 1) Ravnitzky supported DOE’s conclusion regarding energy conservation standards for oil, electric, and weatherized gas consumer furnaces due to DOE’s analysis of the technological feasibility, economic justification, and potential for significant energy savings. (Ravnitzky, No. 30 at p. 1)

Lennox supported DOE’s conclusion that no new standards are appropriate for oil and weatherized gas consumer furnaces. (Lennox, No. 32 at pp. 1–2) The commenter agreed with DOE’s conclusion that oil-fired and weatherized gas furnaces are niche products with flat or declining sales;

Lennox added that consumer cost and utility issues for weatherized gas products—including costs and physical challenges regarding condensate management that would be required if standards were tightened—provide additional support to DOE’s conclusion that more-stringent standards for weatherized gas products are not justified. (*Id.* at p. 3) Lennox further agreed with DOE’s conclusion that more-stringent energy conservation standards for electric furnaces are not technologically feasible for the niche electric furnace market. (*Id.* at p. 2) Lennox recommended that DOE continue to refrain from increasing furnace equipment costs by imposing new efficiency standards because they cannot be justified due to impacts resulting from the COVID–19 pandemic and the rise of inflation. (*Id.* at pp. 2, 4)

The Joint Commenters supported DOE’s proposed determination that amended standards for weatherized gas consumer furnaces are not statutorily justified at this time because they are not economically justified and because they have relatively small or declining

MHGFs as part of a separate rulemaking (*see* Docket No. EERE–2014–BT–STD–0031). DOE published a final rule in the **Federal Register** on December 18, 2023 amending the energy conservation standards for NWGFs and MHGFs. 88 FR 87502.

⁹ No stakeholders requested that a public meeting webinar be held in response to the November 2023 NOPD, and, therefore, DOE did not elect to host a webinar for this NOPD.

¹⁰ The parenthetical reference provides a reference for information located in the docket.

(Docket No. EERE–2021–BT–STD–0031, which is maintained at www.regulations.gov). The references are arranged as follows: (commenter name, comment docket ID number, page of that document).

markets. (Joint Commenters, No. 33 at p. 2)

2. Comments Opposing Proposed Determination

The Joint Advocates recommended that DOE reconsider its proposed determination that amended AFUE standards for oil and weatherized gas consumer furnaces are not needed despite their technological feasibility. The Joint Advocates commented that DOE did not complete a manufacturer impact analysis (“MIA”) for the November 2023 NOPD, despite claiming that amended standards would not be economically justified due to potential manufacturer challenges that may impact the market for those products. These commenters stated that, according to DOE’s data, strengthening standards for these products would result in considerable cost savings for consumers, as outlined in the LCC and NIA results presented in the November 2023 NOPD. The Joint Advocates commented that amending the standards for NWOFFs in particular could provide significant benefits for consumers. (Joint Advocates, No. 34 at pp. 1–2)

In response, as discussed in section II.A of this document, DOE is directed by EPCA to conduct periodic rulemakings to determine whether to amend the current energy conservation standards for various products, including consumer furnaces. (42 U.S.C. 6295(m)(1)) In determining whether a potential more-stringent standard is economically justified, DOE must determine whether the benefits of the standard exceed its burdens. (42 U.S.C. 6295(o)(2)(B)(i)) DOE must make this determination after receiving comments on the proposed standard, and by considering, to the greatest extent practicable, the seven statutory factors, which include the economic impacts to both consumers and manufacturers. (42 U.S.C. 6295(o)(2)(B)(i)(I)–(VII)) Section IV of this document outlines DOE’s approach to analyzing various potential amended standard levels, including a discussion of market trends and qualitative market impacts in section IV.F of this document. Section V of this document provides a qualitative discussion of the potential impacts to manufacturers, as well as a detailed explanation of DOE’s weighing of the benefits and burdens (including consumer cost savings as noted by the Joint Advocates) and the rationale for not amending the existing standards for oil, electric, and weatherized gas furnaces.

DOE assessed in the November 2023 NOPD the market size and manufacturer

landscape for NWOFFs and MHOFFs and concluded that these products make up less than one percent of the U.S. residential furnace market. With this small market size and expected diminishing sales, cost recovery could be challenging for manufacturers. In the case of WGFs, manufacturers would need to redesign 99 percent of products on the market today to meet a standard set at EL 1 for those products, and all but one OEM would need to design new condensing products. Given the dynamics of both the oil and weatherized gas furnace market, amending standards may result in shifts in market competition impacting availability of products that cover the full range of capacities. With this understanding of the manufacturer and market landscape, DOE is unable to conclude that any of the efficiency levels analyzed for these categories of furnaces would meet the statutory criteria required to amend energy conservation standards.

3. Other Topics

Ravnitzky recommended that DOE consider establishing a series of incentives and challenges designed to encourage technological advancements in furnace designs that improve both the function and energy efficiency of consumer furnaces. (Ravnitzky, No. 30 at pp. 1–2) The commenter stated that incentivizing innovation offers a way to develop better and more affordable high-efficiency furnaces and suggested that prize contests have resulted in technological advancement while simultaneously fostering energy conservation and affordability. Ravnitzky commented that such a program could spur participants to surpass energy efficiency benchmarks (e.g., AFUE ratings), innovate in the area of emissions reduction, develop materials that enhance heat transfer efficiency and durability, and lead to furnace designs that are both innovative and cost-effective. Ravnitzky argued that an added benefit to an approach incentivizing advancements would be the resulting likelihood of contributing to national energy independence and forming new business opportunities and job creation in the energy sector. (*Id.*) Ravnitzky further commented that incentives and challenges could foster collaboration and competition among manufacturers, universities, independent investors, and other stakeholders. Finally, the commenter recommended that the program be administered by DOE offices, including the Advanced Research Projects Agency—Energy, and structured to reward innovations in design,

manufacturing processes, or materials that make high-efficiency furnaces more cost-effective and accessible to consumers. (*Id.*)

In response, DOE notes that its authority to regulate the energy efficiency of consumer products (including consumer furnaces) is outlined in EPCA, as discussed in section II.A of this document. Any incentive programs or prize contests are outside of the scope of that authority and this rulemaking. However, DOE further notes that there are voluntary energy efficiency appliance programs for consumer products, including furnaces, such as the ENERGY STAR® Program administered by the U.S. Environmental Protection Agency (“EPA”) or other DOE-funded initiatives such as the American-Made Challenges program.¹¹

The Joint Commenters encouraged DOE to implement the recommendations from the National Academy of Sciences’ (“NAS’s”) December 2021 report (“the NAS Report”) into its appliance rulemakings, including for WGFs. These commenters stated that the NAS Report identified several suggestions to improve DOE’s rulemaking process, including ones related to economic modeling and providing data for public review to ensure transparency. (Joint Commenters, No. 33 at p. 2) The Joint Commenters recommended that DOE should ensure the public has sufficient notice and comment opportunity in the separate rulemaking proceeding mentioned in the November 2023 NOPD so as to confirm that the NAS Report’s recommendations are appropriately implemented in all future appliance rulemakings, including this oil, electric, and weatherized gas furnace rulemaking. (*Id.* at p. 3)

The Joint Commenters reiterated the earlier comments of the American Gas Association, *et al.* in response to DOE’s request for information regarding energy conservation standards for consumer boilers in May 2021, particularly regarding concerns about the following: (1) DOE’s reliance on flawed projections of natural gas price trends and marginal residential natural gas prices, and (2) systemic problems with the agency’s economic analysis of standards. The Joint Commenters stated that, like the recommendations in the NAS Report, these earlier comments highlight flaws in DOE’s process that must be addressed to better model consumer purchasing decisions, future fuel prices, and more. (*Id.*)

¹¹ For more information, see www.energy.gov/eere/funding/eere-prizes-and-competitions.

In response, DOE notes that the rulemaking evaluating DOE's analytical methodologies and whether any modifications are warranted in relation to the NAS Report will be handled separately from individual product rulemakings, as stated in section VI.L of this document. As discussed in section V.C of this document, DOE is not amending the current energy conservation standards for the subject oil, electric, and weatherized gas consumer furnaces, and DOE has made this determination consistent with EPCA's requirements, including evaluation of economic justification of standards, and applicable executive orders.

B. Scope of Coverage and Product Classes

This final determination covers certain product classes of consumer furnaces (*i.e.*, ones for oil, electric, and weatherized gas furnaces) that meet the following definition of consumer "furnace" as codified at 10 CFR 430.2:

A "furnace" is defined as a product which utilizes only single-phase electric current, or single-phase electric current or DC current in conjunction with natural gas, propane, or home heating oil, and which—

(A) Is designed to be the principal heating source for the living space of a residence;

(B) Is not contained within the same cabinet with a central air conditioner whose rated cooling capacity is above 65,000 Btu per hour;

(C) Is an electric central furnace, electric boiler, forced-air central furnace, gravity central furnace, or low-pressure steam or hot water boiler; and

(D) Has a heat input rate of less than 300,000 Btu per hour for electric boilers and low-pressure steam or hot water boilers and less than 225,000 Btu per hour for forced-air central furnaces, gravity central furnaces, and electric central furnaces.

10 CFR 430.2. As noted previously, this final determination applies only to oil, electric, and weatherized gas consumer furnaces. The scope of coverage is discussed in further detail in section IV.A.1 of this document.

When evaluating and establishing/amending energy conservation standards, DOE divides covered products into product classes by the type of energy used or by capacity or other performance-related features that justify differing standards. In making a determination on whether a performance-related feature justifies a different standard, DOE must consider such factors as the utility of the feature to the consumer and other factors DOE determines are appropriate. (42 U.S.C. 6295(q)) The product classes for this final determination are discussed in

further detail in section IV.A.2 of this document.

C. Test Procedure

EPCA sets forth generally applicable criteria and procedures for DOE's adoption and amendment of test procedures. (42 U.S.C. 6293) Manufacturers of covered products must use these test procedures to quantify the efficiency of their product and as the basis for certifying to DOE that their product complies with the applicable energy conservation standards and as the basis for any representations regarding the energy use or energy efficiency of the product. (42 U.S.C. 6295(s) and 42 U.S.C. 6293(c)). Similarly, DOE must use these test procedures to evaluate whether a basic model complies with the applicable energy conservation standard(s) adopted pursuant to EPCA. (42 U.S.C. 6295(s); 10 CFR 429.110(e))

The test procedure for determining AFUE, $P_{W, SB}$, and $P_{W, OFF}$ is established at 10 CFR part 430, subpart B, appendix N. AFUE is an annualized fuel efficiency metric that accounts for fossil fuel consumption in active, standby, and off modes. $P_{W, SB}$ and $P_{W, OFF}$ are measurements of the standby mode and off mode electrical power consumption, respectively, in watts. The test procedure for consumer furnaces was last amended by a final rule published in the **Federal Register** on January 15, 2016 ("January 2016 TP Final Rule"). 81 FR 2628.¹²

The revisions to the consumer furnaces test procedure in the January 2016 TP Final Rule included:

- Clarification of the electrical power term "PE";
- Adoption of a smoke stick test for determining use of minimum default draft factors;
- Allowance for the measurement of condensate under steady-state conditions;
- Reference to manufacturer's installation and operation manual and clarifications for when that manual does not specify test set-up;

¹² On March 13, 2023, DOE published in the **Federal Register** a test procedure final rule for consumer boilers, which are a type of furnace under EPCA (*see* 42 U.S.C. 6291(23)) but are not included within the scope of this rulemaking (*see* section IV.A.1 of this document). 88 FR 15510. This test procedure final rule separated the test method for consumer boilers from the test method for other types of furnaces and moved the boilers test method to a new appendix EE to 10 CFR part 430, subpart B. Accordingly, it amended appendix N so as to remove provisions applicable only to boilers, but it did not materially change the test method for the oil, electric, and weatherized gas furnaces that are the subject of this rulemaking.

- Specification of duct-work requirements for units that are installed without a return duct;

- Specification of testing requirements for units with multi-position configurations; and
- Revision of the requirements regarding AFUE reporting precision. 81 FR 2628, 2629–2630 (Jan. 15, 2016).

The changes in the January 2016 TP Final Rule were mandatory for representations of furnace efficiency made on or after July 13, 2016. As such, the most current version of the test procedure (published in January 2016) has now been in place for several years.

D. Standby Mode and Off Mode

As discussed in section II.A of this document, EPCA requires any final rule for new or amended energy conservation standards promulgated after July 1, 2010, to address standby mode and off mode energy use. (42 U.S.C. 6295(gg)(3))

"Standby mode" and "off mode" energy use are defined in the DOE test procedure for residential furnaces (*i.e.*, "Uniform Test Method for Measuring the Energy Consumption of Consumer Furnaces Other Than Boilers," 10 CFR part 430, subpart B, appendix N; "appendix N"). In that test procedure, DOE defines "standby mode" as any mode in which the furnace is connected to a main power source and offers one or more of the following space heating functions that may persist: (a) to facilitate the activation of other modes (including activation or deactivation of active mode) by remote switch (including thermostat or remote control), internal or external sensors, and/or timer; and (b) continuous functions, including information or status displays or sensor-based functions. 10 CFR part 430, subpart B, appendix N, section 2. "Off mode" for consumer furnaces is defined as a mode in which the furnace is connected to a main power source and is not providing any active mode or standby mode function, and where the mode may persist for an indefinite time. The existence of an off switch in off position (a disconnected circuit) is included within the classification of off mode. 10 CFR part 430, subpart B, appendix N, section 2. An "off switch" is defined as the switch on the furnace that, when activated, results in a measurable change in energy consumption between the standby and off modes. 10 CFR part 430, subpart B, appendix N, section 2. Currently, the standby mode and off mode energy conservation standards for NWOFS and EFs are outlined in 10 CFR 430.32(e)(1)(iv) and are shown in Table II.2 of this document. Compliance with

the Federal standards for standby mode and off mode electricity consumption for NWOFS, MHOFS, and EFS, as measured by standby power consumption in watts (“ $P_{W, SB}$ ”) and off mode power consumption in watts (“ $P_{W, OFF}$ ”), was required on May 1, 2013.

In the November 2022 Preliminary Analysis, DOE analyzed amended standby/off mode standards for NWOFS, MHOFS, and EFS. DOE did not consider amended standby mode and off mode standards for WGFs and WOFs, because DOE has previously concluded in a DFR published in the **Federal Register** on June 27, 2011 that these products are packaged with either an air conditioner or a heat pump and that the standards for those products, specified in terms of power consumption in watts and seasonal energy efficiency ratio (“SEER”), already account for the standby mode and off mode energy consumption for these classes of furnaces. 76 FR 37408, 37433. Based on market analysis conducted for the November 2022 Preliminary Analysis and updated for this final determination, DOE concludes that WGFs and WOFs continue to be packaged with an air conditioner or heat pump.

In the analysis for the November 2022 Preliminary Analysis, DOE established the baseline for NWOFS, MHOFS, and EFS as the current Federal standby mode and off mode standards (see Table II.2). DOE also defined and identified baseline components as those that consumed the most electricity during standby mode and off mode operation. For intermediate efficiency levels, DOE utilized a design-option approach to identify design options that could be applied to the baseline design to reduce standby mode and off mode energy consumption. Above the baseline efficiency level, DOE implemented design options in the order of incremental energy savings relative to baseline until all available design options were employed (*i.e.*, at a max-tech level). DOE identified two design options between the baseline and max-tech designs that were used as the basis for intermediate standby mode and off mode design options. Specifically, DOE replaced the linear transformer found in models at the baseline with a low-loss transformer (“LL-LTX”) for the first intermediate efficiency level and replaced the linear power supply found in baseline models with a switching mode power supply (“SMPS”) for the second intermediate efficiency level.

The max-tech standby mode and off mode efficiency level in the November 2022 Preliminary Analysis was based on

a combination of the two design options that were analyzed for the intermediate efficiency levels. To reach max-tech, DOE analyzed using an LL-LTX in combination with an SMPS to reach the minimum standby mode or off mode power consumption (without eliminating other consumer- or performance-related electronic features). For this design option, a transformer is only needed to step down the voltage for the thermostat because the SMPS is able to step down the voltage for the other components of the furnace. As such, a smaller, lower-cost LL-LTX is used at the max-tech level, as compared to the LL-LTX used at EL 1 (*i.e.*, the first intermediate efficiency level). Since the November 2022 Preliminary Analysis, DOE has not identified any additional design options that could reduce standby mode and off mode energy consumption.

In the November 2023 NOPD, DOE found that there was some degree of uncertainty with respect to the appropriateness of the standby mode/off mode efficiency levels analyzed in the November 2022 Preliminary Analysis—particularly for products that are in development but also possibly in some products already on the market. There was also uncertainty related to the potential impacts that standby mode and off mode power consumption standards could have on overall system energy consumption, taking into account the power needs for features such as safety sensors or other improvements to functionality that would benefit the consumer. Consequently, DOE determined that it lacked the necessary information and requisite evidence to amend the standby mode and off mode standards and did not propose to amend the standby mode/off mode power standards for NWOFS, MHOFS, and EFS. 88 FR 83426, 83433–83434 (Nov. 29, 2023). This assessment has not materially changed since the time of the November 2023 NOPD.

Lennox agreed with DOE’s conclusion that no new standards for standby mode and off mode are appropriate. The commenter stated that increasing the stringency of standby power levels would inhibit innovations that benefit consumers, save more significant amounts of energy, and implement additional safety features. (Lennox, No. 32 at pp. 1–3) Lennox also agreed with DOE’s conclusion that separate standby mode and off mode power standards are not appropriate for weatherized gas furnace products, as these products are packaged with air conditioners or heat pumps that account for standby mode and off mode energy use in the

respective energy conservation standards for those products. (*Id.* at p. 3)

In this final determination, for reasons similar to those explained in the November 2023 NOPD, DOE concludes that amended standby mode/off mode standards for NWOFS, MHOFS, and EFS are not justified at this time.

E. Technological Feasibility

1. General Considerations

As discussed, a determination that amended energy conservation standards are not needed must be based on consideration of whether amended standards would result in significant conservation of energy, are technologically feasible, and are cost-effective. (42 U.S.C. 6295(m)(1)(A) and 42 U.S.C. 6295(n)(2))

To determine whether potential amended standards would be technologically feasible, DOE first develops a list of all known technologies and design options that could improve the efficiency of the products that are the subject of the determination. DOE considers technologies incorporated in commercially-available products or in working prototypes to be “technologically feasible.” 10 CFR part 430, subpart C, appendix A, sections 6(b)(3)(i) and 7(b)(1). Section IV.A.3 of this document discusses the technology options identified and considered by DOE for this analysis for oil, electric, and weatherized gas furnaces.

After DOE has determined which, if any, technologies and design options are technologically feasible, it further evaluates each technology and design option in light of the following additional screening criteria: (1) practicability to manufacture, install, and service; (2) adverse impacts on product utility or availability; (3) adverse impacts on health or safety; and (4) unique-pathway proprietary technologies. 10 CFR part 430, subpart C, appendix A, sections 6(b)(3)(ii)–(v) and 7(b)(2)–(5). Those technology options that are “screened out” based on these criteria are not considered further. Those technology and design options that are not screened out are considered as the basis for higher efficiency levels that DOE could consider for potential amended standards. Section IV.A.4 of this document discusses the results of this screening analysis conducted for this final determination.

2. Maximum Technologically Feasible Levels

EPCA requires that for any proposed rule that prescribes an amended or new energy conservation standard or prescribes no amendment or no new standard for a type (or class) of covered product, DOE must determine the maximum improvement in energy efficiency or maximum reduction in energy use that is technologically feasible for each type (or class) of covered products. (42 U.S.C. 6295(p)(1)) Accordingly, in the engineering analysis, DOE identifies the maximum technologically feasible efficiency level currently available on the market for oil, electric, and weatherized gas furnaces. DOE also defines such “max-tech” efficiency level, representing the maximum theoretical efficiency that can be achieved through the application of all available technology options retained from the screening analysis.¹³ In many cases, the max-tech efficiency level is not commercially available because it is not currently economically feasible. The max-tech levels that DOE determined for this analysis are described in section IV.B.1.c of this final determination.

F. Energy Savings

1. Determination of Savings

For each efficiency level (“EL”) evaluated, DOE projects anticipated energy savings from application of the EL to the oil, electric, and weatherized gas furnace products purchased during the 30-year period that begins in the assumed year of compliance with potential amended standards (2030–2059).¹⁴ The savings are measured over the entire lifetime of products purchased during the 30-year analysis period. DOE quantifies the energy savings attributable to each EL as the difference in energy consumption between each standards case and the no-new-standards case. The no-new-standards case represents a projection of energy consumption that reflects how the market for such products would likely evolve in the absence of amended energy conservation standards.

DOE uses its NIA spreadsheet models to estimate national energy savings from potential amended standards for the products analyzed. The NIA spreadsheet model (described in section IV.G of this document) calculates energy savings in terms of site energy, which is the energy

directly consumed by the products at the locations where they are used. For electricity, DOE reports national energy savings in terms of primary energy savings, which is the savings in the energy that is used to generate and transmit the site electricity. For natural gas, the primary energy savings are considered to be equal to the site energy savings. DOE also calculates national energy savings (“NES”) in terms of full-fuel-cycle (“FFC”) energy savings. The FFC metric includes the energy consumed in extracting, processing, and transporting primary fuels (*i.e.*, coal, natural gas, petroleum fuels), and, thus, presents a more complete picture of the impacts of energy conservation standards.¹⁵ DOE’s approach is based on the calculation of an FFC multiplier for each of the energy types used by covered products. Section IV.G of this document provides more information on FFC energy savings.

2. Significance of Savings

As discussed, a determination that amended standards are not needed must be based on consideration of whether amended standards will result in significant conservation of energy, among other factors. (42 U.S.C. 6295(m)(1)(A) and 42 U.S.C. 6295(n)(2))

The significance of energy savings offered by a new or amended energy conservation standard cannot be determined without knowledge of the specific circumstances surrounding a given rulemaking.¹⁶ For example, for some covered products, most of the energy consumption occurs during periods of peak energy demand. The impacts of these products on the energy infrastructure can be more pronounced than the impacts of products with relatively constant demand. Accordingly, DOE evaluates the significance of energy savings on a case-by-case basis. The significance of energy savings is further discussed in section V.B.1 of this final determination.

G. Cost-Effectiveness

As discussed, a determination that amended standards are not needed must be based on consideration of whether amended standards would be cost-effective, among other factors. (42 U.S.C. 6295(m)(1)(A) and 42 U.S.C. 6295(n)(2))

In evaluating cost-effectiveness, EPCA requires DOE to consider savings in

operating costs throughout the estimated average life of the covered product in the type (or class) compared to any increase in the price, initial charges, or maintenance expenses for the covered product that are likely to result from the standard. (42 U.S.C. 6295(n)(2)(c) and 42 U.S.C. 6295(o)(2)(B)(i)(II)) Cost-effectiveness is also one of the factors that DOE considers under 42 U.S.C. 6295(o)(2)(B) in determining whether new or amended standards are economically justified. (42 U.S.C. 6295(o)(2)(B)(i)(II))

In determining cost-effectiveness of potential amended standards for covered products, DOE generally conducts LCC and PBP analyses that estimate the costs and benefits to users from potential standards. Section IV.E of this document provides more information on the LCC and PBP analyses conducted for this final determination. To further inform DOE’s consideration of the cost-effectiveness of potential amended standards, DOE considered the NPV of total costs and benefits estimated as part of the NIA. The inputs for determining the NPV of the total costs and benefits experienced by consumers are: (1) total annual installed cost, (2) total annual operating costs (energy costs and repair and maintenance costs), and (3) a discount factor to calculate the present value of costs and savings. The results of this analysis are discussed in section V.C.2 of this document.

H. Further Considerations

In determining whether a potential, more-stringent standard is economically justified, DOE must determine whether the benefits of the standard exceed its burdens. (42 U.S.C. 6295(o)(2)(B)(i)). DOE must make this determination after receiving comments on the proposed standard, and by considering, to the greatest extent practicable, the following seven statutory factors:

(1) The economic impact of the standard on manufacturers and consumers of the product subject to the standard;

(2) The savings in operating costs throughout the estimated average life of the covered product in the type (or class) compared to any increase in the price, initial charges for, or maintenance expenses of the covered product that are likely to result from the standard;

(3) The total projected amount of energy (or as applicable, water) savings likely to result from the standard;

(4) Any lessening of the utility or the performance of the covered product likely to result from the standard;

(5) The impact of any lessening of competition, as determined in writing by the Attorney General, that is likely to result from the standard;

¹³ In applying these design options, DOE would only include those that are compatible with each other that when combined, would represent the theoretical maximum possible efficiency.

¹⁴ DOE also presents a sensitivity analysis that considers impacts for products shipped in a nine-year period.

¹⁵ The FFC metric is discussed in DOE’s statement of policy and notice of policy amendment. 76 FR 51281 (August 18, 2011), as amended at 77 FR 49701 (August 17, 2012).

¹⁶ The numeric threshold for determining the significance of energy savings established in a final rule published on February 14, 2020 (85 FR 8626, 8670) was subsequently eliminated in a final rule published on December 13, 2021 (86 FR 70892).

(6) The need for national energy and water conservation; and

(7) Other factors the Secretary considers relevant.

(42 U.S.C. 6295(o)(2)(B)(i)(I)–(VII))

The following sections discuss how DOE has addressed each of these seven factors in this final determination.

1. Economic Impact on Manufacturers and Consumers

In determining the impacts of a potential new or amended standard on manufacturers, DOE conducts an MIA. DOE first uses an annual cash-flow approach to determine the quantitative impacts. This step includes both a short-term assessment—based on the cost and capital requirements during the period between when a regulation is issued and when entities must comply with the regulation—and a long-term assessment over a 30-year period. The industry-wide impacts analyzed include: (1) industry net present value, which values the industry on the basis of expected future cash flows; (2) cash flows by year; (3) changes in revenue and income; and (4) other measures of impact, as appropriate. Since DOE has determined not to amend standards for oil, electric, and weatherized gas furnaces, this final determination will have no cash-flow impacts on manufacturers. Accordingly, DOE did not conduct an MIA for this final determination.

For individual consumers, measures of economic impact include the changes in LCC and PBP associated with new or amended standards. These measures are discussed further in the following section. For consumers in the aggregate, DOE also calculates the national NPV of the consumer costs and benefits expected to result from particular standards. DOE also evaluates the impacts of potential standards on identifiable subgroups of consumers that may be affected disproportionately by a standard. Since DOE has determined not to amend standards for oil, electric, and weatherized gas furnaces, this final determination will have no disproportionate impact on identifiable subgroups of consumers. Accordingly, DOE did not conduct a subgroup analysis for this final determination.

2. Savings in Operating Costs Compared To Increase in Price

EPCA requires DOE to consider the savings in operating costs throughout the estimated average life of the covered product in the type (or class) compared to any increase in the price of, or in the initial charges for, or maintenance expenses of, the covered product that

are likely to result from a standard. (42 U.S.C. 6295(m)(1); 42 U.S.C. 6295(n)(2), and 42 U.S.C. 6295(o)(2)(B)(i)(II)) DOE conducts this comparison in its LCC and PBP analyses.

For its LCC and PBP analyses, DOE assumes that consumers will purchase the covered product in the first year of compliance with new or amended standards. The LCC savings for the considered efficiency levels are calculated relative to the case that reflects projected market trends in the absence of new or amended standards. DOE's LCC and PBP analyses are discussed in further detail in section IV.E of this document.

3. Energy Savings

EPCA requires DOE, in determining the economic justification of an amended standard, to consider the total projected energy savings that are expected to result directly from the standard. (42 U.S.C. 6295(o)(2)(B)(i)(III))

As discussed in section IV.G of this document, DOE uses the NIA spreadsheet models to project national energy savings that are expected to result directly from an amended standard.

4. Lessening of Utility or Performance of Products

In establishing product classes and in evaluating design options and the impact of potential standard levels, DOE evaluates potential standards that would not lessen the utility or performance of the considered product. (42 U.S.C. 6295(o)(2)(B)(i)(IV)) Since DOE has determined not to amend standards for oil, electric, and weatherized gas furnaces, this final determination will not impact the utility of such products.

5. Impact of Any Lessening of Competition

EPCA directs DOE to consider the impact of any lessening of competition, as determined in writing by the Attorney General, that is likely to result from a standard. (42 U.S.C. 6295(o)(2)(B)(i)(V)) Since DOE has determined not to amend standards for oil, electric, and weatherized gas furnaces, DOE did not transmit a copy of its determination to the Attorney General for anti-competitive review.

6. Need for National Energy Conservation

DOE also considers the need for national energy conservation in determining whether a new or amended standard is economically justified. (42 U.S.C. 6295(o)(2)(B)(i)(VI)) The energy savings from the standards are likely to provide improvements to the security

and reliability of the Nation's energy system. Reductions in the demand for electricity also may result in reduced costs for maintaining the reliability of the Nation's electricity system. DOE generally conducts a utility impact analysis to estimate how standards may affect the Nation's needed power generation capacity. However, since DOE has determined not to amend standards for oil, electric, and weatherized gas furnaces, DOE did not conduct this analysis.

DOE maintains that environmental and public health benefits associated with the more efficient use of energy are important to take into account when considering the need for national energy conservation. Amended standards are likely to result in environmental benefits in the form of reduced emissions of air pollutants and greenhouse gases associated with energy production and use. DOE generally conducts an emissions analysis to estimate how amended standards may affect these emissions. DOE also generally estimates the economic value of emissions reductions resulting from an amended standard. However, since DOE has determined not to amend standards for oil, electric, and weatherized gas furnaces, DOE did not conduct this analysis.

7. Other Factors

In determining whether an energy conservation standard is economically justified, DOE may consider any other factors that the Secretary deems to be relevant. (42 U.S.C. 6295(o)(2)(B)(i)(VII)) To the extent DOE identifies any relevant information regarding economic justification that does not fit into the other categories described previously, DOE could consider such information under "other factors."

IV. Methodology and Discussion of Related Comments

The following sections of this document address each key component of the analyses DOE has performed for this final determination with respect to oil, electric, and weatherized gas furnaces. Comments received from interested parties are addressed in each relevant section.

A. Market and Technology Assessment

DOE develops information in the market and technology assessment that provides an overall picture of the market for the products concerned, including the purpose of the products, the industry structure, manufacturers, market characteristics, and technologies used in the products. This activity includes both quantitative and

qualitative assessments, based primarily on publicly-available information. The subjects addressed in the market and technology assessment for this final determination include: (1) a determination of the scope and identification of product classes, (2) manufacturers and industry structure, (3) existing efficiency programs, (4) shipments information, (5) market and industry trends, and (6) technologies or design options for improving efficiency. The key findings of DOE's market assessment are summarized in the following sections.

1. Scope of Coverage

As mentioned in section III.B of this document, in assessing the scope of this rulemaking, DOE relied on the definition of "furnace" in 10 CFR 430.2. Any product meeting the definition of a "furnace" that is also an oil, electric, and weatherized gas furnace was included in the scope of DOE's analysis for this final determination. Non-weatherized gas furnaces and mobile home gas furnaces were considered in a separate rulemaking.¹⁷

a. Electric Furnaces

A basic EF is composed of an electric resistance heating element and blower assembly. (Additionally, there are products that include electrically powered heat pumps, but these are separately covered products not addressed here.) The electric resistance heating elements of EFs are highly efficient, and the efficiency of these units already approaches 100 percent. DOE is unaware of any technology options that can improve the efficiency of electric furnaces, so DOE has determined that more-stringent standards for EFs would not be technologically feasible. Therefore, DOE concludes that the energy savings

potential from amended standards for EFs would be minimal. Consequently, DOE did not consider amended AFUE standards for EFs in this rulemaking.

b. Weatherized Oil-Fired Furnaces

DOE is not aware of any WOFs on the market, and, therefore, DOE did not analyze amended standards for that product class. DOE has concluded that because there are no WOFs on the market, there would be no potential energy savings from amended standards.

2. Product Classes

When evaluating and establishing or amending energy conservation standards, DOE may establish separate standards for a group of covered products (*i.e.*, establish a separate product class) if DOE determines that separate standards are justified based on the type of energy used, or if DOE determines that the product's capacity or other performance-related feature justifies a different standard. (42 U.S.C. 6295(q)) In making a determination whether a performance-related feature justifies a different standard, DOE considers such factors as the utility of the feature to the consumer and other factors DOE determines are appropriate. (*Id.*)

In this case, DOE divides furnaces into seven product classes based on fuel type (gas, oil, or electric), whether the furnace is weatherized or not, and whether the furnace is designed for use only in mobile homes or not. The current product classes for furnaces are (1) NWGFs, (2) MHGFs, (3) NWOFS, (4) MHOFs, (5) WGFs, (6) WOFs, and (7) EFs. 10 CFR 430.32(e)(1)(ii). As noted previously, NWGFs and MHGFs are being addressed in a separate rulemaking process.¹⁸ Therefore, the product classes that DOE considered for this final determination are NWOFS,

MHOFs, WGFs, WOFs, and EFs.

However, for the reasons discussed in sections IV.A.1.a and IV.A.1.b of this document, amended energy conservation standards were not analyzed for EFs or WOFs.

In summary, DOE assessed amended energy conservation standards in terms of AFUE for the NWOFS, MHOF, and WGF product classes in this final determination. Again, for the reasons discussed in section III.D of this document, DOE did not analyze new or amended standby mode/off mode power standards for any product classes this time.

This final determination maintains the product classes currently established for oil, electric, and weatherized gas furnaces.

3. Technology Options

DOE develops information in the technology assessment that characterizes the technologies and design options that manufacturers may use to attain higher-efficiency performance.

In the November 2023 NOPD, DOE identified several technology options that would be expected to improve the efficiency of oil and weatherized gas furnaces in terms of AFUE, as measured by the DOE test procedure. To develop a list of technology options, DOE examined the efficiency-improving technologies used in consumer furnaces today. These technology options provide insight into the technological improvements typically used to increase the energy efficiency of consumer furnaces.

For this final determination, DOE has reviewed the consumer furnaces market and confirmed that the technology options identified in the November 2023 NOPD continue to reflect the market. The identified technology options are shown in Table IV.1.

¹⁷ See Docket No. EERE-2014-BT-STD-0031, which can be accessed at www.regulations.gov.

¹⁸ See Docket No. EERE-2014-BT-STD-0031.

TABLE IV.1—LIST OF TECHNOLOGY OPTIONS CONSIDERED FOR THIS FINAL DETERMINATION

Technology option	Description
Condensing Secondary Heat Exchanger	The secondary heat exchanger allows more heat to be extracted from the flue gases before the products of combustion exit through the flue to the vent system by condensing any water vapor and releasing the resulting latent heat.
Heat Exchanger Improvements	Improvements to the heat exchanger can be achieved by modifying baseline designs of standard furnaces to incorporate any combination of: (1) increased heat exchanger surface area, (2) heat exchanger surface features, and/or (3) heat exchanger baffles and turbulators. Improving the heat exchanger for fossil fuel-fired furnaces can increase the rate of heat transfer from the hot combustion gases to the circulation air that is distributed to the heated space. This improved heat transfer increases thermal efficiency and AFUE.
Two-Stage and Modulating Combustion	Two-stage and modulating combustion allow furnaces to meet heating load requirements more precisely. When low heating load conditions exist, a two-stage or modulating furnace can operate at a reduced input rate for an extended period of burner on-time to meet the reduced heating load. This improves comfort by reducing large fluctuations in room temperature. Because burner on-time increases, however, fuel use does not drastically decrease, so efficiency gains are typically small.
Pulse Combustion	Pulse combustion burners operate on self-sustaining resonating pressure waves that alternately rarefy the combustion chamber (drawing a fresh fuel-air mixture into the chamber) and pressurize it (causing ignition by compression heating of the mixture to its flash point). Pulse combustion systems feature high heat transfer rates, can self-vent, and can operate as isolated combustion systems. Because the pulse combustion process is highly efficient, the burners are generally used with condensing appliances.
Premix Burners	Premix burners completely premix the primary air and fuel prior to combustion, thereby eliminating the need for secondary air. These burners allow for more precise control over the air-fuel ratio, so that the level of excess air can be set for optimal performance. Premix burners are often utilized to control production of emissions, in particular NO _x . The premix burners used in consumer furnaces on the market today are capable of achieving “ultra-low NO _x ” levels.
Burner Derating	Burner derating (<i>i.e.</i> , reducing burner firing rate while keeping heat exchanger geometry and surface area the same) will increase the ratio of heat transfer surface area to energy input, thereby increasing the AFUE.
Insulation Improvements	If the jacket loss test is performed, insulation improvements would reduce jacket losses and increase AFUE. Insulation can be improved by modifying the baseline furnace design through the use of increased jacket insulation or advanced forms of insulation.
Off-Cycle Dampers	Off-cycle (which refers to the burner off-cycle) dampers restrict the intake and exhaust airflow through the venting system during standby mode by closing when the burner is not operating, thereby trapping residual heat in the heat exchanger. During the burner off-cycle, a furnace can lose heat by natural convection and conduction through the combustion air inlet and flue. Installing a damper at these points can prevent heat from escaping and minimize off-cycle heat losses. Dampers have no effect on the steady-state performance of the furnace; however, they can reduce standby losses. The AFUE metric captures both steady-state and standby performance of the furnace, and thus any heated air that is retained in the system during the standby mode improves the furnace’s AFUE. Off-cycle dampers include: (1) electro-mechanical flue dampers, which are installed downstream of the heat exchanger, are activated by an external source of electricity, and open and close immediately when combustion starts and stops, (2) electro-mechanical burner inlet dampers, which are installed at the combustion-air inlet to the burner box and are designed to automatically close off the air passage and restrict the airflow through the heat exchanger when the burner is off.
Direct Venting	A direct venting system consists of a pipe that provides the burner with a direct connection to a combustion air source on the exterior of the building. This external connection allows the furnace to utilize outdoor air for combustion, which could result in an improvement in AFUE.
Concentric Venting	Concentric venting is accomplished by running the inlet and exhaust vents concentrically. The flue gases are exhausted through a central vent pipe, and the intake combustion air passes through a concentric duct surrounding it. This arrangement creates a counter-flow heat exchanger that recovers some heat from the flue gases to preheat the combustion air. It provides an efficiency advantage compared to non-concentric venting systems, as the concentric vent essentially serves as a shell-in-tube heat exchanger to recover heat.
Low-Pressure, Air-Atomized Oil Burner	To overcome the low input limitations of conventional oil burners, Brookhaven National Laboratory developed a low-pressure, air-atomized oil burner that can operate at firing rates as low as 0.25 gallons of oil per hour (10 kW). In addition, it can operate with low levels of excess combustion air (less than 10 percent) for lean-burning, ultra-clean combustion. A lower level of excess air generally improves AFUE rating. This single-stage burner design is also capable of firing fuel at high and low input rates, which are manually actuated by a switch, allowing it to closely match the smaller heating loads of well-insulated modern homes. The ability to derate the flame also greatly enhances the effectiveness of the heat exchanger, which improves steady-state efficiency.

TABLE IV.1—LIST OF TECHNOLOGY OPTIONS CONSIDERED FOR THIS FINAL DETERMINATION—Continued

Technology option	Description
High-Static Oil Burner	A modification of the conventional flame retention head burner is the high-static pressure flame retention head oil burner. These burners employ an air guide to direct air onto the optimal point on the blower wheel and a scroll insert to create high static pressure in the combustion chamber while maintaining consistent airflow. This higher pressure enables the furnace to overcome restrictive flow passages in compact, more efficient heat exchangers. These types of burners are also able to operate at lower levels of excess air, giving them a nearly five-percent AFUE advantage over flame retention head burners.
Delayed-Action Oil Pump Solenoid Valve	A delayed-action oil pump solenoid valve is installed between the oil pump and the burner nozzle to supplement the fuel pump regulator by delaying the fuel release by 3 to 6 seconds after the igniter and burner blower start until the oil pressure reaches the level required to fully discharge the oil into the combustion chamber without dripping. This ensures that the oil burns more completely. Testing at Brookhaven National Laboratory indicates that the typical efficiency benefit of delayed-action solenoid valves is expected to be less than one-percent AFUE.

As detailed in section IV.A.5 of this document, for each technology option identified, DOE applies screening criteria before considering it further in the analysis.

4. Screening Analysis

As discussed, DOE conducts a screening analysis to evaluate whether to further consider each identified technology and design option. DOE uses the following five screening criteria to determine which technology options are suitable for further consideration in an energy conservation standards rulemaking:

(1) *Technological feasibility.* Technologies that are not incorporated in commercially-available products or in commercially-viable, existing prototypes will not be considered further.

(2) *Practicability to manufacture, install, and service.* If it is determined that mass production of a technology in commercially-available products and reliable installation and servicing of the technology could not be achieved on the

scale necessary to serve the relevant market at the time of the projected compliance date of the standard, then that technology will not be considered further.

(3) *Impacts on product utility.* If a technology is determined to have a significant adverse impact on the utility of the product to subgroups of consumers, or result in the unavailability of any covered product type with performance characteristics (including reliability), features, sizes, capacities, and volumes that are substantially the same as products generally available in the United States at the time, it will not be considered further.

(4) *Safety of technologies.* If it is determined that a technology would have significant adverse impacts on health or safety, it will not be considered further.

(5) *Unique-pathway proprietary technologies.* If a technology has proprietary protection and represents a unique pathway to achieving a given

efficiency level, it will not be considered further, due to the potential for monopolistic concerns.

See 10 CFR part 430, subpart C, appendix A, sections 6(b)(3) and 7(b).

If DOE determines that a technology fails to meet one or more of these listed criteria, it is excluded from further consideration in the engineering analysis. The following sections include DOE's evaluation of each technology option against the screening analysis criteria.

a. Screened-Out Technologies

Based on DOE's research, DOE screened out the technology options on the basis of each screening criteria shown in Table IV.2 from further consideration as options to improve the AFUE (as measured by the DOE test procedure) of NWOFS, MHOFS, and WGFs. The reasons for exclusion associated with each technology are marked in the table with an X. Additional details about the reasons for exclusion are discussed in this section.

TABLE IV.2—TECHNOLOGY OPTIONS SCREENED OUT

Excluded technology option	Applicable product class(es)	Screening criteria (X = basis for screening out)				
		Technological feasibility	Practicability to install, manufacture, and service	Impacts on product utility or product availability	Adverse impacts on health or safety	Unique-pathway proprietary technologies
Pulse combustion	WGF .....	.....	.....	.....	X	.....
Burner derating	WGF, NWOFS, MHOFS .....	.....	.....	X	.....	.....
Low-pressure, air-atomized oil burner	NWOFS, MHOFS	X	.....	.....	.....	.....

Pulse Combustion

In contrast to natural draft and induced draft furnaces, pulse combustion furnaces generate positive pressure in the heat exchanger. Although these products are generally safe, this could create a potential safety problem if the heat exchanger breaches,

because combustion products can contaminate the circulation airstream.

Pulse combustion gas furnaces were available in the United States for more than two decades. However, they were withdrawn from the market within the past 20 years because manufacturers found that competing technologies, such as condensing secondary heat

exchangers, cost significantly less to manufacture and operate. In light of the ability of furnace manufacturers to cost-effectively achieve high efficiencies without the use of pulse combustion, the technology's risks do not outweigh its benefits for consumer furnace applications. Accordingly, DOE did not

further analyze this technology option as part of this final determination.

Burner Derating

Because heat output rate is directly related to burner size, burner derating reduces the amount of heated air available to the consumer. This reduction in heat output rate adversely affects the utility to consumers. Therefore, DOE did not consider this technology option.

Low-Pressure, Air-Atomized Oil Burner

While tests performed at the Brookhaven National Laboratory seem to have successfully demonstrated enhanced AFUE performance under the DOE test procedure in oil boilers that employed prototype low-pressure air-atomized burners, the prototype burner was never tested on a furnace. Therefore, the technological feasibility of the burner prototype for incorporation into a residential oil-fired furnace remains unknown, so DOE did not consider low-pressure, air-atomized oil burners to be a viable technology for efficiency improvement for this final determination.

b. Remaining Technologies

After a thorough review of each technology, DOE concludes that all of the remaining identified technologies not “screened out” meet all of the screening criteria. In summary, DOE retained (*i.e.*, did not screen out) the technology options listed below:

- Condensing secondary heat exchanger
- Heat exchanger improvements
- Two-stage and modulating combustion
- Premix burners
- Insulation improvements
- Off-cycle dampers
- Direct venting
- Concentric venting
- High-static oil burner
- Delayed-action oil pump solenoid valve

DOE determined that these technology options are technologically feasible because they are being used or have previously been used in commercially-available products or working prototypes. DOE also finds that all of the remaining technology options meet the other screening criteria (*i.e.*, practicable to manufacture/install/service; do not result in adverse impacts on product utility, product availability, health, or safety; and do not utilize unique-pathway proprietary technologies). DOE considers these remaining technology options as the basis for higher efficiency levels that DOE could consider for potential amended standards.

5. Impact From Other Rulemakings

Lennox commented that manufacturers are facing unprecedented regulatory change elsewhere and significant cumulative regulatory burdens, which further supports DOE’s determination not to increase the AFUE efficiency standards and not to increase standby and off mode standards for oil, electric, and weatherized gas consumer furnaces. (Lennox, No. 32 at pp. 3–4) Lennox stated that the related rulemakings include the EPA phasedown to lower-global warming potential (“GWP”) refrigerants, the energy conservation standards final rule for NWGFs/MHGFs, the National and Regional Cold Climate Heat Pump Specifications, the DOE energy conservation standards for air-cooled, three-phase air conditioners and heat pumps below 65,000 Btu/h and air-cooled, three-phase, variable refrigerant flow (“VRF”) air conditioners and heat pumps below 65,000 Btu/h, the DOE test procedure for VRF systems, and the EPA ENERGY STAR 4.0 for Light Commercial Heating, Ventilation, and Air Conditioning (“HVAC”). (*Id.* at p. 4) AHRI commented that most of the consumer furnace market (*i.e.*, NWGFs) is obligated to increase efficiency to 95-percent AFUE by December 2028, which is one step below max-tech and which is expected to place a significant economic burden on the industry. (AHRI, No. 36 at p. 2)

In response, DOE notes that the Department is not amending the energy conservation standards for oil, electric, and weatherized gas consumer furnaces, and, therefore, it does not expect this rulemaking to contribute to the cumulative regulatory burden on manufacturers.

B. Engineering and Cost Analysis

The purpose of the engineering analysis is to establish the relationship between the efficiency and manufacturer production cost (“MPC”) of the subject products (*i.e.*, NWGFs, MHGFs, and WGFs). There are two elements to consider in the engineering analysis: (1) the selection of efficiency levels to analyze (*i.e.*, the “efficiency analysis”), and (2) the determination of product cost at each efficiency level (*i.e.*, the “cost analysis”). In determining the performance of higher-efficiency products, DOE considers those technologies and design option combinations not eliminated by the screening analysis. For each product class, DOE estimates the baseline cost, as well as the incremental cost for the product at efficiency levels above the baseline. The output of the engineering

analysis is a set of cost-efficiency “curves” that are used in downstream analyses (*i.e.*, the LCC and PBP analyses and the NIA).

DOE recently conducted an engineering analysis to determine the cost-efficiency relationship for oil and weatherized gas consumer furnace for the November 2023 NOPD. 88 FR 83426, 83439–83446 (Nov. 29, 2023). For this final determination, DOE analyzed cost trends across the consumer oil and weatherized gas furnace market as part of the market and technology assessment (see section IV.A of this document) and found that oil and weatherized gas consumer furnace efficiencies have not changed substantially since the NOPD analysis. Thus, as discussed in section IV.B.1 of this document, DOE maintained the efficiency levels from the November 2023 NOPD in the final determination analysis. Additionally, DOE examined its most recent inputs to its manufacturing cost analysis (*e.g.*, raw material prices, component prices, labor rates) and found that, although MPC values for each efficiency level may have increased, the incremental MPCs would not significantly change from those in the November 2023 NOPD. Therefore, DOE concludes that an updated cost analysis would not impact the results of this final determination, so the Department is using the same methodology and analytical results as those described in the November 2023 NOPD engineering and cost analysis. Further information on this analytical methodology used in the November 2023 NOPD is presented in the following subsections.

1. Efficiency Analysis

DOE typically uses one of two approaches to develop energy efficiency levels for the engineering analysis: (1) relying on observed efficiency levels in the market (*i.e.*, the efficiency-level approach), or (2) determining the incremental efficiency improvements associated with incorporating specific design options to a baseline model (*i.e.*, the design-option approach). Using the efficiency-level approach, the efficiency levels established for the analysis are determined based on the market distribution of existing products (in other words, based on the range of efficiencies and efficiency level “clusters” that already exist on the market). Using the design-option approach, the efficiency levels established for the analysis are determined through detailed engineering calculations and/or computer simulations of the efficiency improvements from implementing

specific design options that have been identified in the technology assessment. DOE may also rely on a combination of these two approaches. For example, the efficiency-level approach (based on actual products on the market) may be extended using the design-option approach to interpolate to define “gap fill” levels (to bridge large gaps between other identified efficiency levels) and/or to extrapolate to the “max-tech” level (particularly in cases where the “max-tech” level exceeds the maximum efficiency level currently available on the market). For this final determination analysis, DOE used the efficiency-level approach.

a. Baseline Efficiency

For each product class, DOE generally selects a baseline model as a reference point for each class, and measures anticipated changes to the product resulting from potential energy

conservation standards against the baseline model. The baseline model in each product class represents the characteristics of products typical of that class (e.g., capacity, physical size). Generally, a baseline model is one that just meets current energy conservation standards, or, if no standards are in place, the baseline is typically the most common or least-efficient unit on the market.

A basic consumer gas furnace comprises a hot surface or direct spark ignition system, tubular in-shot burners, a noncondensing heat exchanger, a blower assembly (including motor and forward-swept fan blade), a mechanical draft combustion fan assembly, and automatic controls. A basic consumer oil-fired furnace comprises an interrupted spark ignition system, power burner, noncondensing heat exchanger, and blower assembly. Details and descriptions of each of these

components can be found in chapter 3 of the November 2022 Preliminary Analysis TSD.

The identification of baseline units requires establishing the baseline efficiency level. In cases where there is an existing standard, DOE typically defines “baseline units” as units with efficiencies equal to the current Federal energy conservation standards. However, for the MHOF product class, DOE did not identify any currently available units at the minimum standard level (75-percent AFUE), and, therefore, DOE analyzed 80-percent AFUE as the baseline level for MHOFs, as it was the lowest efficiency available on the market.

In the November 2023 NOPD, DOE used the baseline levels presented in Table IV.3 as the baseline efficiency AFUE levels for oil, electric, and weatherized gas furnaces, along with the typical characteristics of a baseline unit.

TABLE IV.3—BASELINE EFFICIENCY LEVELS

Product class	Baseline AFUE level (%)	Typical characteristics
NWOF	83	—Single-stage burner. —Electronic ignition. —Aluminized-steel heat exchanger. —Indoor blower fan including PSC motor* and forward-curved blower impeller blade.
MHOF	80	—Single-stage burner. —Electronic ignition. —Aluminized-steel heat exchanger. —Indoor blower fan including PSC motor* and forward-curved blower impeller blade. —Direct venting system. —Built-in evaporator coil cabinet.
WGF	81	—Draft inducer. —Single-stage burner. —Electronic ignition. —Aluminized-steel tubular heat exchanger. —Indoor blower fan including BPM* motor and forward-curved blower impeller blade.

* Consumer furnace fans incorporated into NWOFs, MHOFs, and WGFs manufactured on and after July 3, 2019 must meet fan energy rating (“FER”) standards specified in 10 CFR 430.32(y). The blower fan motor (among other factors) can affect FER. Brushless permanent magnet (“BPM”) motors have become the predominant motor type at the baseline AFUE levels for WGFs, and permanent split capacitor (“PSC”) motors, which are less efficient than BPM motors, are common for NWOFs and MHOFs.

Typically, baseline units are representative of the minimum technology and lowest-cost product that manufacturers can produce. Accordingly, in the teardown analysis, DOE examined a variety of baseline units that incorporate the various baseline design options for furnace components.

As stated previously, for this final determination, DOE used the baseline efficiency levels as presented in the November 2023 NOPD.

b. Intermediate Efficiency Levels

In the November 2023 NOPD, DOE also analyzed intermediate efficiency levels for NWOFs and MHOFs. 88 FR 83426, 83440–83441 (Nov. 29, 2023). However, for WGFs, DOE did not find any models on the market between the baseline (81-percent AFUE) and max-tech level (95-percent AFUE) and, therefore, did not analyze any intermediate efficiency levels for this product class. The intermediate efficiency levels analyzed for NWOFs were 85-percent and 87-percent AFUE, and the intermediate efficiency levels analyzed for MHOFs were 83-percent

and 85-percent AFUE. To improve efficiency from the baseline to these intermediate efficiency levels, manufacturers generally increase the surface area of the heat exchanger, which increases the heat transfer area and, thus, allows manufacturers to achieve higher efficiencies. The intermediate efficiency levels analyzed were representative of common efficiency levels available on the market. DOE reviewed its own Compliance Certification Database (“CCD”), as well as AHRI’s product

certification directories,¹⁹ California Energy Commission's database,²⁰ manufacturer catalogs, and other publicly-available literature to inform its selection of intermediate efficiency levels.

As stated previously, for this final determination, DOE used the intermediate efficiency levels as presented in the November 2023 NOPD.

c. Maximum Technology ("Max-Tech") Efficiency Levels

As noted, EPCA requires that any new or amended energy conservation standard be designed to achieve the maximum improvement in energy efficiency that is technologically feasible. (42 U.S.C. 6295(o)(2)(A)) As part of its analysis, DOE identifies the "maximum available" efficiency level, representing the highest efficiency unit currently available on the market. DOE also defines a "max-tech" efficiency level, representing the maximum theoretical efficiency that can be achieved through the application of all

available technology options retained from the screening analysis. In many cases, the max-tech efficiency level is not commercially available because it is not currently economically feasible.

In the November 2023 NOPD, DOE conducted an analysis of the market and a technology assessment and researched current product offerings to determine the max-tech efficiency levels. 88 FR 83426, 83441 (Nov. 29, 2023). The max-tech level identified in each product class corresponded to the highest-AFUE furnace available on the market, which DOE found to correspond to the maximum technologically feasible levels at this time. For NWOFS, DOE identified a design that achieves a max-tech efficiency level of 96-percent AFUE. For MHOFS, the maximum efficiency level that DOE identified was 87-percent AFUE. For WGFs, DOE identified a max-tech efficiency level design that achieves 95-percent AFUE. For WGFs and NWOFS, the max-tech efficiency level is currently achieved by use of a condensing secondary heat

exchanger. A constant-airflow BPM ("CA-BPM") indoor blower motor was also implemented as the motor design option for the max-tech efficiency level for NWOFS, because the only NWOFS model on the market available at this level includes a CA-BPM motor, and it was unclear if this level is achievable without using a CA-BPM fan motor. For MHOFS, the max-tech efficiency level is currently achieved by use of a heat exchanger with increased surface area.

As stated previously, for this final determination, DOE used the max-tech efficiency levels as presented in the November 2023 NOPD.

d. Summary of Efficiency Levels Analyzed

The AFUE efficiency levels analyzed along with the technologies that are expected to be used to increase energy efficiency above the baseline efficiency level for NWOFS, MHOFS, and WGFs are presented in Table IV.4, Table IV.5, and Table IV.6, respectively.

TABLE IV.4—AFUE EFFICIENCY LEVELS AND TECHNOLOGIES USED AT EACH EFFICIENCY LEVEL ABOVE BASELINE FOR NWOFS

Efficiency level	AFUE (%)	Description of technologies typically incorporated
0—Baseline	83	See Table IV.3 for baseline features.
1	85	Baseline EL + Increased heat exchanger area.
2	87	EL 1 + Increased heat exchanger area.
3—Max-tech	96	EL 2 + Addition of condensing secondary heat exchanger (and associated components, sensors, <i>etc.</i>) + CA-BPM motor.

TABLE IV.5—AFUE EFFICIENCY LEVELS AND TECHNOLOGIES USED AT EACH EFFICIENCY LEVEL ABOVE BASELINE FOR MHOFS

Efficiency level	AFUE (%)	Description of technologies typically incorporated
0—Baseline	80	See Table IV.3 for baseline features.
1	83	Baseline EL + Increased heat exchanger area.
2	85	EL 1 + Increased heat exchanger area.
3—Max-tech	87	EL 2 + Increased heat exchanger area.

TABLE IV.6—AFUE EFFICIENCY LEVELS AND TECHNOLOGIES USED AT EACH EFFICIENCY LEVEL ABOVE BASELINE FOR WGFs

Efficiency level	AFUE (%)	Description of technologies typically incorporated
0—Baseline	81	See Table IV.3 for baseline features.
1—Max-tech	95	Baseline EL + Addition of condensing secondary heat exchanger (and associated components, sensors, <i>etc.</i>).

2. Cost Analysis

The cost analysis portion of the engineering analysis is conducted using

one or a combination of cost approaches. The selection of cost approach depends on a suite of factors, including the availability and reliability

of public information, characteristics of the regulated product, and the availability and timeliness of purchasing the product on the market.

¹⁹ AHRI's Directory of Certified Product Performance (Available at: www.ahridirectory.org/Search/SearchHome) (last accessed May 6, 2024).

²⁰ California Energy Commission's MAEDbs (Available at: cacertappliances.energy.ca.gov/)

Pages/Search/AdvancedSearch.aspx) (last accessed May 6, 2024).

The cost approaches generally used by DOE are summarized as follows:

□ *Physical teardowns*: Under this approach, DOE physically dismantles commercially-available products, component-by-component, to develop a detailed bill of materials for the products.

□ *Catalog teardowns*: In lieu of physically deconstructing products, DOE identifies each component using parts diagrams (available from manufacturer websites or appliance repair websites, for example) to develop the bill of materials for the product.

□ *Price surveys*: If neither a physical nor a catalog teardown is feasible (e.g., for tightly integrated products such as fluorescent lamps, which are infeasible to disassemble and for which parts diagrams are unavailable), cost-prohibitive, or otherwise impractical (e.g., large commercial boilers), DOE conducts price surveys using publicly-available pricing data published on major online retailer websites and/or by soliciting prices from distributors and other commercial channels.

In the November 2023 NOPD, DOE conducted the cost analysis using a combination of physical and catalog teardowns. 88 FR 83426, 83443 (Nov. 29, 2023). DOE estimated the MPC associated with each efficiency level to characterize the cost-efficiency relationship of improving consumer furnace performance, in terms of AFUE.

The units selected for the teardown analysis for the November 2023 NOPD and used in this final determination spanned a range of manufacturers and efficiencies for commercially-available products that are the subject of this rulemaking. Products were selected that have characteristics of typical products on the market at a representative input capacity. Based on information gathered as part of the market and technology assessment (see section IV.A of this document), as well as discussions with manufacturers, DOE determined that 80 kBtu/h and 105 kBtu/h were representative input capacities for WGFs and oil furnaces, respectively. Where possible, DOE selected teardowns at those representative capacities. Where needed, catalog teardowns were also conducted to supplement the physical teardowns. DOE estimated the manufacturing cost for each furnace selected for teardown by disassembling the furnace and developing a bill of materials (“BOM”). The resulting BOM provides the basis for the MPC estimates for products at various efficiency levels spanning the full range of efficiencies from the baseline to max-tech.

To account for manufacturers’ non-production costs and profit margin, DOE applies a non-production cost multiplier (the manufacturer markup) to the MPC. The resulting manufacturer selling price (“MSP”) is the price at which the manufacturer distributes a unit into commerce. DOE developed an average manufacturer markup by examining the annual Securities and Exchange Commission (“SEC”) 10-K reports filed by publicly-traded manufacturers primarily engaged in HVAC manufacturing whose combined product range includes oil and weatherized gas furnaces. The manufacturer markup estimates are consistent with the manufacturer markups developed for a final rule for furnace fan energy conservation standards published in the **Federal Register** on July 3, 2014. 79 FR 38130. Specifically, DOE estimates the industry average manufacturer markup to be 1.35 for NWOFFs, 1.29 for MHOFFs, and 1.27 for WGFs.

In this final determination, DOE used the same cost analysis as in the November 2023 NOPD.

a. Teardown Analysis

For the November 2023 NOPD teardown analysis, DOE used a total of 31 teardowns of consumer furnaces as the basis for calculating industry MPCs. The units DOE selected for teardown are manufactured in considerable volume, are commonly available, and have features that DOE believes are representative of the most common characteristics (i.e., input capacity, configuration, and heat exchanger type) of each product class. As discussed previously, most physical teardown units had input capacities of approximately 80 kBtu/h for WGFs or 105 kBtu/h for NWOFFs and MHOFFs, which DOE considers to be representative of those furnace product classes. For units that were not at the representative capacity, an adjustment was developed to normalize all units to the representative capacity. To the extent possible, all major efficiency levels and technologies were captured in the selection of models for the teardown analysis. WGF and oil furnace teardowns were considered separately.

Whenever possible, DOE examined multiple models from a given manufacturer that capture different design options and used them as direct points of comparison. The teardown selections also minimized the incorporation of non-efficiency-related premium features, which otherwise could inflate the incremental manufacturing cost of achieving higher efficiency levels.

For the November 2023 NOPD, DOE examined products with a variety of indoor blower motor technologies and combustion systems (i.e., single-stage, two-stage, or modulating). DOE also examined products with PSC, constant-torque BPM (“CT-BPM”), and CA-BPM indoor blower motors. As further discussed in section IV.B.2.b of this document, DOE determined the cost of including these technologies and applied the costs in the downstream analyses to estimate the manufacturing cost of going from one technology to another with higher efficiency (e.g., using a CA-BPM instead of a CT-BPM, or two-stage combustion instead of single-stage combustion). Although such changes are not necessarily required due to changes in the AFUE level, DOE included these costs to better reflect the products available on the market such that it represents the products expected to be available in a scenario where the standard were set at that level.

Due to the similarity observed in NWOFF and MHOFF designs available in the market, DOE has found that the costs associated with increasing the energy efficiency of MHOFFs are equivalent to the costs for NWOFFs. A MHOFF teardown was used to examine key differences between NWOFFs and MHOFFs and confirmed that the MPCs of MHOFFs could be estimated based on the NWOFF teardowns. Therefore, in the November 2023 NOPD, DOE based MPC estimates for MHOFFs at each efficiency level analyzed largely on teardowns of NWOFFs at that efficiency level by determining the differences between the NWOFF and MHOFF product classes and estimating the costs associated with those differences.

b. Cost Estimation Method

In the November 2023 NOPD, DOE assigned costs of labor, materials, and overhead to each part, whether purchased or produced in-house. DOE then aggregated single-part costs into major assemblies (e.g., packaging, cabinet assembly, heat exchanger, burner system/gas train, exhaust subassembly, fan system, controls) and summarized these costs in a spreadsheet BOM. DOE repeated this same process for every physical and catalog teardown in the engineering analysis.

Analytical inputs related to manufacturer practices and cost structure play an important role in estimating the final cost of a product. DOE used inputs regarding the manufacturing process parameters (e.g., equipment use, labor rates, tooling depreciation, and cost of purchased raw materials) to determine the value for each furnace component. DOE collected

information on labor rates, tooling costs, raw material prices, and other factors to use as inputs into the cost estimates. DOE determined values for these parameters using internal expertise and confidential information available to its contractors, some of which was obtained via confidential interviews with manufacturers. For purchased parts, DOE estimated the purchase price based on volume-variable price quotations and detailed discussions with manufacturers and component suppliers. DOE then summed the values of the furnace components into assembly costs and, finally, the total MPC for the entire furnace.

The MPC includes material, labor, and depreciation costs, as well as the overhead costs associated with the manufacturing facility. Material costs include both raw materials and purchased-part costs. Labor costs include fabrication, assembly, and indirect and overhead (burdened) labor rates. Depreciation costs include production equipment depreciation, tooling depreciation, and building depreciation. The overhead costs associated with the manufacturing facility include indirect process costs, utilities, equipment and building maintenance, and reworking of defective parts/units.

DOE determined the costs of raw materials based on manufacturer interviews, quotes from suppliers, and secondary research. Past results are

updated periodically and/or inflated to present-day prices using indices from resources such as MEPS International,²¹ PolymerUpdate,²² the U.S. Geologic Survey (“USGS”),²³ and the U.S. Bureau of Labor Statistics (“BLS”).²⁴ Raw material prices for metals, such as those of stainless steel and other sheet metals, are estimated on the basis of five-year averages to smooth out spikes in demand. For other “raw” materials such as plastic resins, insulation materials, *etc.*, DOE used prices based on current market data (as of December 2022) rather than a five-year average, because non-metal raw materials have not experienced the same level of price volatility in recent years as metal raw materials.

DOE characterized parts based on whether manufacturers fabricated them in-house or purchased them from outside suppliers. For fabricated parts, DOE estimated the price of intermediate materials (*e.g.*, tube, sheet metal) and the cost of forming them into finished parts. For purchased parts, DOE estimated the purchase prices paid to the original equipment manufacturers (“OEMs”) of these parts, based on discussions with manufacturers during confidential interviews. Whenever possible, DOE obtained price quotes directly from the component suppliers used by furnace manufacturers whose products were examined in the engineering analysis. DOE determined that the components in Table IV.7 are

generally purchased from outside suppliers.

TABLE IV.7—PURCHASED FURNACE COMPONENTS

Assembly	Purchased subassemblies
Burner/Exhaust	Gas valve. Spark igniter. Draft inducer assembly.
Blower	Indoor blower fan blade. Indoor blower fan motor.
Controls	Control boards. Capacitors, transformers, contactors, switches, <i>etc.</i>

Certain factory parameters, such as fabrication rates, labor rates, and wages, also affect the cost of each unit produced. DOE factory parameter assumptions were based on internal expertise and manufacturer feedback. Table IV.8 lists the factory parameter assumptions used in the analysis. For the engineering analysis, these factory parameters, including production volume, are the same at every efficiency level. The production volume used at each efficiency level corresponds with the average production volume, per manufacturer, if 100 percent of all units manufactured were at that efficiency level. This production volume was estimated based on historical shipments. These assumptions are generalized to represent typical production and are not intended to model a specific factory.

TABLE IV.8—FACTORY PARAMETER ASSUMPTIONS

Parameter	Oil furnace estimate	WGF estimate
Actual Annual Production Volume (units/year)	5,000 units/year	500,000 units/year.
Purchased Parts Volume	5,000 units/year	100,000 units/year.
Workdays Per Year (days)	250	250.
Assembly Shifts Per Day (shifts)	1	2.
Fabrication Shifts Per Day (shifts)	2	2.
Fabrication Labor Wages (\$/h)	16	16.
Assembly Labor Wages (\$/h)	16	16.
Length of Shift (h)	8	8.
Average Equipment Installation Cost (% of purchase price)	10%	10%.
Fringe Benefits Ratio	50%	50%.
Indirect to Direct Labor Ratio	33%	33%.
Average Scrap Recovery Value	30%	30%.
Worker Downtime	10%	10%.
Burdened Assembly Labor Wage (\$/h)	24	24.
Burdened Fabrication Labor Wage (\$/h)	24	24.
Supervisor Span (workers/supervisor)	25/1	25/1.
Supervisor Wage Premium (over fabrication and assembly wage)	30%	30%.

²¹ For more information on MEPS International, please visit www.meps.co.uk/ (last accessed April 15, 2024).

²² For more information on PolymerUpdate, please visit www.polymerupdate.com (last accessed May 9, 2024).

²³ For more information on the USGS metal price statistics, please visit www.usgs.gov/centers/nmic/

commodity-statistics-and-information (last accessed May 9, 2024).

²⁴ For more information on the BLS producer price indices, please visit www.bls.gov/ppi/ (last accessed May 9, 2024).

Indoor Blower Motor Costs

As discussed in section IV.B.1.a of this document, the baseline design for WGFs includes a BPM motor. DOE research suggests that the predominant BPM indoor blower motors sold on the market today are either a CT-BPM or a CA-BPM design. Both types of motors rely on electronic variable-speed motor systems that are typically mounted in an external chassis to the back of the motor. CA-BPM motors utilize feedback control to adjust torque based on external static pressure (“ESP”) in order to maintain a desired airflow. This differentiates them from CT-BPM motors, which will maintain torque and likely decrease airflow output in environments with high ESPs. CT-BPMs are capable of achieving airflows similar to CA-BPMs but are generally less expensive. Therefore, for the

November 2023 NOPD, DOE considered the baseline design to include a CT-BPM motor for the WGF product class and determined the incremental cost of a CA-BPM motor.

DOE’s review of the market for the November 2023 NOPD showed that PSC motors are still being used in some NWOFS and MHOFS, so the final MPC results are presented based on a PSC motor at the baseline through 87-percent AFUE. To account for the variety of motor technologies available on the market, DOE determined the incremental cost associated with use of various types of more-efficient BPM fan motors as compared to baseline PSC motors for NWOFS and MHOFS. Additionally, for NWOFS, a CA-BPM indoor blower motor was implemented as the motor design option for the max-tech efficiency level because the only NWOFS model on the market available at

this level includes a CA-BPM motor, and it is unclear if this level is achievable without a constant-airflow fan. For the NWOFS efficiency levels below max-tech and for all MHOFS efficiency levels, DOE calculated the additional cost to switch from a PSC blower motor to either a CT-BPM motor or a CA-BPM motor. As discussed in Chapter 8 of the November 2022 Preliminary Analysis TSD, these costs are applied in the LCC and PBP analyses to determine the MPC of a furnace with each motor technology in order to better represent typical costs to consumers for NWOFS and MHOFS. CA-BPM blower motors are sometimes used as a utility-enhancing feature on units below the max-tech efficiency level. The incremental cost increases for using CT-BPM or CA-BPM motors, as compared to PSC motors, are outlined in Table IV.9.

TABLE IV.9—COST INCREASES FOR BPM BLOWER MOTORS AS COMPARED TO PSC MOTORS

Product class	Input capacity (kBtu/h)	Incremental cost increase for CT-BPM (2022\$)	Incremental cost increase for CA-BPM (2022\$)
NWOF, MHOF	105	\$30.65	\$80.48
WGF	80	37.94	59.92

Multi-Stage Furnaces

As explained in the November 2023 NOPD (see 88 FR 83426, 83445 (Nov. 29, 2023)), the market for WGFs contains a significant number of two-stage furnaces that are rated at the same efficiency as single-stage furnaces. DOE believes consumers sometimes choose to purchase two-stage products for the additional thermal comfort offered by furnaces with multiple stages of heating output. As such, in order to better represent typical costs to consumers, DOE analyzed the cost of multiple burner stages for WGFs. DOE determined that oil units with multi-staging were rare and, thus, not representative of the market, so DOE did not analyze the cost of multiple stages for the NWOFS and MHOFS product classes. Where applicable, the additional cost to change to a two-stage furnace includes the added cost of a two-stage gas valve, a two-speed inducer assembly, an additional pressure switch, and additional controls and wiring. The additional cost to change to a modulating furnace includes the added cost of a modulating gas valve, an inducer assembly, an upgraded pressure switch, and additional controls and wiring. The incremental costs to implement multi-staging in WGFs are outlined in Table IV.10

TABLE IV.10—MULTI-STAGE BURNER INCREMENTAL COST INCREASE AS COMPARED TO SINGLE-STAGE BURNER

Adder	Incremental cost increase for multi-stage burners (2022\$)
Two-Stage	\$21.07
Modulating	75.36

Low-NO_x and Ultralow-NO_x Furnaces

Some furnaces are marketed as “low-NO_x,” which indicates that their NO_x emissions are less than 40 nanograms of NO_x per joule of useful heat energy (“ng/J”). Certain local jurisdictions require natural gas furnaces to comply with NO_x emissions restrictions as low as 14 ng/J,²⁵ which is referred to as “ultralow-NO_x.” A common method of reducing furnace NO_x emissions is to slightly delay the natural gas combustion process, which in turn

produces a cooler flame and results in suppressed formation of NO_x.²⁶ DOE has observed during its teardown analysis that to achieve low-NO_x operation, manufacturers implement low-NO_x baffles. For ultralow-NO_x operation, DOE used NWGF teardowns to approximate the cost to implement this technology option in WGFs, as DOE understands that the methodology would be the same for both product classes. Through these teardowns of NWGFs, DOE has observed that in order to achieve ultralow-NO_x operation, the in-shot burners typically used in residential furnaces were replaced with a mesh premix burner. In addition, the model used a variable-speed BPM inducer fan motor. DOE identified an ultralow-NO_x WGF on the market and compared the burner construction for the torn-down NWGF and the ultralow-NO_x WGF. DOE found that the approach used for achieving ultralow-NO_x in WGFs is similar to that used in NWGFs. DOE also determined that oil units with ultralow-NO_x operation were rare and, thus, not representative of the market, so the Department did not

²⁵ Rule 1111 of the South Coast Air Quality Management District of Southern California currently requires that all NWGFs and MHGFs not exceed a 14 ng/J restriction on NO_x emissions. For more information on Rule 1111, see www.aqmd.gov/docs/default-source/rule-book/reg-xi/rule-1111.pdf?sfvrsn=4 (last accessed June 28, 2024).

²⁶ U.S. Environmental Protection Agency, Natural Gas Combustion (available at www3.epa.gov/ttnchie1/ap42/ch01/final/c01s04.pdf) (last accessed June 28, 2024).

analyze the cost of ultralow-NO_x for the NWOFF and MHOFF product classes.

Using raw material price data, teardown data from NWGFs, and manufacturing expertise, DOE estimated the manufacturing cost difference between standard NO_x burners and low-NO_x and ultralow-NO_x burners. For low-NO_x, MPC cost values were developed for the implementation of low-NO_x baffles in WGFs at the representative input capacity of 80 kBtu/h. For ultralow-NO_x, MPC values were developed for the implementation of a mesh premix burner and variable-speed BPM inducer fan (along with other related components necessary). The resulting MPC estimates to achieve low-NO_x and ultralow-NO_x operation are shown in Table IV.11.

In the LCC and PBP analyses (*see* section IV.E of this document), DOE estimated the fractions of furnaces that are installed in jurisdictions that require low-NO_x or ultralow-NO_x compliance and applied these cost adders to those fractions of furnace installations

accordingly. The application of these adders is discussed in more detail in Chapter 8 of the November 2022 Preliminary Analysis TSD.

TABLE IV.11—INCREASE IN MPCs FOR LOW-NO_x AND ULTRALOW-NO_x WGFs

Adder	Value (2022\$)
Low-NO _x	\$3.10
Ultralow-NO _x	113.68

Shipping Cost

Freight is not a manufacturing cost, but because it is a substantial cost incurred by the manufacturer, DOE accounts for shipping costs separately from other costs. For the November 2023 NOPD, DOE calculated shipping costs based on a typical 53-foot straight-frame trailer with a storage volume of 4,240 cubic feet.

DOE first calculated the cost per cubic foot of space on a trailer based on a cost of \$3,643 per shipping load and the

standard dimensions of a 53-foot trailer. This cost was determined based on a combination of full truck load freight quotations, manufacturer feedback, and BLS producer price indices for the “fuels and related products and power” grouping.²⁷ Then, DOE examined the average sizes of products in each product class at each efficiency and capacity combination analyzed. DOE estimated the shipping costs by multiplying the product volume by the cost per cubic foot of space on the trailer. Furnace dimensions typically do not change as a result of increases in efficiency, and accordingly, DOE’s shipping costs show no change across efficiency levels. In determining volumetric shipping costs, DOE also used manufacturer feedback regarding product mix on each trailer, packing efficiency, and methods and equipment used to load the trailers to revise the shipping costs. Table IV.12 shows the shipping costs for the products analyzed in this rulemaking.

TABLE IV.12—SHIPPING COSTS PER UNIT

Product class	Representative capacity (kBtu/h)	Per-unit shipping cost (2022\$)
WGF	80	\$55.69
NWOFF	105	19.92
MHOFF	105	19.92

3. Cost-Efficiency Results

The results of the engineering analysis are reported as cost-efficiency relationships (or “curves”) in the form of aggregated MPCs for each product class. The final results of the AFUE engineering analysis are the MPCs for WGFs, NWOFFs, and MHOFFs at each efficiency level. The cost-efficiency results are shown in tabular form in Table IV.13 through Table IV.15 as efficiency versus MPC and MSP. These results include the furnace fan and combustion system staging incorporated into most furnace designs.

TABLE IV.13—COST-EFFICIENCY DATA FOR WGFs WITH A CONSTANT-TORQUE BPM INDOOR BLOWER MOTOR AND A SINGLE-STAGE BURNER

AFUE	MPC (2022\$)	MSP (2022\$)
81	\$1,412.32	\$1,793.65
95	1,505.40	1,911.85

TABLE IV.14—COST-EFFICIENCY DATA FOR NWOFFs WITH A PSC INDOOR BLOWER MOTOR AND A SINGLE-STAGE BURNER

AFUE	MPC (2022\$)	MSP (2022\$)
83	\$700.73	\$945.98
85	730.94	986.77
87	761.16	1,027.57
96	1,334.85	1,802.05

TABLE IV.15—COST-EFFICIENCY DATA FOR MHOFFs WITH A PSC INDOOR BLOWER MOTOR AND A SINGLE-STAGE BURNER

AFUE	MPC (2022\$)	MSP (2022\$)
80	\$664.47	\$857.16
83	709.79	915.63
85	740.01	954.61
87	770.23	993.59

DOE did not receive comments in response to the engineering and cost

analysis methodology in the November 2023 NOPD and maintains the same methodology for the final determination.

C. Markups Analysis

The markups analysis develops appropriate markups (*e.g.*, distributor markups, retailer markups, contractor markups) in the distribution chain and sales taxes to convert the MSP estimates derived in the engineering analysis to consumer prices, which are then used in the LCC and PBP analyses. At each step in the distribution channel, companies mark up the price of the product to cover business costs and profit margin.

As part of the analysis, DOE identifies key market participants and distribution channels. For the subject consumer furnaces, the main parties in the distribution chains are: (1) manufacturers; (2) wholesalers or distributors; (3) retailers; (4) mechanical contractors; (5) builders; (6) manufactured home manufacturers, and (7) manufactured home dealers/retailers. For this final determination, DOE

²⁷ U.S. Department of Labor, Bureau of Labor Statistics, *Producer Price Indices* (available at:

data.bls.gov/timeseries/WPU057303?data_tool=XGtable) (last accessed June 28, 2024).

maintained the same approach as in the NOPD. DOE characterized two distribution channel market segments to describe how NWOs, MHOs, and WGFs pass from the manufacturer to residential and commercial consumers:²⁸ (1) replacements and new owners²⁹ and (2) new construction.

In the replacement and new owner market, the primary distribution channel for NWOs, MHOs, and WGFs is characterized as follow:

Manufacturer → Wholesaler → Mechanical Contractor → Consumer

DOE estimates that the above distribution channel applies to the majority of the shipments of the subject consumer furnaces.³⁰ As retail, including internet sales, grew significantly in the last five years (previously it was negligible) and some consumers purchase the appliance directly and then have contractors install it, DOE considered additional distribution channels as follows:³¹

Manufacturer → Retailer → Consumer
Manufacturer → Retailer → Mechanical Contractor → Consumer

For mobile home applications, there is another distribution channel considered on top of the aforementioned channels, where the MHO or WGF is purchased via a mobile home specialty retailer or dealer:³²

Manufacturer → Mobile Home Specialty Retailer/Dealer → Consumer

In the new construction market, DOE identified three primary distribution channels that involve builders, or manufactured home builders when considering mobile home applications:

Manufacturer → Wholesaler → Mechanical Contractor → Builder → Consumer

²⁸ DOE estimates that five percent of WGFs and three percent of NWOs are installed in commercial buildings.

²⁹ New owners are new furnace installations in buildings that did not previously have a NWO, MHO, or WGF, or existing owners that are adding an additional consumer furnace. They primarily consist of households that add or switch to these furnaces during a major remodel.

³⁰ In the residential sector, DOE estimates that this distribution channel is applicable to 90 percent of the shipments for NWOs and MHOs and 80 percent for WGFs; in the commercial sector, it is applied to 75 percent of NWO and 70 percent of WGF distributions.

³¹ In the residential sector, DOE estimates that these two distribution channels combined are applicable to five percent of the shipments for NWOs and MHOs, and 15 percent for WGFs (in mobile home applications, 10 percent of WGFs distributed to mobile homes is assumed to go through these channels); in the commercial sector, they are applied to 10 percent of NWO and 15 percent of WGF distributions.

³² DOE estimates that five percent of MHOs and 10 percent of WGFs that go to mobile homes are distributed through this channel.

Manufacturer → Wholesaler → Builder → Consumer

Manufacturer → Mobile Home Manufacturer → Mobile Home Dealer → Consumer

For both the replacements and new owners/new construction markets, DOE additionally considered the national accounts or direct-from-manufacturer distribution channel, where the manufacturer through a wholesaler sells directly consumers.³³

Manufacturer → Wholesaler (National Account) → Buyer → Consumer

DOE developed baseline and incremental markups for each actor in the distribution chain to ultimately determine the consumer purchase cost. Baseline markups are applied to the price of products with baseline efficiency, while incremental markups are applied to the difference in price between baseline and higher-efficiency models (*i.e.*, the incremental cost increase). The incremental markup is typically less than the baseline markup and is designed to maintain similar per-unit operating profit before and after new or amended standards.³⁴

DOE did not receive comments in response to the markups methodology in the November 2023 NOPD and maintains the same methodology for this final determination.

D. Energy Use Analysis

The purpose of the energy use analysis is to determine the annual energy consumption of oil and weatherized gas consumer furnaces at different efficiencies in representative U.S. homes and commercial buildings, and to assess the energy savings potential of increased oil and weatherized gas consumer furnace efficiency. The energy use analysis estimates the range of energy use of the

³³ The national accounts channel where the buyer is the same as the consumer is mostly applicable to NWOs and WGFs installed in small to mid-size commercial buildings, where on-site contractors purchase equipment directly from wholesalers at lower prices due to the large volume of equipment purchased and perform the installation themselves. DOE's analysis assumes that approximately 5 and 15 percent of NWOs and WGFs installed in the residential and commercial sector, respectively, use the national accounts distribution channel for replacements. For new construction, DOE assumes 10 percent of the subject furnaces installed in the residential sector and 20 percent installed in the commercial sector are distributed through national accounts.

³⁴ Because the projected price of standards-compliant products is typically higher than the price of baseline products, using the same markup for the incremental cost and the baseline cost would result in higher per-unit operating profit. While such an outcome is possible, DOE maintains that in markets that are reasonably competitive, it is unlikely that standards would lead to a sustainable increase in profitability in the long run.

subject products in the field (*i.e.*, as the products are actually used by consumers). The energy use analysis provides the basis for other analyses DOE performed, particularly assessments of the potential energy savings and the savings in consumer operating costs that could result from adoption of amended or new standards.

DOE estimated the annual energy consumption of oil and weatherized gas consumer furnaces at specific energy efficiency levels across a range of climate zones, building characteristics, and space heating needs. The annual energy consumption includes the natural gas, liquid petroleum gas ("LPG"), oil, and electricity, as applicable, used by the furnace.

For the November 2023 NOPD, DOE developed a building sample based on the Energy Information Administration's ("EIA's") 2015 Residential Energy Consumption Survey ("RECS 2015")³⁵ and 2012 Commercial Building Energy Consumption Survey ("CBECS 2012").³⁶ DOE used RECS 2015-reported or CBECS 2012-reported heating energy consumption (based on the existing heating system) to calculate the heating load of each household or building. The heating load represents the amount of heating required to keep a housing unit or building comfortable throughout an average year. DOE assigned the energy efficiency of existing systems based on the design of the distribution systems, a historical distribution of energy efficiencies for NWOs, MHOs, and WGFs, and data about the age of the existing furnace. The estimation of heating loads also required calculating the electricity consumption of the blower, because heat from the operation of the blower contributes to space heating. In addition, DOE made adjustments based on historical weather data, projections of building shell efficiency, and building square footage, as well as for homes that had secondary heating equipment that used the same fuel as the furnace. To complete the analysis, DOE calculated the anticipated energy consumption of alternative (more energy-efficient) products if they were to replace existing systems in each housing unit or commercial building.

In the November 2023 NOPD, DOE also included the electricity use of auxiliary equipment, such as condensate pumps and heat tape, which

³⁵ Energy Information Administration ("EIA"), 2015 Residential Energy Consumption Survey (RECS) (available at: www.eia.gov/consumption/residential/data/2015) (last accessed June 28, 2024).

³⁶ EIA, 2012 Commercial Buildings Energy Consumption Survey (CBECS) (available at: www.eia.gov/consumption/commercial/) (last accessed June 28, 2024).

are sometimes installed with higher-efficiency products. The electricity consumption of the auxiliary equipment is added to the total electricity consumption.

EIA recently published the microdata for the 2020 edition of RECS.³⁷ To assess the impact of using RECS 2020, DOE compared the LCC consumer sample in the July 2022 Consumer Furnace NOPR, which used RECS 2015, (see 87 FR 40590, 40624 (July 7, 2022)) to the consumer sample used in the December 2023 Consumer Furnace final rule consumer sample, which used RECS 2020 (see 88 FR 87502, 87547 (Dec. 18, 2023)). DOE assumed that changes in annual energy heating use between the two RECS editions for those consumer furnaces (*i.e.*, NWGFs and MHGFs) serve as a reasonable proxy for the relative change in oil and weatherized gas furnace energy use. As can be seen by comparing Table 7.4.1 of the TSDs for that NOPR and final rule, the reported estimated annual heating energy consumption by region and efficiency level is similar between the two versions of RECS for households with furnaces, with RECS 2020 showing a slightly lower energy consumption. Given in the space-heating end use for NWGFs compared with NWOFS, MHOFS, WOFs, WGFs, and EFs, and given that the estimated furnace energy use declines when updating to RECS 2020 for consumer furnaces, DOE has concluded that updating the consumer sample to RECS 2020 would not alter but only strengthen the conclusions of this final determination. Therefore, DOE continued to use RECS 2015 as the basis for its consumer sample, as was done in the November 2023 NOPD.

A similar comparison of commercial installations of oil and weather gas furnaces found similar energy use between CBECS 2012 used in the July 2022 Consumer Furnace NOPR (see 87 FR 40590, 40624 (July 7, 2022)) and CBECS 2018 used in the December 2023 Consumer Furnace final rule (see 88 FR 87502, 87547 (Dec. 18, 2023)). DOE also notes that commercial installations of oil and weatherized gas furnaces account for approximately five percent or less of total installations, as show in Table 6.2.1 of the Preliminary Analysis TSD. Given the relatively small number of installations in the commercial sector relative to the residential sector, DOE has concluded that changes between CBECS 2012 and 2018 would not significantly impact overall analytical

conclusions. Therefore, for this final determination, DOE continued to use CBECS 2012 as the basis of its commercial consumer sample, as was done in the November 2023 NOPD.

Chapter 7 of the November 2022 Preliminary Analysis TSD provides details on DOE's energy use analysis for oil and weatherized gas furnaces. DOE did not receive comments on its energy use analysis methodology in response to the November 2023 NOPD.

E. Life-Cycle Cost and Payback Period Analysis

DOE conducts LCC and PBP analyses to evaluate the economic impacts on individual consumers of potential amended energy conservation standards for oil and weatherized gas furnaces. The effect of new or amended energy conservation standards on individual consumers usually involves a reduction in operating cost and an increase in purchase cost. DOE typically uses the following two metrics to measure consumer impacts:

□ Life-Cycle Cost (LCC) is the total consumer expense of operating the product over the lifetime of that product, consisting of total installed cost (which includes manufacturer selling price, distribution chain markups, sales tax, and installation costs) plus operating costs (*e.g.*, expenses for energy use, maintenance, and repair). To compute the operating costs, DOE discounts future operating costs to the time of purchase and sums them over the lifetime of the product.

□ Payback Period (PBP) is the estimated amount of time (in years) it takes consumers to recover the increased purchase cost (including installation) of a more-efficient product through lower operating costs. DOE calculates the PBP by dividing the change in purchase cost at higher efficiency levels by the change in annual operating cost for the year that amended or new standards are assumed to take effect.

For any given efficiency level, DOE measures the change in LCC relative to the LCC in the no-new-standards case, which reflects the estimated efficiency distribution of the product in the absence of new or amended energy conservation standards. In contrast, the PBP for a given efficiency level is measured relative to the baseline product.

For each considered efficiency level in each product class, DOE calculated the LCC and PBP for a nationally representative set of housing units and, where appropriate, commercial buildings. As stated previously, DOE developed household and commercial

building samples from the from RECS 2015 and CBECS 2012. For each sample household or commercial building, DOE determined the energy consumption for the oil and weatherized gas furnaces and the appropriate energy price. By developing a representative sample of households and commercial buildings, the analysis captured the variability in energy consumption and energy prices associated with the use of oil and weatherized gas furnaces.

Inputs to the LCC calculation include the installed cost to the consumer, operating expenses, the lifetime of the product, and a discount rate. Inputs to the calculation of total installed cost include the cost of the product—which includes MPCs, manufacturer markups, retailer and distributor markups, and sales taxes (where applicable)—and installation costs. Inputs to the calculation of operating expenses include annual energy consumption, energy prices and price projections, repair and maintenance costs, product lifetimes, and discount rates. Inputs to the PBP calculation include the installed cost to the consumer and first-year operating expenses. DOE created distributions of values for installation cost, repair and maintenance, product lifetime, discount rates, and sales taxes, with probabilities attached to each value, to account for their uncertainty and variability.

The computer model DOE uses to calculate the LCC relies on a Monte Carlo simulation to incorporate uncertainty and variability into the analysis. The Monte Carlo simulations randomly sample input values from the probability distributions and product user samples. For this proceeding, the Monte Carlo approach is implemented in MS Excel together with the Crystal Ball™ add-on.³⁸ The model calculated the LCC for products at each efficiency level for 10,000 housing units or commercial buildings per simulation run. The analytical results include a distribution of 10,000 data points showing the range of LCC savings for a given efficiency level relative to the no-new-standards case efficiency distribution. In performing an iteration of the Monte Carlo simulation for a given consumer, product efficiency is chosen based on its probability. If the chosen product efficiency is greater than or equal to the efficiency of the standard level under consideration, the LCC calculation reveals that a consumer is

³⁷ EIA, 2020 Residential Energy Consumption Survey (RECS) (available at: www.eia.gov/consumption/residential/data/2020/index.php/) (last accessed June 11, 2024).

³⁸ Crystal Ball™ is a commercially-available software tool to facilitate the creation of these types of models by generating probability distributions and summarizing results within Excel (available at: www.oracle.com/middleware/technologies/crystalball.html) (last accessed June 11, 2024).

not impacted by the standard level. By accounting for consumers who are already projected to purchase more-efficient products than the baseline product in a given case, DOE avoids overstating the potential benefits from increasing product efficiency.

DOE calculated the LCC and PBP for consumers of oil and weatherized gas furnaces as if each were to purchase a new product in the expected first year

of required compliance with new or amended standards. Any amended standards would apply to oil and weatherized gas furnaces manufactured five years after the date on which any new or amended standard is published in the **Federal Register**. (42 U.S.C. 6295(m)(4)(A)(ii)) Therefore, DOE used 2030 as the first year of compliance with any amended standards.

Table IV.16 summarizes the approach and data DOE used to derive inputs to the LCC and PBP analyses. The subsections that follow provide further discussion. Details of the spreadsheet model, and how all inputs to the LCC and PBP analyses are applied, are contained in chapter 8 of the November 2022 Preliminary Analysis TSD and its appendices.

TABLE IV.16—SUMMARY OF INPUTS AND METHODS FOR THE LCC AND PBP ANALYSES *

Inputs	Source/method
Product Cost	Derived by multiplying MPCs by manufacturer and distribution chain markups and sales tax, as appropriate. Used historical data to derive a price-scaling index to project product costs.
Installation Costs	Baseline installation cost determined with data from RS Means 2023, manufacturer literature, and expert consultant. DOE assumed increased installation costs for condensing furnaces.
Annual Energy Use	The annual energy consumption per unit at each efficiency level (<i>see</i> section IV.D of this document). <i>Variability:</i> Based on RECS 2015 and CBECS 2012.
Energy Prices	<i>Natural Gas:</i> Based on EIA's Natural Gas Navigator data for 2022 and RECS 2015 and CBECS 2012 billing data. <i>Propane and Fuel Oil:</i> Based on EIA's State Energy Data System ("SEDS") for 2021. <i>Electricity:</i> Based on EIA's Form 861 data for 2022 and RECS 2015 and CBECS 2012 billing data. <i>Variability:</i> State energy prices determined for residential and commercial applications. Marginal prices used for natural gas, propane, and electricity prices.
Energy Price Trends	Residential and commercial prices were escalated by using EIA's 2023 <i>Annual Energy Outlook (AEO 2023)</i> forecasts to estimate future energy prices. Escalation was performed at the Census Division level.
Repair and Maintenance Costs	Baseline installation cost determined with data from RSMeans 2023, manufacturer literature, and expert consultant. DOE assumed increased repair and maintenance costs for condensing furnaces.
Product Lifetime	Based on shipments data, multi-year RECS, American Housing Survey, American Home Comfort Survey data. Average: 20.2–22.5 years.
Discount Rates	For residential end users, approach involves identifying all possible debt or asset classes that might be used to purchase the considered appliances or might be affected indirectly. Primary data source was the Federal Reserve Board's Survey of Consumer Finances. For commercial end users, DOE calculates commercial discount rates as the weighted-average cost of capital using various financial data.
Compliance Date	2030.

* References for the data sources mentioned in this table are provided in the sections following the table or in chapter 8 of the November 2022 Preliminary Analysis TSD. Energy price trends, product lifetimes, and discount rates are not used for the PBP calculation.

1. Product Cost

To calculate consumer product costs, DOE multiplied the MPCs developed in the engineering analysis by the markups described previously (along with sales taxes). DOE used different markups for baseline products and higher-efficiency products, because DOE applies an incremental markup to the increase in MSP associated with higher-efficiency products.

For the November 2023 NOPD, DOE estimated product prices in the year of compliance by using a least-squares power-law fit on the inflation-adjusted, unified price index (historical Producer Price Index ("PPI") data) for warm-air furnaces from BLS spanning the time period 1990–2018 versus cumulative shipments.³⁹ DOE did not receive comments on its price learning methodology in response to the November 2023 NOPD and maintains

³⁹ U.S. Department of Labor, Bureau of Labor Statistics, Produce Price Indices Series ID PCU333415333415C (available at: www.bls.gov/ppi/) (last accessed June 28, 2024).

this methodology for this final determination.

2. Installation Cost

The installation cost is the expense to the consumer of installing the furnace, in addition to the cost of the furnace itself. Installation cost includes all labor, overhead, and any miscellaneous materials and parts needed that are associated with the replacement of an existing furnace or the installation of a furnace in a new home, as well as delivery of the new furnace, removal of the existing furnace, and any applicable permit fees. Higher-efficiency furnaces may require a consumer to incur additional installation costs.

For the November 2023 NOPD, DOE used data from RSMeans,⁴⁰ manufacturer literature, and expert consultants to estimate the installation cost, including labor costs, for oil and weatherized gas furnaces. DOE's

⁴⁰ RSMeans Company Inc., RSMeans Cost Data, Kingston, MA (2023) (available at: www.rsmeans.com/products/online/) (last accessed June 11, 2024).

analysis of installation costs accounted for regional differences in labor costs by aggregating city-level labor rates from RSMeans into the 50 distinct States plus Washington, DC to match RECS 2015 and CBECS 2012 data. The installation cost methodology accounts for all potential installation cases, including when a noncondensing furnace is replaced with a condensing furnace, with particular attention to venting issues in replacement applications (*see* descriptions that follow). The installation cost also depends on the furnace installation location, which DOE determined using information from RECS 2015 and CBECS 2012.

For NWO replacement installations, DOE included a number of additional costs ("adders") for a fraction of the sample households that have particular features. For noncondensing furnaces, these additional costs included updating flue vent connectors, vent resizing, and chimney relining. For condensing furnaces, these additional costs included adding a new flue vent (polyvinyl chloride ("PVC")), adding

combustion air vents for direct vent installations (PVC), adding concealing vent pipes for indoor installations, addressing an orphaned water heater (by updating flue vent connectors, vent resizing, or chimney relining), and removing condensate, all based on manufacturer installation manuals and expert consultant input. Freeze protection (heat tape) is accounted for in the cost of condensate removal for a fraction of NWOFS installed in unconditioned attics.

For WGF installations, DOE included additional cost adders for condensing WGFs to dispose of the condensate created and to prevent freezing of the condensate, as the entire product is outdoors based on manufacturer installation manuals, field study reports, and expert consultant input. DOE also accounted for a fraction of installations in colder climates that could require freeze protection (heat tape), a condensate line being buried below the frost line, or a condensate pump.

DOE did not receive comments regarding its installation cost analysis in response to the November 2023 NOPD. Accordingly, DOE has maintained the same approach for this final determination.

For further information on the derivation of installation costs, see chapter 7 of the November 2022 Preliminary Analysis TSD.

3. Annual Energy Consumption

For each sampled household or commercial building, DOE determined the energy consumption for oil and weatherized gas furnaces at different efficiency levels using the approach described previously in section IV.D of this document.

4. Energy Prices

Energy bills to consumers typically include fixed costs (*i.e.*, costs that do not depend on consumption) and costs that depend on the level of consumption. To estimate the impact of standards on consumer operating costs, DOE calculated average energy prices, which represent the typical cost for a consumer to use energy, including fixed costs, and marginal energy prices, which represent the energy price consumers would pay for reduced consumption. Because marginal energy price more accurately captures the incremental savings associated with a change in energy use from higher efficiency, it provides a better representation of incremental change in consumer costs than average electricity prices. DOE applied average energy prices for the energy use of the product purchased in the no-new-standards

case, and marginal electricity prices for the incremental change in energy use associated with the other efficiency levels considered.

For the November 2023 NOPD, DOE derived 2022 annual residential and commercial electricity prices by State from EIA Form 861M data.⁴¹ DOE obtained 2022 annual residential and commercial natural gas prices by State from EIA's Natural Gas Navigator.⁴² DOE collected 2021 average LPG and fuel oil prices by State from EIA's 2021 State Energy Consumption, Price, and Expenditures Estimates and scaled to 2022 prices using *AEO 2023* data.⁴³ To determine monthly prices for use in the analysis, DOE developed monthly energy price factors for each fuel based on long-term monthly price data. Monthly electricity and natural gas prices were adjusted using seasonal marginal price factors to determine monthly marginal electricity and natural gas prices. These marginal energy prices were used to determine the cost to the consumer of the change in energy consumed. Because marginal price data is only available for residential electricity and natural gas, DOE only developed marginal monthly prices for these fuels. For LPG and fuel oil, DOE used average monthly prices.

To estimate energy prices in future years, DOE multiplied the 2022 energy prices by the projection of annual average price changes for each State from the Reference case in *AEO 2023*, which has an end year of 2050.⁴⁴ To estimate price trends after 2050, DOE used the average annual rate of change in prices from 2046 through 2050. See chapter 8 of the November 2022 Preliminary Analysis TSD for details.

To assess the impact of updated energy price estimates, DOE compared the energy price estimates in 2030 from the November 2023 NOPD to the projected estimates using updated EIA energy price data from 2023. The results of this comparison are presented in Table IV.17.

⁴¹ EIA, Form EIA-861M (formerly EIA-826) detailed data (2022) (available at: www.eia.gov/electricity/data/eia861m/) (last accessed June 1, 2024).

⁴² EIA, Natural Gas Navigator (2022) (available at: www.eia.gov/naturalgas/data.php) (last accessed June 1, 2024).

⁴³ EIA, 2021 State Energy Data System (2021) (available at: www.eia.gov/state/seds/) (last accessed June 1, 2024).

⁴⁴ EIA, *Annual Energy Outlook 2023 with Projections to 2050* (available at: www.eia.gov/forecasts/aeo/) (last accessed June 1, 2024).

TABLE IV.17—SUMMARY OF ENERGY PRICE COMPARISON OF 2023 EIA DATA RELATIVE TO NOVEMBER 2023 NOPD

Energy type	Percent change in 2030 energy price
Electricity	– 20
Natural Gas	+1
LPG	+1
Fuel Oil	– 16

Based upon this review, DOE has determined that energy prices have either not changed significantly, as in the case of natural gas and LPG, or have decreased, as in the case of electricity and fuel oil, relative to the energy prices used in the November 2023 NOPD. Consequently, updating energy prices would either have no impact on analytical results or decrease operating cost savings, thereby further justifying DOE's decision to not amend the existing energy conservation standards for oil and weatherized gas furnaces. DOE did not receive comments regarding energy prices in response to the November 2023 NOPD. As a result, DOE has continued to use the energy prices from the November 2023 NOPD in this determination.

5. Maintenance and Repair Costs

Repair costs are associated with repairing or replacing product components that have failed in an appliance, whereas maintenance costs are associated with maintaining the operation of the product. The maintenance and repair costs (including labor hours, component costs, and frequency) at each considered efficiency level are derived based on 2023 *RSMeans Facilities Maintenance and Repair Data*,⁴⁵ manufacturer literature, consultant input, and industry reports. DOE also accounted for regional differences in labor costs based on these 2023 *RSMeans* data.

DOE assumes that condensing furnaces have a higher maintenance cost than noncondensing furnaces, but that this maintenance cost is the same at all noncondensing or condensing efficiency levels within each product class. The additional maintenance cost for condensing furnaces includes maintenance tasks related to the condensate withdrawal system (such as condensate pump or condensate neutralizer filter) and additional

⁴⁵ *RSMeans Company Inc., RSMeans Facilities Maintenance & Repair Cost Data* (2023) (available at: www.rsmeans.com/) (last accessed June 11, 2024).

maintenance related to the cleaning or checking of the heat exchanger (in particular, for condensing oil-fired furnaces using high-sulfur fuel oil).

DOE also assumes that condensing furnaces have a higher repair cost than noncondensing furnaces, but the repair cost is the same at all noncondensing or condensing efficiency levels within each product class.

DOE did not receive comments on its maintenance and repair cost methodology in response to the November 2023 NOPD, and accordingly, the Department has maintained the same methodology for this final determination.

For more details on DOE's methodology for calculating maintenance and repair costs, including all online resources reviewed, see appendix 8E of the November 2022 Preliminary Analysis TSD.

6. Product Lifetime

Product lifetime is the age at which an appliance is retired from service. DOE conducted an analysis of furnace lifetimes based on the methodology described in a journal paper.⁴⁶ For the November 2023 NOPD, DOE relied on RECS 1990, 1993, 2001, 2005, 2009, and 2015.⁴⁷ DOE also used the U.S. Census's biennial American Housing Survey ("AHS") from 1974 to 2021, which surveys all housing, noting the presence of a range of appliances.⁴⁸ DOE used the appliance age data from these surveys, as well as the historical furnace shipments, to generate an estimate of the survival function. The survival function provides a lifetime range from minimum to maximum, as well as an average lifetime. For oil and weatherized gas furnaces, DOE developed Weibull distributions resulting in an average lifetime of 20.2 to 22.5 years (based on region).

DOE did not receive any comments on the lifetime distributions used in the November 2023 NOPD. As oil and weatherized gas furnaces have not changed significantly since the

November 2023 NOPD, DOE maintains the same lifetime distribution in this final determination.

Appendix 8F of the November 2022 Preliminary Analysis TSD provides further details on the methodology and sources DOE used to develop the subject furnace lifetimes.

7. Discount Rates

In the calculation of LCC, DOE applies discount rates appropriate to estimate the present value of future expenditures and savings. DOE estimated a distribution of discount rates for oil and weatherized gas furnaces based on the opportunity cost of funds. DOE estimates discount rates separately for residential and commercial end users.

For residential end users, DOE applies weighted-average discount rates calculated from consumer debt and asset data, rather than marginal or implicit discount rates.⁴⁹ The LCC analysis estimates net present value over the lifetime of the product, so the appropriate discount rate will reflect the general opportunity cost of household funds, taking this timescale into account. Given the long time horizon modeled in the LCC analysis, the application of a marginal interest rate associated with an initial source of funds is inaccurate. Regardless of the method of purchase, consumers are expected to continue to rebalance their debt and asset holdings over the LCC analysis period, based on the restrictions consumers face in their debt payment requirements and the relative size of the interest rates available on debts and assets.

To establish residential discount rates for the LCC analysis, DOE identified all relevant household debt or asset classes in order to approximate a consumer's opportunity cost of funds related to appliance energy cost savings. It estimated the average percentage shares of the various types of debt and equity by household income group using data from the Federal Reserve Board's triennial Survey of Consumer

Finances⁵⁰ ("SCF"). Using the SCF and other sources, DOE developed a distribution of rates for each type of debt and asset by income group to represent the rates that may apply in the year in which amended standards would take effect. DOE assigned each sample household a specific discount rate drawn from one of the distributions.

For commercial end users, DOE estimated the weighted-average cost of capital using data from various financial sources. The weighted-average cost of capital is commonly used to estimate the present value of cash flows to be derived from a typical company project or investment. Most companies use both debt and equity capital to fund investments, so their cost of capital is the weighted average of the cost to the firm of equity and debt financing.

DOE did not receive comments on its discount rate distribution methodology in response to the November 2023 NOPD, and accordingly, the Department has maintained the same methodology for this final determination.

See appendix 8G of the November 2022 Preliminary Analysis TSD for further details on the development of discount rates.

8. Energy Efficiency Distribution in the No-New-Standards Case

To accurately estimate the share of consumers that would be affected by a potential energy conservation standard at a particular efficiency level, DOE's LCC analysis considered the projected distribution (*i.e.*, market shares) of product efficiencies under the no-new-standards case (*i.e.*, the case without amended or new energy conservation standards) in the compliance year (2030). This approach reflects the fact that some consumers may purchase products with efficiencies greater than the baseline levels, even in the absence of new or amended standards.

For consumer furnaces, DOE had limited historical-shipments data by efficiency level. For NWOs/MHOs, DOE reviewed market shares from HARDI 2013–2022 data and BRG 2007–2022 data.^{51 52} The shipments data are not disaggregated between NWOs and

⁴⁶ Lutz, J., *et al.*, "Using National Survey Data to Estimate Lifetimes of Residential Appliances," *HVAC&R Research* (2011) 17(5): p. 28 (available at: www.tandfonline.com/doi/abs/10.1080/10789669.2011.558166) (last accessed June 1, 2024).

⁴⁷ EIA, *Residential Energy Consumption Survey ("RECS")*, Multiple Years (1990, 1993, 1997, 2001, 2005, 2009, and 2015) (available at: www.eia.gov/consumption/residential/) (last accessed June 1, 2024).

⁴⁸ U.S. Census Bureau: Housing and Household Economic Statistics Division, *American Housing Survey*, Multiple Years (1974, 1975, 1976, 1977, 1978, 1979, 1980, 1981, 1983, 1985, 1987, 1989, 1991, 1993, 1995, 1997, 1999, 2001, 2003, 2005, 2007, 2009, 2011, 2013, 2015, 2017, 2019, and 2021) (available at: www.census.gov/programs-surveys/ahs/) (last accessed June 1, 2024).

⁴⁹ The implicit discount rate is inferred from a consumer purchase decision between two otherwise identical goods with different first cost and operating cost. It is the interest rate that equates the increment of first cost to the difference in net present value of lifetime operating cost, incorporating the influence of several factors: transaction costs, risk premiums and response to uncertainty, time preferences, and interest rates at which a consumer is able to borrow or lend. The implicit discount rate is not appropriate for the LCC analysis because it reflects a range of factors that influence consumer purchase decisions, rather than the opportunity cost of the funds that are used in purchases.

⁵⁰ The Federal Reserve Board, *Survey of Consumer Finances* (1995, 1998, 2001, 2004, 2007, 2010, 2013, 2016, and 2019) (available at: www.federalreserve.gov/econres/scfindex.htm) (last accessed June 11, 2024).

⁵¹ Heating, Air-conditioning and Refrigeration Distributors International (HARDI), DRIVE portal (HARDI Visualization Tool managed by D+R International until 2022), proprietary Gas Furnace Shipments Data from 2013–2022 provided to Lawrence Berkeley National Laboratory (LBNL).

⁵² BRG Building Solutions. *The North American Heating & Cooling Product Markets* (2022 Edition) (Available at: www.brgbuildingsolutions.com/reports-insights) (last accessed June 28, 2024).

MHOFs, but DOE assigned all shipments data below 83-percent AFUE to MHOFs. For WGFs, DOE had insufficient historical shipments data by efficiency level to develop a reliable efficiency distribution. To cover the lack of available shipments data, DOE referred to CCD⁵³ for furnaces to

develop efficiency distributions based on available models for WGFs.

DOE did not receive additional data or comments on estimated market shares in the no-new-standard case in response to the November 2023 NOPD. Accordingly, DOE used estimates from the November 2023 NOPD for this final determination.

The estimated market shares for the no-new-standards case for oil and weatherized gas furnaces are shown in Table IV.18 of this document. See chapter 8 of the November 2022 Preliminary Analysis TSD for further information on the derivation of the efficiency distributions.

TABLE IV.18—NO-NEW-STANDARDS CASE EFFICIENCY DISTRIBUTIONS IN 2030 FOR OIL AND WEATHERIZED GAS FURNACES

Product class	Efficiency level	Distribution (%)
NWOF	Baseline	37.2
	1	60.0
	2	1.5
	3	1.3
MHOF	Baseline	95
	1	2
	2	3
	3	0
WGF	Baseline	96
	1	4

The LCC Monte Carlo simulations draw from the efficiency distributions and randomly assign an efficiency to the oil and weatherized gas furnaces purchased by each sample household and commercial business in the no-new-standards case. The resulting percent shares within the sample match the market shares in the efficiency distributions.

9. Payback Period Analysis

The payback period is the amount of time (expressed in years) it takes the consumer to recover the additional installed cost of more-efficient products, compared to baseline products, through energy cost savings. Payback periods that exceed the life of the product mean that the increased total installed cost is not recovered in reduced operating expenses.

The inputs to the PBP calculation for each efficiency level are the change in total installed cost of the product and the change in the first-year annual operating expenditures relative to the baseline. DOE refers to this as a “simple PBP” because it does not consider changes over time in operating cost savings. The PBP calculation uses the same inputs as the LCC analysis when deriving first-year operating costs, except that discount rates are not needed.

DOE did not receive comments on its PBP calculation in response to the

November 2023 NOPD, and accordingly, the Department has maintained the same methodology for this final determination.

F. Shipments Analysis

DOE uses projections of annual product shipments to calculate the national impacts of potential amended or new energy conservation standards on energy use, NPV, and future manufacturer cash flows.⁵⁴ The shipments model takes an accounting approach, tracking market shares of each product class and the vintage of units in the stock. Stock accounting uses product shipments as inputs to estimate the age distribution of in-service product stocks for all years. The age distribution of in-service product stocks is a key input to calculations of both the NES and NPV, because operating costs for any year depend on the age distribution of the stock.

In response to the November 2023 NOPD, Chiafullo suggested that DOE should avoid any regulation that would essentially require people who currently use natural gas in their homes to switch to electric energy. The commenter stated that, in the event of changes to the energy efficiency standards for consumer furnaces, consumers would be faced with the prohibitive cost of switching from gas-powered to electric appliances, coupled with the fact that owners of electric appliances would

need generators when the electricity is out. (Chiafullo, No. 31 at p. 1)

In response, DOE has determined that energy conservation standards for oil, electric, and weatherized gas furnaces do not need to be amended and, hence, there will be no market impact associated with this final determination.

DOE did not receive additional historical shipments data to update shipments projections in response to the November 2023 NOPD. DOE notes that although there may be additional historical data available for 2023, including an additional year of historical data would be expected to have a minimal impact on projected shipments over the shipments analysis period (2030–2059). Additionally, the November 2023 NOPD relied on *AEO 2023*, which remains the most recent available edition for *AEO* for many key inputs related to future product demand. For these reasons, DOE continues to use shipments from the November 2023 NOPD for this final determination.

As discussed in the November 2023 NOPD, DOE estimates that the shipments of NWOFs and MHOFs have declined by more than 70 percent over the past 20 years. 88 FR 83426, 83459 (Nov. 29, 2023). Shipments for oil furnaces have accounted for less than 1 percent of the consumer furnaces market over the past 10 years, and

⁵³ U.S. Department of Energy Compliance Certification Database (“CCD”) (Available at: www.regulations.doe.gov/certification-data/) (last accessed June 28, 2024).

⁵⁴ DOE uses data on manufacturer shipments as a proxy for national sales, as aggregate data on sales are lacking. In general, one would expect a close correspondence between shipments and sales.

shipments for weatherized gas have accounted for seven percent of the consumer furnace market over the past 20 years. *Id.* Additionally, DOE estimates shipments of both oil and weatherized gas consumer furnaces have been flat or declining over time. *Id.* These trends have been considered as a part of this final determination in section V.C.4 of this document.

G. National Impact Analysis

The NIA assesses the NES and the NPV from a national perspective of total consumer costs and savings that would be expected to result from new or amended energy conservation standards at specific efficiency levels.⁵⁵ (“Consumer” in this context refers to consumers of the product being regulated.) DOE calculates the NES and NPV for the potential standard levels considered based on projections of annual product shipments, along with

the annual energy consumption and total installed cost data from the energy use and LCC analyses.⁵⁶ For the present analysis, DOE projected the energy savings, operating cost savings, product costs, and NPV of consumer benefits over the lifetime of oil and weatherized gas furnaces sold from 2030 through 2059.

DOE evaluates the impacts of new or amended standards by comparing a case without such standards with standards-case projections. The no-new-standards case characterizes energy use and consumer costs for each product class in the absence of new or amended energy conservation standards. For this projection, DOE considers historical trends in efficiency and various forces that are likely to affect the mix of efficiencies over time. DOE compares the no-new-standards case with projections characterizing the market for

each product class if DOE adopted new or amended standards at specific energy efficiency levels for that class. For the standards cases, DOE considers how a given standard would likely affect the market shares of products with efficiencies greater than the standard.

DOE uses a spreadsheet model to calculate the energy savings and the national consumer costs and savings from each EL. Interested parties can review DOE’s analyses by changing various input quantities within the spreadsheet. The NIA spreadsheet model uses typical values (as opposed to probability distributions) as inputs.

Table IV.19 summarizes the inputs and methods DOE used for the NIA for the final determination. Discussion of these inputs and methods follows the table. See chapter 10 of the November 2022 Preliminary Analysis TSD for details.

TABLE IV.19—SUMMARY OF INPUTS AND METHODS FOR THE NATIONAL IMPACT ANALYSIS

Inputs	Method
Shipments	Annual shipments from shipments model.
Compliance Date of Standard	2030.
Efficiency Trends	<i>No-new-standards case</i> : Based on historical data. <i>Standards cases</i> : Roll-up in the compliance year and then DOE-estimated growth in shipment-weighted efficiency in all the standards cases, except max-tech.
Annual Energy Consumption per Unit.	Annual weighted-average values are a function of energy use at each EL. Incorporates projection of future energy use based on <i>AEO 2023</i> projections for heating degree days (“HDD”), cooling degree days (“CDD”), and building shell efficiency index.
Total Installed Cost per Unit	Annual weighted-average values are a function of cost at each EL. Incorporates projection of future product prices based on historical data.
Annual Energy Cost per Unit	Annual weighted-average values as a function of the annual energy consumption per unit and energy prices.
Repair and Maintenance Cost per Unit.	Annual weighted-average values increase for condensing levels.
Energy Price Trends	<i>AEO 2023</i> projections (to 2050) and extrapolation after 2050.
Energy Site-to-Primary and FFC Conversion.	A time-series conversion factor based on <i>AEO 2023</i> .
Discount Rate	3% and 7%.
Present Year	2023.

1. Product Efficiency Trends

A key component of the NIA is the trend in energy efficiency projected for the no-new-standards case and each of the standards cases. Section IV.E.8 of this document describes how DOE developed an energy efficiency distribution for the no-new-standards case (which yields a shipment-weighted average efficiency) for each of the considered product classes for the year of anticipated compliance with an amended or new standard (2030).

For the standards cases, DOE used a “roll-up” scenario to establish the shipment-weighted efficiency for the year that standards are assumed to

become effective (2030). In this scenario, the market shares of products in the no-new-standards case that do not meet the standard under consideration would “roll up” to meet the new standard level, and the market share of products above the standard would remain unchanged.

To develop standards case efficiency trends after 2030, DOE estimated growth in shipment-weighted efficiency in the standards cases, except in the max-tech standards case.

2. National Energy Savings

The NES analysis involves a comparison of national energy

consumption of the considered products between each potential standards case and the case with no new or amended energy conservation standards. DOE calculated the national energy consumption by multiplying the number of units (*i.e.*, stock) of each product (by vintage or age) by the unit energy consumption (also by vintage). DOE calculated annual NES based on the difference in national energy consumption for the no-new-standards case and for each higher-efficiency standards case. DOE estimated energy consumption and savings based on site energy and converted the electricity consumption and savings to primary

⁵⁵ The NIA accounts for impacts in the United States and U.S. territories.

⁵⁶ For the NIA, DOE adjusts the installed cost data from the LCC analysis to exclude sales tax, which is a transfer.

energy (*i.e.*, the energy consumed by power plants to generate site electricity) using annual conversion factors derived from *AEO 2023*. For natural gas and LPG, primary energy consumption is the same as site energy consumption. Cumulative energy savings are the sum of the NES for each year over the timeframe of the analysis.

Use of higher-efficiency products is sometimes associated with a direct rebound effect, which refers to an increase in utilization of the product due to the increase in efficiency. In the November 2023 NOPD, DOE applied a rebound effect of 15 percent for residential applications by reducing the site energy savings (and the associated primary and FFC energy savings) for oil and weatherized gas furnaces. However, for commercial applications, DOE applied no rebound effect in order to be consistent with other recent standards rulemakings.

DOE did not receive comments on rebound in response to the November 2023 NOPD. Accordingly, DOE has maintained the same approach for this final determination.

In 2011, in response to the recommendations of a committee on “Point-of-Use and Full-Fuel-Cycle Measurement Approaches to Energy Efficiency Standards” appointed by the National Academy of Sciences, DOE announced its intention to use FFC measures of energy use and greenhouse gas and other emissions in the NIAs and emissions analyses included in future energy conservation standards rulemakings. 76 FR 51281 (August 18, 2011). After evaluating the approaches discussed in the August 18, 2011 notice, DOE published a statement of amended policy in which DOE explained its determination that EIA’s National Energy Modeling System (“NEMS”) is the most appropriate tool for its FFC analysis and its intention to use NEMS for that purpose. 77 FR 49701 (August 17, 2012). NEMS is a public domain, multi-sector, partial equilibrium model of the U.S. energy sector⁵⁷ that EIA uses to prepare its *Annual Energy Outlook*. The FFC factors incorporate losses in production and delivery in the case of natural gas (including fugitive emissions) and additional energy used to produce and deliver the various fuels used by power plants. The approach used for deriving FFC measures of energy use and emissions is described

in appendix 10B of the November 2022 Preliminary Analysis TSD.

The Joint Advocates commented that because the annual operating costs for baseline NWOs exceed \$2,000 and NWOs have an outsized impact on greenhouse gas emissions, improved standards for NWOs are particularly important for improving energy affordability and contributing to decarbonization goals. (Joint Advocates, No. 34 at p. 2)

In response, DOE notes that NWO shipments have declined by more than 70 percent over the past 20 years and are likely to continue to decrease over the analysis period. Given the projected declining market for NWOs, their contribution to greenhouse gas emissions is likewise projected to decrease over the analysis period in the absence of standards. Furthermore, DOE notes that, given the small role of oil furnaces in the overall furnace market and their low sales volume relative to the consumer boiler and consumer water heater markets, manufacturers faced with amended standards may deprioritize updates for these product classes and instead choose to exit the market. Although the existing oil-fired furnace market currently has a diversity of competitors, the loss of a few manufacturers could lead to shifts in market competition and availability of products that cover the full range of capacities. Such scenario may impact consumer’s ability to obtain a suitable replacement for a failed NWO.

3. Net Present Value Analysis

The inputs for determining the NPV of the total costs and benefits experienced by consumers are: (1) total annual installed cost; (2) total annual operating costs (which include energy costs and repair and maintenance costs), and (3) a discount factor to calculate the present value of costs and savings. DOE calculates net savings each year as the difference between the no-new-standards case and each standards case in terms of total savings in operating costs versus total increases in installed costs. DOE calculates operating cost savings over the lifetime of each product shipped during the projection period.

As discussed in section IV.E.1 of this document, DOE developed oil and weatherized gas furnaces price trends based on historical PPI data and cumulative shipments. DOE applied the same trends to project prices for each product class at each considered efficiency level. By 2059, which is the end date of the projection period, the average oil and weatherized gas furnace price is projected to drop 17 percent relative to 2022. DOE’s projection of

product prices is described further in chapter 10 of the November 2022 Preliminary Analysis TSD.

The operating cost savings are energy cost savings minus any repair and maintenance cost increases. Energy cost savings are calculated using the estimated energy savings in each year and the projected price of the appropriate form of energy. To estimate energy prices in future years, DOE multiplied the national-average energy prices by the projection of annual national-average residential (or commercial, as appropriate) energy price changes in the *AEO 2023* Reference case, which has an end year of 2050. To estimate price trends after 2050, DOE used the average annual rate of change in prices from 2046 through 2050. Repair and maintenance cost for each of the efficiency levels is calculated in the LCC, and repair and maintenance cost increases are calculated as the repair and maintenance cost differential between efficiency levels.

In calculating the NPV, DOE multiplies the net savings in future years by a discount factor to determine their present value. For this final determination, DOE estimated the NPV of consumer benefits using both a 3-percent and a 7-percent real discount rate. DOE uses these discount rates in accordance with guidance provided by the Office of Management and Budget (“OMB”) to Federal agencies on the development of regulatory analysis.⁵⁸ The discount rates for the determination of NPV are in contrast to the discount rates used in the LCC analysis, which are designed to reflect a consumer’s perspective. The 7-percent real value is an estimate of the average before-tax rate of return to private capital in the U.S. economy. The 3-percent real value represents the “social rate of time preference,” which is the rate at which society discounts future consumption flows to their present value.

V. Analytical Results and Conclusions

The following section addresses the results from DOE’s analyses with respect to the considered energy conservation standards for oil and weatherized gas furnaces. It addresses the efficiency levels (“ELs”) examined by DOE (see section IV.B.1 of this

⁵⁷ For more information on NEMS, refer to *The National Energy Modeling System: An Overview May 2023*, DOE/EIA (May 2023) (Available at: [www.eia.gov/outlooks/archive/0581\(2023\).pdf](http://www.eia.gov/outlooks/archive/0581(2023).pdf)) (last accessed July 22, 2024).

⁵⁸ U.S. Office of Management and Budget, *Circular A-4: Regulatory Analysis* (Available at: www.whitehouse.gov/omb/information-for-agencies/circulars) (last accessed June 11, 2024). DOE used the prior version of Circular A-4 (September 17, 2003) in accordance with the effective date of the November 9, 2023 version (Available at: www.whitehouse.gov/wp-content/uploads/legacy_drupal_files/omb/circulars/A4/a-4.pdf) (last accessed June 11, 2024).

document) and the projected impacts of each of these levels if adopted as energy conservation standards for the subject oil and weatherized gas furnaces. Additional details regarding DOE's analyses are contained in the November 2022 Preliminary Analysis TSD supporting this document.

A. Economic Impacts on Individual Consumers

DOE analyzed the economic impacts on oil and weatherized gas furnace consumers by looking at the effects that potential amended energy conservation standards at each EL would have on the LCC and PBP. This approach allowed DOE to assess the potential standards' cost-effectiveness (*i.e.*, the savings in operating costs throughout the estimated average life of oil and weatherized gas furnaces compared to any increase in the price of, or in the initial charges for, or maintenance

expenses of, oil and weatherized gas furnaces which are likely to result from the imposition of a standard). These analyses are discussed in the following sections.

In general, higher-efficiency products can affect consumers in two ways: (1) purchase price increases, and (2) annual operating costs decrease. Inputs used for calculating the LCC and PBP include total installed costs (*i.e.*, product price plus installation costs), and operating costs (*i.e.*, annual energy use, energy prices, energy price trends, repair costs, and maintenance costs). The LCC calculation also uses product lifetime and a discount rate. Chapter 8 of the November 2022 Preliminary Analysis TSD provides detailed information on the LCC and PBP analyses.

Table V.1 through Table V.6 show the average LCC and PBP results for the ELs considered for each product class of oil and weatherized gas furnaces. In the

first of each pair of tables, the simple payback is measured relative to the baseline level. In the second table, the impacts are measured relative to the efficiency distribution in the no-new-standards case in the compliance year. The LCC and PBP results for oil and weatherized gas furnaces include both residential and commercial users. Because some consumers purchase products with higher efficiency in the no-new-standards case, the average savings are less than the difference between the average LCC of the baseline product and the average LCC at each EL. The savings refer only to consumers who are affected by a standard at a given EL. Those who already purchase a product with efficiency at or above a given EL are not affected. Consumers for whom the LCC increases at a given EL experience a net cost.

TABLE V.1—AVERAGE LCC AND PBP RESULTS FOR NWOFS

Efficiency level	Average costs (2022\$)				Simple payback (years)	Average lifetime (years)
	Installed cost	First year's operating cost	Lifetime operating cost	LCC		
Baseline	4,333	2,132	32,211	36,544	.....	22.2
1	4,392	2,086	31,528	35,920	1.3	22.2
2	4,451	2,043	30,876	35,327	1.3	22.2
3	5,898	1,920	29,212	35,110	7.4	22.2

Note: The results for each EL are calculated assuming that all consumers use products at that efficiency level. The PBP is measured relative to the baseline product.

TABLE V.2—AVERAGE LCC SAVINGS RELATIVE TO THE NO-NEW-STANDARDS CASE FOR NWOFS

Efficiency level	Life-cycle cost savings	
	Average LCC savings * (2022\$)	Percentage of consumers that experience net cost (%)
1	608	0.5
2	820	1.4
3	1015	37.0

Note: The savings represent the average LCC for affected consumers.

TABLE V.3—AVERAGE LCC AND PBP RESULTS FOR MHOFS

Efficiency level	Average costs (2022\$)				Simple payback (years)	Average lifetime (years)
	Installed cost	First year's operating cost	Lifetime operating cost	LCC		
Baseline	3,377	1,142	17,913	21,290	.....	22.6
1	3,465	1,107	17,371	20,836	2.5	22.6
2	3,523	1,085	17,030	20,553	2.5	22.6
3	3,581	1,063	16,705	20,286	2.6	22.6

Note: The results for each EL are calculated assuming that all consumers use products at that efficiency level. The PBP is measured relative to the baseline product.

TABLE V.4—AVERAGE LCC SAVINGS RELATIVE TO THE NO-NEW-STANDARDS CASE FOR MHOFS

Efficiency level	Life-cycle cost savings	
	Average LCC savings * (2022\$)	Percentage of consumers that experience net cost (%)
1	452	0.8
2	724	0.9
3	971	1.0

Note: The savings represent the average LCC for affected consumers.

TABLE V.5—AVERAGE LCC AND PBP RESULTS FOR WGFs

Efficiency level	Average costs (2022\$)				Simple payback (years)	Average lifetime (years)
	Installed cost	First year's operating cost	Lifetime operating cost	LCC		
Baseline	5,533	471	7,215	12,748	.....	20.6
1	5,822	433	6,698	12,519	7.5	20.6

Note: The results for each EL are calculated assuming that all consumers use products at that efficiency level. The PBP is measured relative to the baseline product.

TABLE V.6—AVERAGE LCC SAVINGS RELATIVE TO THE NO-NEW-STANDARDS CASE FOR WGFs

Efficiency level	Life-cycle cost savings	
	Average LCC Savings * (2022\$)	Percentage of consumers that experience net cost (%)
1	223	40.4

Note: The savings represent the average LCC for affected consumers.

In response to the November 2023 NOPD, Lennox agreed with DOE's conclusion that more-stringent efficiency levels would cause many consumers to have net costs. (Lennox, No. 32 at p. 3) Lennox stated that the long payback period and high percentage of consumers with net costs support the idea that amended standards are not justified for weatherized gas furnaces. (*Id.*) In contrast, the Joint Advocates commented that the potential utility bill savings resulting from updated standards would particularly benefit low-income households and that DOE's proposed determination to refrain from updating the standards is potentially sacrificing millions of dollars in consumer savings. (Joint Advocates, No. 34 at p. 2)

As required by EPCA, DOE's determination considers whether amended standards would result in significant conservation of energy, be technologically feasible, and be cost-effective. (42 U.S.C. 6295(m)(1)(A) and

42 U.S.C. 6295(n)(2)) Additionally, DOE can only propose an amended standard if it is, among other things, economically justified. (42 U.S.C. 6295(m)(1)(B); 42 U.S.C. 6295(o)(2)(A)) For these product classes, DOE expects that manufacturers would need to make significant investments in developing new model lines for the subject furnaces in order to meet more-stringent, amended standards. Although this analysis finds positive LCC savings at the considered ELs, given the relatively small market for oil and weatherized gas furnaces and declining shipments, DOE expects that such savings are unlikely to be realized because manufacturers may exit the market in response to amended standards, thereby resulting in certain products or capacities becoming unavailable to consumers. Consequently, DOE has determined that it is unable to conclude that amended energy conservation standards for oil-fired furnaces and weatherized gas furnaces would be economically justified.

B. National Impact Analysis

This section presents DOE's estimates of the NES and the NPV of consumer benefits that would result from each of the ELs considered as potential amended standards.

1. National Energy Savings

To estimate the energy savings attributable to potential amended energy conservation standards for oil and weatherized gas furnaces, DOE compared their energy consumption under the no-new-standards case to their anticipated energy consumption under each EL. The savings are measured over the entire lifetime of products purchased during the 30-year period that begins in the year of anticipated compliance with amended standards (2030–2059).

Table V.8 presents DOE's projections of the national energy savings for each EL considered for the analysis. The savings were calculated using the approach described in section IV.G.2 of this document.

TABLE V.7—CUMULATIVE NATIONAL ENERGY SAVINGS FOR OIL AND WEATHERIZED GAS FURNACES; 30 YEARS OF SHIPMENTS (2030–2059)

Product class	Efficiency level		
	1	2	3
FFC Energy Savings (quads)			
Non-Weatherized Oil Furnace	0.004	0.01	0.05
Mobile Home Non-Weatherized Oil Furnace	0.0004	0.001	0.001
Weatherized Gas Furnace	0.66	.....	.....

OMB Circular A–4⁵⁹ requires agencies to present analytical results, including separate schedules of the monetized benefits and costs that show the type and timing of benefits and costs. Circular A–4 also directs agencies to consider the variability of key elements underlying the estimates of benefits and costs. For this final determination, DOE undertook a sensitivity analysis using nine years, rather than 30 years, of product

shipments. The choice of a nine-year period is a proxy for the timeline in EPCA for the review of certain energy conservation standards and potential revision of and compliance with such revised standards.⁶⁰ The review timeframe established in EPCA is generally not synchronized with the product lifetime, product manufacturing cycles, or other factors specific to oil and weatherized gas furnaces. Thus, such results are presented for

informational purposes only and are not indicative of any change in DOE’s analytical methodology. The NES sensitivity analysis results based on a nine-year analytical period are presented in Table V.9. The impacts are counted over the lifetime of oil and weatherized gas furnace products purchased during the period of 2030–2038.

TABLE V.8—CUMULATIVE NATIONAL ENERGY SAVINGS FOR OIL AND WEATHERIZED GAS FURNACES; 9 YEARS OF SHIPMENTS (2030–2038)

Product class	Efficiency level		
	1	2	3
FFC Energy Savings (quads)			
Non-Weatherized Oil Furnace	0.002	0.01	0.02
Mobile Home Non-Weatherized Oil Furnace	0.0002	0.0004	0.001
Weatherized Gas Furnace	0.20	.....	.....

In response to the November 2023 NOPD, Lennox commented that the energy savings for the furnace categories addressed by the NOPD would not be significant. (Lennox, No. 32 at p. 3)

2. Net Present Value of Consumer Costs and Benefits
DOE estimated the cumulative NPV of the total costs and savings for consumers that would result from the ELs considered for oil and weatherized gas furnaces. In accordance with OMB

Circular A–4, DOE calculated NPV using both a 7-percent and a 3-percent real discount rate. Table V.10 shows the consumer NPV results with impacts counted over the lifetime of products purchased during the period of 2030–2059.

TABLE V.9—CUMULATIVE NET PRESENT VALUE OF CONSUMER BENEFITS FOR OIL AND WEATHERIZED GAS FURNACES; 30 YEARS OF SHIPMENTS (2030–2059)

Discount rate	Product class	Efficiency level (EL)		
		1	2	3
		billion 2022\$		
3%	Non-Weatherized Oil Furnace	0.06	0.20	0.20

⁵⁹ U.S. Office of Management and Budget, *Circular A–4: Regulatory Analysis* (Available at: www.whitehouse.gov/omb/information-for-agencies/circulars) (last accessed June 11, 2024). DOE used the prior version of Circular A–4 (Sept. 17, 2003) in accordance with the effective date of the November 9, 2023 version (Available at: www.whitehouse.gov/wp-content/uploads/legacy_drupal_files/omb/circulars/A4/a-4.pdf) (last accessed June 11, 2024).

⁶⁰ EPCA requires DOE to review its standards at least once every six years, and requires, for certain products, a three-year period after any new standard is promulgated before compliance is required, except that in no case may any new standards be required within six years of the compliance date of the previous standards. (42 U.S.C. 6295(m)) If DOE makes a determination that amended standards are not needed, it must conduct a subsequent review within three years following such a determination. As DOE is evaluating the need to amend the standards, the sensitivity

analysis is based on the review timeframe associated with amended standards. While adding a six-year review to the three-year compliance period adds up to nine years, DOE notes that it may undertake reviews at any time within the six-year period and that the three-year compliance date may yield to the six-year backstop. A nine-year analysis period may not be appropriate given the variability that occurs in the timing of standards reviews and the fact that for some products, the compliance period is five years rather than three years.

TABLE V.9—CUMULATIVE NET PRESENT VALUE OF CONSUMER BENEFITS FOR OIL AND WEATHERIZED GAS FURNACES; 30 YEARS OF SHIPMENTS (2030–2059)—Continued

Discount rate	Product class	Efficiency level (EL)		
		1	2	3
7%		billion 2022\$		
	Mobile Home Non-Weatherized Oil Furnace	0.01	0.01	0.01
	Weatherized Gas Furnace	1.88	.....	.....
	Non-Weatherized Oil Furnace	0.02	0.08	0.03
	Mobile Home Non-Weatherized Oil Furnace	0.002	0.003	0.005
	Weatherized Gas Furnace	0.45	.....	.....

The NPV results based on the aforementioned nine-year analytical period are presented in Table V.11 of this document. The impacts are counted

over the lifetime of oil and weatherized gas furnace products purchased during the period of 2030–2038. As mentioned previously, such results are presented

for informational purposes only and are not indicative of any change in DOE's analytical methodology or decision criteria.

TABLE V.10—CUMULATIVE NET PRESENT VALUE OF CONSUMER BENEFITS FOR OIL AND WEATHERIZED GAS FURNACES; 9 YEARS OF SHIPMENTS (2030–2038)

Discount rate	Product class	Efficiency level (EL)		
		1	2	3
3%		billion 2022\$		
	Non-Weatherized Oil Furnace	0.03	0.11	0.12
	Mobile Home Non-Weatherized Oil Furnace	0.003	0.01	0.01
7%	Weatherized Gas Furnace	0.67	.....	.....
	Non-Weatherized Oil Furnace	0.02	0.05	0.02
	Mobile Home Non-Weatherized Oil Furnace	0.002	0.003	0.004
	Weatherized Gas Furnace	0.22	.....	.....

C. Final Determination

As discussed previously, in order to make a final determination that the energy conservation standards for oil, electric, and weatherized gas furnaces do not need to be amended, EPCA requires that DOE analyze whether amended standards would result in significant conservation of energy, be technologically feasible, and be cost-effective. (42 U.S.C. 6295(m)(1)(A) and 42 U.S.C. 6295(n)(2)) An evaluation of cost-effectiveness requires DOE to consider savings in operating costs throughout the estimated average life of the covered product in the type (or class) compared to any increase in the price, initial charges, or maintenance expenses for the covered product that are likely to result from the standard. (42 U.S.C. 6295(n)(2) and 42 U.S.C. 6295(o)(2)(B)(i)(II)) The criteria considered under 42 U.S.C. 6295(m)(1)(A) and the additional analysis relating to economic justification are discussed in the paragraphs that follow.

1. Technological Feasibility

EPCA requires that DOE consider whether amended energy conservation standards for oil, electric, and weatherized gas furnaces would be technologically feasible. (42 U.S.C. 6295(m)(1)(A) and 42 U.S.C. 6295(n)(2)(B)) DOE has determined that technology options are available that can improve the efficiency of oil and weatherized gas furnaces. These technology options are being used in commercially-available oil and weatherized gas furnaces and, therefore, are technologically feasible. (See section IV.A.4 of this document for further information.) Hence, DOE has determined that amended energy conservation standards for oil and weatherized gas furnaces would be technologically feasible. However, as discussed in section IV.A.3 of this document, DOE is not aware of any technology options that would improve the efficiency of electric furnaces. Therefore, DOE has determined that amended energy conservation standards for electric furnaces are not technologically feasible.

2. Cost-Effectiveness

EPCA requires DOE to consider whether amended energy conservation standards for the subject furnaces would be cost-effective through an evaluation of the savings in operating costs throughout the estimated average life of the covered product compared to any increase in the price of, or in the initial charges for, or maintenance expenses of, the covered product that are likely to result from an amended standard. (42 U.S.C. 6295(m)(1)(A); 42 U.S.C. 6295(n)(2)(C); and 42 U.S.C. 6295(o)(2)(B)(i)(II)) DOE conducted an LCC analysis to estimate the net costs/benefits to users from increased efficiency in the considered oil and weatherized gas furnace product classes. As shown in Table V.1 through Table V.6, for all product classes, all the considered efficiency levels result in positive LCC savings, with the percentage of consumers experiencing net cost ranging from 0.5 percent at EL 1 to 37 percent at max-tech for NWOFS, approximately 1 percent at all ELs for MHOFS, and 40 percent at the only considered efficiency level for WGFs.

DOE then aggregated the results from the LCC analysis to estimate the NPV of the total costs and benefits experienced by the Nation. (See results in Table V.10 and Table V.11 of this document) As noted, the inputs for determining the NPV are: (1) total annual installed cost; (2) total annual operating costs (energy costs and repair and maintenance costs), and (3) a discount factor to calculate the present value of costs and savings.

3. Significant Conservation of Energy

EPCA also requires that DOE consider whether amended energy conservation standards for the subject furnaces would result in significant conservation of energy. (42 U.S.C. 6295(m)(1)(A) and 42 U.S.C. 6295(n)(2)(A))

To estimate the energy savings attributable to potential amended standards for oil and weatherized gas furnaces, DOE compared their energy consumption under the no-new-standards case to their anticipated energy consumption under each potential standard level. The savings are measured over the entire lifetime of products purchased in the 30-year period that begins in the year of anticipated compliance with amended standards (2030–2059).

As shown in Table V.8, DOE estimates that amended standards would result in FFC energy savings of 0.004 quads at EL 1 to 0.05 quads at max-tech level for NWOs, 0.0004 quads at EL 1 to 0.001 quads at max-tech level for MHOs, and 0.66 quads at EL 1 (max-tech level) for WGFs, over a 30-year analysis period (2030–2059).

4. Further Considerations

a. Oil Furnaces

As discussed in section IV.F of this document, DOE estimates that the shipments of NWOs and MHOs have declined by more than 70 percent over the past 20 years and only accounted for less than 1 percent of the overall consumer furnace market in the past 10 years. DOE considered this declining trend and the small market share for oil furnaces in the furnace shipments model and projected that the shipments of NWOs and MHOs will continue to decline over the analysis period (*i.e.*, 2030–2059). DOE also considered that the shipments of NWOs and MHOs could decline faster than current projections, which may lead to further reductions in energy savings from potential amended standards.

As the oil furnace market has contracted, the industry has seen consolidation. DOE estimates there were 11 OEMs of NWOs selling into the U.S. market at the time of the June 2011 DFR

that set current standard levels for oil furnaces. Since then, manufacturers have merged, been acquired, and left the market. Currently there are seven OEMs of NWOs selling into the U.S. market. DOE estimated the NWO market to be approximately 36,000 units per year and the MHO market to be approximately 2,000 units per year in 2023. These products together are less than 1 percent of the overall U.S. residential furnace market, which is approximately 4.2 million shipments per year in 2023. The size of the market could make cost recovery challenging for manufacturers. With the small market size and continued trend of diminishing sales, the timeframe for recouping investments may be longer than acceptable for manufacturers. Given the small role of oil furnaces in the overall furnace market and the low sales relative to the consumer boiler and consumer water heater markets, manufacturers may deprioritize updates for these product classes. The existing oil-fired furnace market currently has a diversity of competitors; however, the loss of a few manufacturers could lead to shifts in market competition.

b. Weatherized Gas Furnaces

DOE estimates that the shipments of WGFs have been approximately 0.35 million per year for the past 10 years and accounted for approximately 7 percent of the overall consumer furnace market over the past 20 years, as stated in section IV.F of this document. DOE considered the small market share for WGFs in the furnace shipments model and projected that the shipments of WGFs will be approximately flat and account for less than 8 percent of the overall consumer furnace market over the analysis period (*i.e.*, 2030–2059). DOE also considered that the shipments of WGFs could be less than current projections, which may lead to reductions in energy savings from potential amended standards.

WGFs have the largest potential energy savings of the product classes in this rulemaking. However, DOE recognizes challenges for the industry at the max-tech level, which requires condensing furnace designs. DOE identified eight OEMs of WGFs. Only one OEM offers models that can meet the max-tech level. Models that meet the max-tech level account for 1 percent of all WGF listings.

All other OEMs would need to invest in new WGF designs to meet a condensing efficiency level. DOE expects that developing new condensing model lines would require significant investment. If manufacturers plan to continue offering the same diversity of

models, they would need to redesign nearly 1,500 basic models, or 99 percent of what is available on the market today. Designing condensing models would require the incorporation of a secondary heat exchanger and condensate management system. Manufacturers would likely need to reconfigure their existing heat exchanger to optimize airflow over the secondary heat exchanger, which could require investments in product redesign and retooling for hard-tooled portions of the heat exchanger. Manufacturers may also have to choose between adding the secondary heat exchanger within the physical limitations of the existing chassis dimension or adopting a new chassis size, which has the potential to be capital-intensive. The added production of the secondary heat exchanger could necessitate additional floor space and increased assembly and fabrication times.

DOE observed that the range of heating capacities offered at EL 1 do not cover the same range of capacities as noncondensing models. Condensing WGF models range from 60 to 96 kBtu/h, whereas noncondensing WGF models span capacities from 40 to 150 kBtu/h. DOE is concerned that amended standards for WGFs may limit capacity availability for consumers.

5. Summary

Based on the reasons stated in the foregoing discussion, DOE has determined that the energy conservation standards for oil, electric, and weatherized gas furnaces do not need to be amended.

As discussed previously, a determination that amended standards are not needed must be based on consideration of whether amended standards will result in significant conservation of energy, are technologically feasible, and are cost-effective. (42 U.S.C. 6295(m)(1)(A) and 42 U.S.C. 6295(n)(2)) Additionally, DOE can only propose an amended standard if it is, among other things, economically justified. (42 U.S.C. 6295(m)(1)(B); 42 U.S.C. 6295(o)(2)(A))

As explained elsewhere in this document, DOE has determined that amended energy conservation standards for electric furnaces are not technologically feasible. Oil-fired furnaces and WGFs have relatively small markets, and shipments of these products are expected to flatten or decline; manufacturers facing increased standards for these product categories may opt to focus on products with larger market shares, resulting in certain products or capacities becoming unavailable for consumers, as well as

further consolidation of the market. Consequently, DOE has determined that it is unable to conclude that amended standards for oil-fired furnaces and WGFs would be economically justified. Therefore, for these reasons as well as those discussed throughout this document, DOE is unable to conclude that amended standards for furnaces at any of the efficiency levels analyzed would meet the applicable statutory criteria.

VI. Procedural Issues and Regulatory Review

A. Review Under Executive Orders 12866, 13563, and 14094

Executive Order (“E.O.”) 12866, “Regulatory Planning and Review,” 58 FR 51735 (Oct. 4, 1993), as supplemented and reaffirmed by E.O. 13563, “Improving Regulation and Regulatory Review,” 76 FR 3821 (Jan. 21, 2011) and amended by E.O. 14094, “Modernizing Regulatory Review,” 88 FR 21879 (April 11, 2023), requires agencies, to the extent permitted by law, to: (1) propose or adopt a regulation only upon a reasoned determination that its benefits justify its costs (recognizing that some benefits and costs are difficult to quantify); (2) tailor regulations to impose the least burden on society, consistent with obtaining regulatory objectives, taking into account, among other things, and to the extent practicable, the costs of cumulative regulations; (3) select, in choosing among alternative regulatory approaches, those approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity); (4) to the extent feasible, specify performance objectives, rather than specifying the behavior or manner of compliance that regulated entities must adopt; and (5) identify and assess available alternatives to direct regulation, including providing economic incentives to encourage the desired behavior, such as user fees or marketable permits, or providing information upon which choices can be made by the public. DOE emphasizes as well that E.O. 13563 requires agencies to use the best available techniques to quantify anticipated present and future benefits and costs as accurately as possible. In its guidance, the Office of Information and Regulatory Affairs (“OIRA”) in OMB has emphasized that such techniques may include identifying changing future compliance costs that might result from technological innovation or anticipated behavioral changes. For the reasons

stated in this preamble, this final regulatory action is consistent with these principles.

Section 6(a) of E.O. 12866 also requires agencies to submit “significant regulatory actions” to OIRA for review. OIRA has determined that this final regulatory action does not constitute a “significant regulatory action” under section 3(f) of E.O. 12866, as amended by E.O. 14094. Accordingly, this action was not submitted to OIRA for review under E.O. 12866.

B. Review Under the Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires preparation of an initial regulatory flexibility analysis (“IRFA”) and a final regulatory flexibility analysis (“FRFA”) for any rule that by law must be proposed for public comment, unless the agency certifies that the rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. As required by E.O. 13272, “Proper Consideration of Small Entities in Agency Rulemaking,” 67 FR 53461 (August 16, 2002), DOE published procedures and policies in the **Federal Register** on February 19, 2003, to ensure that the potential impacts of its rules on small entities are properly considered during the rulemaking process. 68 FR 7990. DOE has made its procedures and policies available on the Office of the General Counsel’s website (www.energy.gov/gc/office-general-counsel).

DOE reviewed this final determination under the provisions of the Regulatory Flexibility Act and the policies and procedures published on February 19, 2003. Because DOE is not amending standards for oil, electric, and weatherized gas furnaces, the determination will not amend any energy conservation standards. On the basis of the foregoing, DOE certifies that the final determination will have no significant economic impact on a substantial number of small entities. Accordingly, DOE has not prepared an FRFA for this final determination. DOE has transmitted this certification and supporting statement of factual basis to the Chief Counsel for Advocacy of the Small Business Administration for review under 5 U.S.C. 605(b).

C. Review Under the Paperwork Reduction Act of 1995

This final determination, which concludes that no amended energy conservation standards for oil, electric, and weatherized gas furnaces are needed, imposes no new informational or recordkeeping requirements.

Accordingly, OMB clearance is not required under the Paperwork Reduction Act. (44 U.S.C. 3501 *et seq.*)

D. Review Under the National Environmental Policy Act of 1969

DOE has analyzed this final action in accordance with the National Environmental Policy Act of 1969 (“NEPA”) and DOE’s NEPA implementing regulations (10 CFR part 1021). DOE’s regulations include a categorical exclusion for actions which are interpretations or rulings with respect to existing regulations. 10 CFR part 1021, subpart D, appendix A4. DOE has determined that this rule qualifies for categorical exclusion A4 because it is an interpretation or ruling in regard to an existing regulation and otherwise meets the requirements for application of a categorical exclusion. See 10 CFR 1021.410. Accordingly, neither an environmental assessment nor an environmental impact statement is required.

E. Review Under Executive Order 13132

E.O. 13132, “Federalism,” 64 FR 43255 (August 10, 1999), imposes certain requirements on Federal agencies formulating and implementing policies or regulations that preempt State law or that have federalism implications. The Executive order requires agencies to examine the constitutional and statutory authority supporting any action that would limit the policymaking discretion of the States and to carefully assess the necessity for such actions. The Executive order also requires agencies to have an accountable process to ensure meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications. On March 14, 2000, DOE published a statement of policy describing the intergovernmental consultation process it will follow in the development of such regulations. 65 FR 13735. DOE has examined this final determination and has determined that it 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. EPCA governs and prescribes Federal preemption of State regulations as to energy conservation for the products that are the subject of this final determination. States can petition DOE for exemption from such preemption to the extent, and based on criteria, set forth in EPCA. (42 U.S.C. 6297) Therefore, no further action is required by E.O. 13132.

F. Review Under Executive Order 12988

With respect to the review of existing regulations and the promulgation of new regulations, section 3(a) of E.O. 12988, “Civil Justice Reform,” 61 FR 4729 (Feb. 7, 1996), imposes on Federal agencies the general duty to adhere to the following requirements: (1) eliminate drafting errors and ambiguity; (2) write regulations to minimize litigation; (3) provide a clear legal standard for affected conduct rather than a general standard, and (4) promote simplification and burden reduction. Regarding the review required by section 3(a), section 3(b) of E.O. 12988 specifically requires that Executive agencies make every reasonable effort to ensure that the regulation: (1) clearly specifies the preemptive effect, if any; (2) clearly specifies any effect on existing Federal law or regulation; (3) provides a clear legal standard for affected conduct while promoting simplification and burden reduction; (4) specifies the retroactive effect, if any; (5) adequately defines key terms, and (6) addresses other important issues affecting clarity and general draftsmanship under any guidelines issued by the Attorney General. Section 3(c) of E.O. 12988 requires Executive agencies to review regulations in light of applicable standards in section 3(a) and section 3(b) to determine whether they are met or it is unreasonable to meet one or more of them. DOE has completed the required review and determined that, to the extent permitted by law, this final determination meets the relevant standards of E.O. 12988.

G. Review Under the Unfunded Mandates Reform Act of 1995

Title II of the Unfunded Mandates Reform Act of 1995 (“UMRA”) requires each Federal agency to assess the effects of Federal regulatory actions on State, local, and Tribal governments and the private sector. Public Law 104–4, sec. 201 (codified at 2 U.S.C. 1531). For a regulatory action likely to result in a rule that may cause the expenditure by State, local, and Tribal governments, in the aggregate, or by the private sector of \$100 million or more in any one year (adjusted annually for inflation), section 202 of UMRA requires a Federal agency to publish a written statement that estimates the resulting costs, benefits, and other effects on the national economy. (2 U.S.C. 1532(a), (b)) UMRA also requires a Federal agency to develop an effective process to permit timely input by elected officers of State, local, and Tribal governments on a proposed “significant intergovernmental mandate,” and requires an agency plan

for giving notice and opportunity for timely input to potentially affected small governments before establishing any requirements that might significantly or uniquely affect them. On March 18, 1997, DOE published a statement of policy on its process for intergovernmental consultation under UMRA. 62 FR 12820. DOE’s policy statement is also available at: www.energy.gov/sites/prod/files/gcprod/documents/umra_97.pdf.

DOE examined this final determination according to UMRA and its statement of policy and determined that the final determination does not contain a Federal intergovernmental mandate, nor is it expected to require expenditures of \$100 million or more in any one year by State, local, and Tribal governments, in the aggregate, or by the private sector. As a result, the analytical requirements of UMRA do not apply.

H. Review Under the Treasury and General Government Appropriations Act, 1999

Section 654 of the Treasury and General Government Appropriations Act, 1999 (Pub. L. 105–277) requires Federal agencies to issue a Family Policymaking Assessment for any proposed rule or policy that may affect family well-being. When developing a Family Policymaking Assessment, agencies must assess whether: (1) the action strengthens or erodes the stability or safety of the family and, particularly, the marital commitment; (2) the action strengthens or erodes the authority and rights of parents in the education, nurture, and supervision of their children; (3) the action helps the family perform its functions, or substitutes governmental activity for the function; (4) the action increases or decreases disposable income or poverty of families and children; (5) the proposed benefits of the action justify the financial impact on the family; (6) the action may be carried out by State or local government or by the family, and whether (7) the action establishes an implicit or explicit policy concerning the relationship between the behavior and personal responsibility of youth, and the norms of society. In evaluating the above factors, DOE has concluded that it is not necessary to prepare a Family Policymaking Assessment as none of the above factors are implicated. Further, this final determination would not have any financial impact on families nor any impact on the autonomy or integrity of the family as an institution.

I. Review Under Executive Order 12630

Pursuant to E.O. 12630, “Governmental Actions and Interference

with Constitutionally Protected Property Rights,” 53 FR 8859 (March 18, 1988), DOE has determined that this final determination would not result in any takings that might require compensation under the Fifth Amendment to the U.S. Constitution.

J. Review Under the Treasury and General Government Appropriations Act, 2001

Section 515 of the Treasury and General Government Appropriations Act, 2001 (44 U.S.C. 3516 note) provides for Federal agencies to review most disseminations of information to the public under information quality guidelines established by each agency pursuant to general guidelines issued by OMB. OMB’s guidelines were published at 67 FR 8452 (Feb. 22, 2002), and DOE’s guidelines were published at 67 FR 62446 (Oct. 7, 2002). Pursuant to OMB Memorandum M–19–15, “Improving Implementation of the Information Quality Act” (April 24, 2019), DOE published updated guidelines, which are available at: www.energy.gov/sites/prod/files/2019/12/f70/DOE%20Final%20Updated%20IQA%20Guidelines%20Dec%202019.pdf. DOE has reviewed this final determination under the OMB and DOE guidelines and has concluded that it is consistent with applicable policies in those guidelines.

K. Review Under Executive Order 13211

E.O. 13211, “Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use,” 66 FR 28355 (May 22, 2001), requires Federal agencies to prepare and submit to OIRA at OMB a Statement of Energy Effects for any proposed significant energy action. A “significant energy action” is defined as any action by an agency that promulgates or is expected to lead to promulgation of a final rule, and that: (1) is a significant regulatory action under Executive Order 12866, or any successor order, and is likely to have a significant adverse effect on the supply, distribution, or use of energy; or (2) is designated by the Administrator of OIRA as a significant energy action. For any significant energy action, the agency must give a detailed statement of any adverse effects on energy supply, distribution, or use should the proposal be implemented, and of reasonable alternatives to the action and their expected benefits on energy supply, distribution, and use.

This final determination, which does not amend energy conservation standards for oil, electric, and weatherized gas furnaces, is not a significant regulatory action under E.O.

12866. Moreover, it would not have a significant adverse effect on the supply, distribution, or use of energy, nor has it been designated as such by the Administrator at OIRA. Therefore, it is not a significant energy action, and accordingly, DOE has not prepared a Statement of Energy Effects.

L. Review Under the Information Quality Bulletin for Peer Review

On December 16, 2004, OMB, in consultation with the Office of Science and Technology Policy (“OSTP”), issued its Final Information Quality Bulletin for Peer Review (“the Bulletin”). 70 FR 2664 (Jan. 14, 2005). The Bulletin establishes that certain scientific information shall be peer reviewed by qualified specialists before it is disseminated by the Federal Government, including influential scientific information related to agency regulatory actions. The purpose of the Bulletin is to enhance the quality and credibility of the government’s scientific information. Under the Bulletin, the energy conservation standards rulemaking analyses are “influential scientific information,” which the Bulletin defines as “scientific information the agency reasonably can determine will have, or does have, a clear and substantial impact on important public policies or private sector decisions.” *Id.* at 70 FR 2667.

In response to OMB’s Bulletin, DOE conducted formal peer reviews of the

energy conservation standards development process and the analyses that are typically used and has prepared a peer review report pertaining to the energy conservation standards rulemaking analyses.⁶¹ Generation of this report involved a rigorous, formal, and documented evaluation using objective criteria and qualified and independent reviewers to make a judgment as to the technical/scientific/business merit, the actual or anticipated results, and the productivity and management effectiveness of programs and/or projects. Because available data, models, and technological understanding have changed since 2007, DOE has engaged with the National Academy of Sciences (“NAS”) to review DOE’s analytical methodologies to ascertain whether modifications are needed to improve DOE’s analyses. DOE is in the process of evaluating the resulting December 2021 report.⁶²

M. Congressional Notification

As required by 5 U.S.C. 801, DOE will report to Congress on the promulgation of this final determination prior to its

⁶¹ “Energy Conservation Standards Rulemaking Peer Review Report” (2007) (Available at: www.energy.gov/eere/buildings/downloads/energy-conservation-standards-rulemaking-peer-review-report-0) (last accessed June 28, 2024).

⁶² The December 2021 NAS report is available at www.nationalacademies.org/our-work/review-of-methods-for-setting-building-and-equipment-performance-standards (Last accessed July 24, 2024).

effective date. The report will state that it has been determined that the final determination does not fall within the scope of 5 U.S.C. 804(2).

VII. Approval of the Office of the Secretary

The Secretary of Energy has approved publication of this final determination.

Signing Authority

This document of the Department of Energy was signed on October 10, 2024, by Jeffrey Marootian, Principal Deputy Assistant Secretary for Energy Efficiency and Renewable Energy, pursuant to delegated authority from the Secretary of Energy. That document with the original signature and date is maintained by DOE. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DOE Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of the Department of Energy. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Signed in Washington, DC, on October 10, 2024.

Treena V. Garrett,

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

[FR Doc. 2024–23906 Filed 10–17–24; 8:45 am]

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