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DEPARTMENT OF AGRICULTURE

Rural Utilities Service

7 CFR Part 1773

[Docket No. RUS–24–AGENCY–0033]

RIN 0572–AC67

Policy on Audits of RUS Awardees

AGENCY: Rural Utilities Service, USDA.

ACTION: Final rule.

SUMMARY: The Rural Utilities Service (RUS or Agency), a Rural Development agency of the United States Department of Agriculture (USDA), is issuing a final rule. The intent of this final rule is to revise the Policy on Audits to remove an unnecessary report, update terminology, clarify Agency contacts and filing requirements, and update or remove any outdated references. These changes will provide uniformity and consistency for all RUS awardees.

DATES: This final rule is effective December 9, 2024.

FOR FURTHER INFORMATION CONTACT: Jurleme Grey, Chief, Technical Accounting Review Branch, External Compliance Division, Rural Development, U.S. Department of Agriculture, 1400 Independence Avenue SW, Washington, DC 20250, Telephone: (202) 540–9200, Email: *compliance.tarb@usda.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

Rural Development is a mission area within the USDA comprising RUS, Rural Housing Service, and Rural Business-Cooperative Service. Rural Development's mission is to increase economic opportunity and improve the quality of life for all rural Americans. The mission is met by providing loans, loan guarantees, grants, and technical assistance through numerous programs aimed at creating and improving housing, business, and infrastructure throughout rural America.

The RUS loan, loan guarantee, and grant programs act as a catalyst for economic and community development. By financing improvements to rural electric, water and waste, and telecommunications and broadband infrastructure, RUS also plays a significant role in improving other measures of quality of life in rural America, including public health and safety, environmental protection and cultural and historic preservation.

An update to this policy occurred on February 2, 2023 (88 FR 7557), to incorporate changes made to 7 CFR parts 1709, 1719, 1734, 1738, 1739 and 1770. These changes addressed the streamlined procedures, and clarified when entities must follow RUS' own audit regulations or 2 CFR part 200.

Since publication, RUS has continued to evaluate and obtain input from stakeholders. There appears to still be areas that are prone to misinterpretation and confusion. RUS has determined that the proposed changes will provide more clarity to awardees and auditors and conform with Generally Accepted Government Auditing Standards (GAGAS) and American Institute of Certified Public Accountants (AICPA) guidelines.

To implement these changes, RUS will publish this action as a final rule. The Administrative Procedures Act exempts from prior notice rules any action ''relating to agency management or personnel or to public property, loans, grants, benefits, or contracts'' (5 U.S.C. 553(a)(2)). As the proposed changes came from the previous comment period, it would be unnecessary to solicit more comments from the public.

II. Summary of Changes to the Final Rule

The changes made to 7 CFR part 1773 include:

1. Section 1773.1(d), ''an audit'' will be updated to ''audited financial statements.'' This change is recommended because ''audited financial statements'' is a more accurate term for the information to be provided and to conform with American Institute of Certified Public Accountants (AICPA) suggested changes.

2. Section 1773.2, Definitions, will be updated as follows:

a. *Audit* means an examination of financial statements by an independent auditor or audit firm for the purpose of expressing an opinion on the fairness with which the financial statements present the financial position, results of operations, and changes in cash flows in accordance with U.S. generally accepted accounting principles (GAAP) and for determining whether the auditee has complied with provisions of laws, regulations, contracts, or grant agreements that could have a material effect on the financial statements.

This change is recommended because adding ''or audit firm'' after ''an independent auditor'' is more accurate and a clear use of an audit firm was implied or inferred with the prior language. Also changing ''applicable laws, regulations, and provisions of'' to ''provisions of laws, regulations,'' conforms with current language in GAGAS and AICPA guidelines.

b. *Peer review* means an external review of one or more aspects of the accounting and auditing practice, not subject to Public Company Accounting Oversight Board permanent inspection, performed once every three years by a CPA firm that is not affiliated with the auditor.

This change is recommended because replacing ''approved study, appraisal, or'' with ''external'' conforms with changes suggested by AICPA.

c. *Regulatory asset* means an asset resulting from an action of a regulator as defined by Financial Accounting Standards Board (FASB) and Governmental Accounting Standards Board (GASB).

This change is recommended because adding GASB to the definition acknowledges GASB is the regulatory body for accounting by Government entities.

d. *Regulatory liability* means a liability imposed on a regulated enterprise when there is an enforceable present obligation to deduct an amount in determining the regulated rate to be charged to customers in future periods, as defined by FASB and GASB.

This change is recommended because adding ''as defined by FASB and GASB'' to the definition, acknowledges both as the regulatory bodies for accounting for Government and non-government entities.

3. Section 1773.3(c), was updated to include ''not subject to 2 CFR part 200, subpart F'' in the first sentence for clarification. This change is recommended because adding ''not

subject to 2 CFR part 200, subpart F'' provides clarity regarding entities subject to this regulation and conforms with AICPA suggested changes.

4. Section 1773.3(d)(1), update the citation to ''2 CFR 200.503 (b) and (c).'' This change is recommended to better align with the current language in 2 CFR 200.503.

5. Section 1773.4(c)(1), ''as identified'' will be updated to ''based on criteria described''. This change is recommended because replacing ''as identified'' with ''based on criteria described'' is more accurate language and conforms with changes suggested by AICPA.

6. Section 1773.9(b) will be updated to, ''If specific information comes to the auditor's attention that provides evidence concerning the existence of possible violations of provisions of laws, regulations, contracts, or grant agreements that could have a material indirect effect on the financial statements, the auditor should apply audit procedures specifically directed to obtain sufficient, appropriate audit evidence regarding those possible violations of provisions of laws, regulations, contracts, or grant agreements.'' This change is recommended because replacing ''ascertaining whether a violation'' with ''obtain sufficient appropriate audit evidence regarding those possible violations'' is more accurate language for the goal of the audit procedure and conforms with changes suggested by AICPA.

7. Section 1773.9(c) will be updated to, ''Pursuant to the terms of its audit engagement letter with the auditee, the auditor must, as soon as practical, report through the methods indicated below, all instances of fraud, illegal acts, and all indications or instances of noncompliance with laws, whether material or not, to:

a. The president of the auditee's governance board via the auditor's preferred method;

b. RUS via email;

c. OC–ECD via email; and

d. OIG, as follows:

i. For all audits performed in accordance with § 1773.3(d) (audits conducted in accordance with 2 CFR part 200), report to the USDA–OIG–Audit, National Single Audit Coordinator for USDA, 1400 Independence Ave. SW, Ste. 419, Washington, DC 20250, email: *OIG-USDAsingleaudit@oig.usda.gov,* or online at: *http://usdaoig.oversight.gov.*

ii. For all other audits conducted in accordance with § 1773.3 report to the USDA Office of Inspector General online at: *usdaoig.oversight.gov.*

This change is recommended because replacing ''immediately report, in writing via email'' with ''as soon as practical, through the methods indicated below,'' provides more realistic timing for notification, and enables the auditor to determine the method of notification to the auditee's governance board, specifies the notification method for RUS and OC–ECD, and conforms with changes suggested by AICPA. The methods of notification below will be added for clarity.

8. Section 1773.21(d) will be updated to, ''The auditee must include a complete reporting package as defined in § 1773.2.'' This change is to clarify requirements, remove redundant language, and conform with changes suggested by AICPA.

9. Section 1773.32(a) ''that the tests'' will be updated to ''state whether the tests'' and remove ''digital'' in reference to the signature options. This change is recommended because replacing ''that'' with ''state whether'' conforms with changes suggested by AICPA.

10. Section 1773.32(a) paragraphs (1) through (4) will be updated to more accurate language and to conform to GAGAS. The additional language also presents a more accurate description. Changes include:

1. Significant deficiencies and material weaknesses in internal control;

2. Identified or suspected instances of noncompliance with provisions of laws, regulations, contracts and grant agreements that have a material effect on the financial statements or other financial data significant to the audit objectives and any other instances that warrant the attention of those charged with governance;

3. Identified or suspected instances of fraud that have a material effect, either quantitatively or qualitatively, to the financial statements or other financial data significant to the audit objectives; and

4. Identified or suspected instances of abuse that have a material effect, either quantitatively or qualitatively, to the financial statements or other financial data significant to the audit objectives.

11. Section 1773.32(d) will be deleted and the language will be included in § 1773.34. This change is recommended because the language more accurately fits with § 1773.34 as this is part of the schedule of findings and recommendations and will be added to the end of that paragraph.

12. Section 1773.40, ''ASC 980'' will be updated to ''FASB Accounting Standards Codification (ASC) 980 or GASB Statement (GASBS) 62, as appropriate.'' This change is recommended because adding the specific guidance of FASB ASC 980 or GASB Statement 62 provides more specific information and criteria for reporting regulatory assets.

13. Section 1773.45 will be updated to, ''The auditor's audit documentation shall support that all regulatory liabilities comply with the requirements of FASB Accounting Standards Codification (ASC) 980 or GASB Statement (GASBS) 62, as appropriate. For electric auditees only, the auditor's audit documentation shall document whether all regulatory liabilities have received RUS approval.'' This change is recommended because adding the specific guidance of FASB ASC 980 or GASB Statement 62 provides more specific information and criteria for reporting regulatory liabilities.

III. Executive Orders and Acts

Executive Order 12866

This final rule has been determined to be not significant for the purposes of Executive Order (E.O.) 12866 and, therefore, has not been reviewed by the Office of Management and Budget (OMB).

Congressional Review Act

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), the Office of Information and Regulatory Affairs designated this final rule as not a major rule, as defined by 5 U.S.C. 804(2).

Executive Order 12372, Intergovernmental Review of Federal Programs

This final rule is excluded from the scope of E.O. 12372, Intergovernmental Consultation, which may require consultation with state and local officials. See the final rule related notice entitled, ''Department Programs and Activities Excluded from Executive Order 12372'' (50 FR 47034) advising that RUS loans and loan guarantees were not covered by E.O. 12372.

Executive Order 12988, Civil Justice Reform

This final rule has been reviewed under E.O. 12988, Civil Justice Reform. In accordance with this final rule: (1) All State and local laws and regulations that are in conflict with this rule will be preempted; (2) No retroactive effect will be given to this rule; and (3) Administrative proceedings of the National Appeals Division (7 CFR part 11) must be exhausted before bringing suit in court challenging action taken under this rule.

Regulatory Flexibility Act Certification

RUS has determined that this final rule will not have significant impact on a substantial number of small entities defined in the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The RUS loan programs provide borrowers with loans at interest rates and terms that are more favorable than those generally available from the private sector. Borrowers, as a result of obtaining Federal financing, receive economic benefits that exceed any direct cost associated with RUS regulations and requirements.

National Environmental Policy Act

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

Assistance Listing Number (Formally Known as the Catalog of Federal Domestic Assistance)

The Assistance Listing Numbers assigned to the programs described by this final rule are as follows: 10.751—Rural Energy Savings Program; 10.752—Rural eConnectivity Pilot Program; 10.850—Rural Electrification Loans and Loan Guarantees; 10.851—Rural Telephone Loans and Loan Guarantees; 10.855—Distance Learning and Telemedicine Loans and Grants; 10.858—Denali Commission Grants and Loans; 10.859—Assistance to High Energy Cost Rural Communities; 10.863—Community Connect Grant Program and 10.886—Rural Broadband Access Loans and Loan Guarantees.

Information Collection and Recordkeeping Requirements

The information collection and record-keeping requirements contained in this rule are approved by OMB under OMB Control Number 0572–0095. This final rule contains no new reporting or recordkeeping burdens. The 3-year renewal for this package is pending approval by OMB.

Administrative Pay-As-You-Go-Act of 2023

The Administrative Pay-As-You-Go Act of 2023 (Act) (see Fiscal Responsibility Act of 2023, Public Law 118–5, 137 Stat. 31, div. B, title III), requires the U.S. Government Accountability Office (GAO) to assess agency compliance with the Act, which establishes requirements for administrative actions that affect direct spending, in GAO's major rule reports.

The Act does not apply to this rule because it does not increase direct spending.

Unfunded Mandates

This final rule contains no Federal mandates (under the regulatory provision of Title II of the Unfunded Mandates Reform Act of 1995) for state, local, and tribal governments or the private sector. Thus, this final rule is not subject to the requirements of sections 202 and 205 of the Unfunded Mandates Reform Act of 1995.

Executive Order 13132—Federalism

The policies contained in this final rule do not have any substantial direct effect on 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. Nor does this final rule impose substantial direct compliance costs on state and local governments. Therefore, consultation with the States is not required.

Executive Order 13175—Consultation and Coordination With Indian Tribal Governments

This final rule has been reviewed in accordance with the requirements of E.O. 13175, Consultation and Coordination with Indian Tribal Governments. E.O. 13175 requires Federal agencies to consult and coordinate with Tribes on a government-to-government basis on policies that have tribal implications, including regulations, legislative comments, or proposed legislation, or other policy statements or actions that have substantial direct effects on one or more Indian Tribes, on the relationship between the Federal Government and Indian Tribes or on the distribution of power and responsibilities between the Federal Government and Indian Tribes. The Agency has determined that this final rule does not, to our knowledge, have Tribal implications that require formal Tribal consultation under E.O. 13175. If a Tribe request consultation, RUS will work with the Office of Tribal Relationships to ensure meaningful consultation is provided where changes, additions and modifications identified herein are not expressly mandated by Congress.

E-Government Act Compliance

The Agency is committed to complying with the E-Government Act of 2002, Public Law 107–347, which requires Government agencies in general to provide the public the option of submitting information or transacting business electronically to the maximum extent possible and to promote the use of the internet and other information technologies to provide increased opportunities for citizen access to Government information and services, and for other purposes.

Severability

It is USDA's intention that the provisions of this final rule shall operate independently of each other. In the event that this final rule or any portion of this final rule is ultimately declared invalid or stayed as to a particular provision, it is USDA's intent that the final rule nonetheless be severable and remain valid with respect to those provisions not affected by a declaration of invalidity or stayed. USDA concludes it would separately adopt all of the provisions contained in this final rule.

Civil Rights Impact Analysis

Rural Development, a mission area for which RUS is an agency, has reviewed this final rule in accordance with USDA Regulation 4300–4, Civil Rights Impact Analysis, to identify any major civil rights impacts the final rule might have on program participants on the basis of age, race, color, national origin, sex, disability, gender identity (including gender expression), genetic information, political beliefs, sexual orientation, marital status, familial status, parental status, veteran status, religion, reprisal and/or resulting from all or a part of an individual's income being derived from any public assistance program. After review and analysis of the final rule and available data, it has been determined that based on the analysis of the program purpose, application submission and eligibility criteria, issuance of this final rule is not likely to negatively impact very low, low and moderate-income populations, minority populations, women, Indian tribes or persons with disability, by virtue of their race, color, national origin, sex, age, disability, or marital or familial status. No major civil rights impact is likely to result from this final rule.

USDA Non-Discrimination Statement

In accordance with Federal civil rights laws and 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, or 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 *https://www.usda.gov/sites/default/files/documents/ad-3027.pdf,* from any USDA office, by calling (866) 632–9992, or by writing a letter addressed to USDA. The letter must contain the complainant's name, address, telephone number, and a written description of the alleged discriminatory action in sufficient detail to inform the Assistant Secretary for Civil Rights (ASCR) about the nature and date of an alleged civil rights violation. The completed AD–3027 form or letter must be submitted to USDA by:

(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.*

List of Subjects in 7 CFR Part 1773

Accounting, Auditing, Electric power, Grant programs, Loan programs—communications, Loan programs—energy, Reporting and recordkeeping requirements, Rural areas, Telephone.

Accordingly, for the reasons discussed in the preamble, the Agency amends 7 CFR 1773 as follows:

PART 1773—POLICY ON AUDITS OF RUS AWARDEES

■ 1. The authority citation for part 1773 continues to read as follows:

Authority: 7 U.S.C. 901 *et seq.,* 7 U.S.C. 1921 *et seq.,* 7 U.S.C. 6941 *et seq.*

Subpart A—General Provisions

■ 2. Amend § 1773.1 by revising paragraph (d) to read as follows:

§ 1773.1 General.

* * * * *

(d) Failure of an auditee to provide audited financial statements in compliance with this part is a serious violation of the RUS security agreement. RUS relies on audited financial statements in order to assess and monitor the financial condition of its awardees and to fulfill its fiduciary responsibilities.

* * * * *

■ 3. Amend § 1773.2 by revising the definitions of ''Audit'', ''Peer review'', ''Regulatory asset'', and ''Regulatory liability'' to read as follows:

§ 1773.2 Definitions.

* * * * *

Audit means an examination of financial statements by an independent auditor or audit firm for the purpose of expressing an opinion on the fairness with which the financial statements present the financial position, results of operations, and changes in cash flows in accordance with U.S. generally accepted accounting principles (GAAP) and for determining whether the auditee has complied with provisions of laws, regulations, contracts, or grant agreements that could have a material effect on the financial statements.

* * * * *

Peer review means an external review of one or more aspects of the accounting and auditing practice, not subject to Public Company Accounting Oversight Board permanent inspection, performed once every three years by a CPA firm that is not affiliated with the auditor.

Regulatory asset means an asset resulting from an action of a regulator as defined by FASB and GASB.

Regulatory liability means a liability imposed on a regulated enterprise when there is an enforceable present obligation to deduct an amount in determining the regulated rate to be charged to customers in future periods, as defined by FASB and GASB.

* * * * *

Subpart B—RUS Audit Requirements

■ 4. Amend § 1773.3 by revising paragraphs (c) and (d)(1) to read as follows:

§ 1773.3 Annual audit.

* * * * *

(c) Auditees not subject to 2 CFR part 200, subpart F, must furnish a reporting package to RUS within 120 days of the audit date. (See § 1773.21) Until all loans made or guaranteed by RUS are repaid and unliquidated obligations rescinded, auditees must continue to provide annual audited financial statements. Auditees with grant funding only must furnish annual audited financial statements in the year of the first advance and until all funds have been advanced or rescinded, and all financial compliance requirements have been fully satisfied.

(d) * * *

(1) For auditees expending less than the threshold for expenditure in Federal awards during the year, RUS reserves its right under 2 CFR 200.503(b) and (c) to arrange for an audit performed in accordance with this part.

* * * * *

■ 5. Amend § 1773.4 by revising paragraph (c)(1) to read as follows:

§ 1773.4 Auditee's responsibilities.

* * * * *

(c) * * *

(1) Within 30 days of the date of receipt of such notice, RUS or its designated representative will notify the auditee, in writing via email, if the selection or change in auditor is not satisfactory based on criteria described in § 1773.5.

* * * * *

■ 6. Amend § 1773.9 by revising paragraphs (b) and (c) to read as follows:

§ 1773.9 Disclosure of fraud, and noncompliance with provisions of law, regulations, contracts, and grant agreements.

* * * * *

(b) If specific information comes to the auditor's attention that provides evidence concerning the existence of possible violations of provisions of laws, regulations, contracts, or grant agreements that could have a material indirect effect on the financial statements, the auditor should apply audit procedures specifically directed to obtain sufficient, appropriate audit evidence regarding those possible violations of provisions of laws, regulations, contracts, or grant agreements.

(c) Pursuant to the terms of its audit engagement letter with the auditee, the

auditor must, as soon as practical, report through the methods indicated below, all instances of fraud, illegal acts, and all indications or instances of noncompliance with laws, whether material or not, to:

(1) The president of the auditee's governance board via the auditor's preferred method;

(2) RUS via email;

(3) OC–ECD via email; and

(4) OIG, as follows:

(i) For all audits performed in accordance with § 1773.3(d) (audits conducted in accordance with 2 CFR part 200), report to the USDA–OIG–Audit, National Single Audit Coordinator for USDA, 1400 Independence Ave. SW, Ste. 419, Washington, DC 20250, email: *OIG-USDAsingleaudit@oig.usda.gov,* or online at: *http://usdaoig.oversight.gov.*

(ii) For all other audits conducted in accordance with § 1773.3 report to the USDA Office of Inspector General online at: *https://usdaoig.oversight.gov.*

Subpart C—RUS Requirements for the Submission and Review of the Reporting Package

■ 7. Amend § 1773.21 by revising paragraph (d) to read as follows:

§ 1773.21 Auditee's review and submission of the reporting package.

* * * * *

(d) The auditee must include a complete reporting package as defined in § 1773.2.

* * * * *

Subpart D—RUS Reporting Requirements

■ 8. Amend § 1773.32 by revising paragraph (a) and removing paragraph (d).

The revision reads as follows:

§ 1773.32 Reports on internal control; compliance with provisions of laws, regulations, contracts, and grant agreements; and instances of fraud.

(a) As required by GAGAS, the auditor must prepare a written report describing the scope of the auditor's testing of internal control over financial reporting and of compliance with provisions of laws, regulations, contracts, and grant agreements, and state whether the tests provided sufficient, appropriate evidence to support opinions on the effectiveness of internal control and on compliance with provisions of laws, regulations, contracts, and grant agreements. This report must include the manual or printed signature of the audit firm and must include the following items as appropriate:

(1) Significant deficiencies and material weaknesses in internal control;

(2) Identified or suspected instances of noncompliance with provisions of laws, regulations, contracts and grant agreements that have a material effect on the financial statements or other financial data significant to the audit objectives and any other instances that warrant the attention of those charged with governance;

(3) Identified or suspected instances of fraud that have a material effect, either quantitatively or qualitatively, to the financial statements or other financial data significant to the audit objectives; and

(4) Identified or suspected instances of abuse that have a material effect, either quantitatively or qualitatively, to the financial statements or other financial data significant to the audit objectives.

* * * * *

■ 9. Revise § 1773.34 to read as follows:

§ 1773.34 Schedule of findings and recommendations.

The auditor must prepare a schedule of findings and recommendations to be included with the reports on internal control; compliance with laws, regulations, contracts, and grant agreements; and instances of fraud. The report must contain the status of known but uncorrected deficiencies from prior audits that affect the current audit objective. The schedule of findings and recommendations shall be developed and presented utilizing the elements of a finding discussed in GAGAS and shall include recommendations for remediation. If the schedule does not include responses from management, as well as any planned corrective actions, those items must be submitted directly to RUS by management in accordance with § 1773.4(j).

Subpart E—RUS Audit Requirements and Documentation

■ 10. Revise § 1773.40 to read as follows:

§ 1773.40 Regulatory assets.

The auditor's audit documentation shall support that the auditor tested whether all regulatory assets comply with the requirements of FASB Accounting Standards Codification (ASC) 980 or GASB Statement (GASBS) 62, as appropriate. For Electric auditees only, the auditor's audit documentation shall support that all regulatory assets have received RUS approval.

■ 11. Revise § 1773.45 to read as follows:

§ 1773.45 Regulatory liabilities.

The auditor's audit documentation shall support that all regulatory liabilities comply with the requirements of FASB Accounting Standards Codification (ASC) 980 or GASB Statement (GASBS) 62, as appropriate. For electric auditees only, the auditor's audit documentation shall document whether all regulatory liabilities have received RUS approval.

Andrew Berke,

Administrator, Rural Utilities Service, Rural Development.

[FR Doc. 2024–25914 Filed 11–7–24; 8:45 am]

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 80

[Docket No. FDA–2022–N–1635]

RIN 0910–AI69

Color Additive Certification; Increase in Fees for Certification Services

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration is amending the regulation setting fees for color additive certification services to increase these fees. This increase will allow FDA to continue to provide, maintain, and equip an adequate color additive certification program as required by the Federal Food, Drug, and Cosmetic Act (FD&C Act).

DATES: This rule is effective December 9, 2024.

ADDRESSES: For access to the docket to read background documents or comments received, go to *https://www.regulations.gov* and insert the docket number found in brackets in the heading of this final rule 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:

With regard to the final rule: Bryan Bowes, Office of the Chief Scientist, Office of Cosmetics and Colors, Food and Drug Administration, 5001 Campus Dr., College Park, MD 20740, 240–402–1122; or Carrol Bascus, Office of Policy, Regulations and Information, Human Foods Program, Food and Drug Administration, 5001 Campus Dr., College Park, MD 20740, 240–402–2378.

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I. Executive Summary

A. Purpose of the Final Rule

The Food and Drug Administration (FDA or we) is amending the regulation setting fees for color additive certification services to increase these fees. This increase will allow FDA to continue to provide, maintain, and equip an adequate color additive certification program as required by the FD&C Act. The fees will help to recover the full costs of operating FDA's color additive certification program.

B. Summary of the Major Provisions of the Final Rule

The final rule amends the color additive regulation to increase the fees for certification services. The fees for straight colors including lakes will be $0.45 per pound ($0.10 per pound increase) with a minimum fee of $288. There will be similar increases in fees for repacks of certified color additives and color additive mixtures.

C. Legal Authority

We are issuing the final rule consistent with our statutory authority, under the FD&C Act, which requires fees to provide, maintain, and equip an adequate color additive certification program, as specified in our regulations.

D. Costs and Benefits

The final rule amends existing color additive regulations to increase fees for certification services. The costs of the rule include the cost to read and understand the rule. As the increase in fees is not associated with any change in our certification program, no economic benefits are expected to result from the final rule. Similarly, the impact of the increase in certification fees on color additive manufacturers is considered a transfer, rather than an economic cost. Accordingly, we do not estimate economic benefits associated with this final rule, and the impact of the increase in color certification fees is estimated as an ongoing transfer from manufacturers of color additives to the Federal Government. The economic burden of the final rule accrues to color additive manufacturers. We estimate a one-time cost to read and understand the rule for all color additive manufacturers. The present value of this cost is approximately $5,384 at a 3 percent rate of discount, and $5,183 at a 7 percent rate of discount. The annualized value of these costs estimates is approximately $631 at a 3 percent discount rate and $738 at a 7 percent discount rate.

II. Background

A. Need for the Regulation/History of the Rulemaking

In accordance with section 721(a)(1)(B) of the FD&C Act (21 U.S.C. 379e(a)(1)(B)), certain color additives must be certified for use by FDA in food, drugs, cosmetics, and certain medical devices. Section 721(e) of the FD&C Act provides in relevant part that the certification of color additives must only be performed upon payment of fees, to be specified by regulation, as necessary to provide, maintain, and equip an adequate service for such purpose. When certifying a color additive, FDA analyzes samples from each batch of color additive received from a manufacturer and verifies that it meets composition and purity specifications. FDA certification is necessary before color additives that are subject to certification are permitted to be used in these FDA-regulated products. Under the color additive certification fee regulation, manufacturers pay fees, based on the weight of each batch for certification. These fees support the full costs of operating FDA's color additive certification program.

The current fee schedule specified in part 80 (21 CFR part 80) became effective in 2005 (and was amended in 2006 to correct a typographical error). Since 2005, the costs of the certification program have significantly increased because of the increase in general operating expenses, including the purchase and maintenance of critical equipment, rent and facility charges, and staff payroll. Therefore, in the **Federal Register** of November 2, 2022 (87 FR 66116), we published a proposed rule to amend the color additive regulation to increase the fees for certification services. The change in fees will allow FDA to continue to provide, maintain, and equip an adequate color additive certification program as required by section 721(e) of the FD&C Act. We proposed to increase the fees for certifying color additives to reflect increasing operating costs for the certification program. The fee schedule for color certification, as provided for in our regulations, is designed to cover all the costs involved in certifying batches of color additives. This includes the cost of specific tests required by the regulations and the general costs associated with the certification program, such as costs of accounting, reviewing data, issuing certificates, conducting research, inspecting establishments, and purchasing and maintaining equipment. The current fee schedule is insufficient to provide, maintain, and equip an adequate color additive certification program. As fees have not kept pace with inflation, we have struggled to recover the full costs of operating FDA's color certification program, resulting in a financial shortfall for the program.

Our Color Certification Fee Study (Fee Study) (Ref. 1) provides data and information about the current financial condition of the color additive certification program. As noted in our Fee Study, in recent years, successful operation of color certification activities has relied upon prior year carryover funding to address a deficit between program expenses and annual fee collections. This is not sustainable because carryover funding and annual fee collections are diminishing due to increased costs and low collections.

Therefore, the fee increase will help to ensure that collected fees are sufficient to fund the full cost of our color certification activities. Consistent with section 721(e) of the FD&C Act, the fee increase in the final rule is necessary to cover rising operating costs and maintain an adequate color additive certification program.

B. Summary of Comments to the Proposed Rule

The proposed rule provided a 60-day comment period. Based on a request from stakeholders, we re-opened the comment period for an additional 45 days (88 FR 4117 (January 24, 2023)). In April 2024, we reopened the comment period a second time to add the Fee

Study to the docket (89 FR 32384 (April 26, 2024)). In May 2024, based on a request from stakeholders, we extended the comment period again for 30 days (89 FR 46042 (May 28, 2024)). We received fewer than 15 comments on the proposed rule. The comments were from individuals and an industry trade association. A few comments supported the rulemaking. Other comments raised questions and concerns about our rationale for the $0.10 per pound increase. The comments urged FDA to provide supporting data to justify the need for the fee increase.

We address the comments in more detail in section IV.

C. General Overview of the Final Rule

This final rule revises § 80.10, ''Fees for certification services,'' to:

- increase the fee for certification services from $0.35 to $0.45 per pound for straight colors including lakes, and change the minimum fee from $224 to $288 (§ 80.10(a));
- increase the fees for repacks of certified color additives and color additive mixtures from $35 for 100 pounds or less to $45 (§ 80.10(b)(1));
- increase the fees for repacks of certified color additives and color additive mixtures over 100 pounds, but not over 1,000 pounds, from $35 plus $0.06 for each pound over 100 pounds to $45 plus $0.08 for each pound over 100 pounds (§ 80.10(b)(2)); and
- increase the fees for repacks of certified color additives and color additive mixtures over 1,000 pounds from $89 plus $0.02 for each pound over 1,000 pounds to $114 plus $0.03 for each pound over 1,000 pounds (§ 80.10(b)(3)).

The fee increase will help to ensure the continued viability of an adequate certification program in accordance with section 721(e) of the FD&C Act.

III. Legal Authority

FDA is issuing this final rule consistent with our authority under section 721(e) of the FD&C Act which requires that fees necessary to provide, maintain, and equip an adequate color additive certification program be specified in our regulations. FDA is also issuing this final rule under section 701(a) of the FD&C Act (21 U.S.C. 371(a)), which gives us the authority to issue regulations for the efficient enforcement of the FD&C Act.

IV. Comments on the Proposed Rule and FDA Response

A. Introduction

We received fewer than 15 comments on the proposed rule. The comments were from individuals and an industry trade association. Some comments supported the rulemaking, including a few that expressed general support without focusing on a particular provision in the proposed rule. Other comments questioned the fee increase and asked that we provide additional information to support the increase in fees. Some comments expressed concerns about our rationale for the $0.10 per pound increase for straight colors including lakes and urged FDA to explain the need more thoroughly for the fee increase. One comment suggested that we consider an alternative increase of $0.05 per pound instead of the proposed fee of $0.10 per pound, which they stated, would significantly impact costs for color manufacturers. Another comment questioned if the color certification fee is used only to fund activities that support color certification. A comment also argued that annual financial reserves would be sufficient to allow the program to operate with no additional fee increase.

We describe and respond to the comments in section B of this document. We numbered each comment to help distinguish between different comments. We grouped similar comments together under the same number, and, in some cases, we separated different issues discussed in the same comment and designated them as distinct comments for purposes of our responses. The number assigned to each comment or comment topic is purely for organizational purposes and does not signify the comment's value or importance or the order in which comments were received.

B. Description of Comments and FDA Response

(Comment 1) A few comments expressed general support for FDA's color additive certification program. The comments stated that the regulations, ''particularly for food and cosmetics products are necessary to ensure the safety and well-being of Americans.'' With respect to the proposed fee increase in the proposed rule, one comment stated that the proposed rule ''would aid funding of a federal agency, but it would take into account recent inflation.'' Another comment noted that ''recovering the operational costs will provide the FDA with more resources to test and evaluate color additives in consumer products, which could help protect public health.''

(Response 1) We agree that the final rule will help FDA's color additive certification program by covering the increased costs of certifying the color additives. The fee increase will also benefit public health by maintaining an adequate certification program that continues to ensure the safety of the color additives used in food and other products.

(Comment 2) One comment stated that ''there does not seem to be reason for the sudden want to increase the fees.'' It suggests that the process for analyzing color additives has not changed much and asserts that ''an explanation that more thoroughly explains the need to spend more on analyzing color additives'' should be provided.

(Response 2) As stated in the proposed rule, the current fee schedule is insufficient to provide, maintain, and equip an adequate color additive certification program (87 FR 66116 at 66117). In our Fee Study, we explain that a diminishing prior year carryover and reduced collections is placing the color certification program in a financially precarious position, necessitating the fee increase. Further, the funding shortfall prevents FDA from updating and replacing laboratory equipment necessary for color certification. The additional funding will allow FDA to replace obsolete items and invest in new laboratory equipment, contributing to the overall efficiency of the certification program, and ensure we cover all the costs of our color certification activities and continue to meet our statutory obligation to maintain an adequate certification program in accordance with section 721(e) of the FD&C Act.

(Comment 3) One comment agreed with the necessity to adjust fees and our goal of maintaining an effective certification program. However, the comment noted that ''careful consideration is warranted to strike a balance between covering program costs and avoiding undue financial burden on manufacturers.'' It also stated that we must ''assess the proposed fee adjustment to ensure they are reasonable and justified.''

(Response 3) We carefully considered the need for the fee increase and decided on an amount that would help to ensure funding to provide, maintain, and equip an adequate color certification program. Our Fee Study further explains and illustrates the funding challenges we are experiencing in the color certification program. We did not raise color certification fees for almost 20 years. As a result, in recent years, collections have cumulatively lagged behind expenditures by more than $3 million (Ref. 1). This is causing significant funding shortfalls and preventing the color certification

program from operating efficiently (*e.g.,* causing longer batch certification times). Also, as described in the previous response, additional funding will allow FDA to replace obsolete items and invest in new laboratory equipment. Therefore, it is necessary to increase the fees to ensure collected fees cover all the costs of our color certification activities as required by law. In light of the increased costs of the color certification program, the increase in fees is reasonable and justified.

(Comment 4) One comment disagreed with the proposed rule and stated that it was ''not sufficiently clear as to the accounting or the rationale to warrant a $0.10 per pound increase.'' The comment asserted that the last fee increase was $0.05 per pound and ''based on recent account figures, even a $0.05 increase would be sufficient.''

(Response 4) Our Fee Study lists the costs and the collections for the color additive certification program. Color certification fees have not kept up with inflation and as a result, current collections are not sufficient to sustain the program. The Fee Study also compared the proposed increase to an alternate amount of $0.05. The resulting estimates show that an increase that is 50 percent less than the proposed $0.10 per pound would not be sufficient to maintain an adequate color certification program. The last color certification fees increase was almost 20 years ago. Given the current funding shortfall, the increase is necessary to sustain and maintain an adequate color additive certification program.

(Comment 5) One comment that opposed the proposed fee increase argued that the proposed rule does not ''explain or identify with any specificity where increases in operating costs'' may warrant the increase.

(Response 5) We disagree with this assertion. In the proposed rule, we stated ''since 2005, the costs of the certification program have significantly increased because of general operating expenses, including the purchase and maintenance of critical equipment, rent and facility charges, and escalating staff payroll'' (87 FR 66116 at 66117). We also added a Fee Study to the administrative record to explain the funding challenges for the certification program as well as provide additional information to support the fee increase.

(Comment 6) One comment asserted that the proposal to increase the fee by $0.10 per pound ''is a more significant increase than the agency has proposed in the past.''

(Response 6) The comment's assertion is incorrect. In 1982, we also implemented a $0.10 per pound increase (47 FR 24691, June 8, 1982).

(Comment 7) One comment suggested that if we are not able to justify the need for a $0.10 per pound increase, we should provide for a $0.05 increase as we have done previously.

(Response 7) We have justified the need for a $0.10 per pound increase. Our Fee Study provides additional information to support this increase. The data and information show that dwindling carryover balances, coupled with reduced collections and high inflation, are not sufficient to sustain an adequate color additive certification program as required by the FD&C Act. Without the fee increase, continuing shortfalls will limit the operation of the color certification program. Therefore, a $0.10 per pound increase is necessary to provide, maintain, and equip an adequate color certification program.

(Comment 8) One comment recommended that FDA establish a maximum fee of $1,600 for batches of 4,000 pounds or more. Further, the comment said this would incentivize industry to submit larger batches while also saving Agency resources.

(Response 8) We disagree with the comment. If implemented, the maximum fee proposed by the comment would be based on a certification fee of $0.40 per pound, a $0.05 increase over the current fee. As outlined in our Fee Study, an increase of $0.05 per pound is not sufficient to maintain an adequate color certification program.

(Comment 9) One comment expressed concern about whether color certification fees were being used to only fund color certification activities. Specifically, the comment questioned if the lab equipment in the color certification lab ''are used solely for the certification of color additives.'' Further, the comment questioned if ''all the costs accounted for in the Study provided, such as payroll costs and equipment usage, are specific to color certification activities.'' The comment asserted that ''equipment used for activities beyond color certification should not serve as the basis for a fee increase.''

(Response 9): Certification fees are used to cover the costs of the color certification program and are not used to support unrelated activities. To ensure the safety of color additives, the color certification program engages in many functions, including testing, research, methods development, publication of scientific research, subject matter expertise for inspections of color additive manufacturers, as well as other related administrative and operational activities. Fees are collected, pooled, and used to support all color certification-related activities. As outlined in the Fee Study, collected fees are used to fund labor (*e.g.,* payroll) and nonpayroll operating expenses (*e.g.,* equipment usage) because such activities are necessary to provide, maintain, and equip an adequate color additive certification program, as required by the FD&C Act.

(Comment 10) One comment opposed the proposed rule and stated that ''recent account figures provide no basis or suggest any financial deficit that would require a fee increase.'' Further, the comment asserted that the ''Lab has a financial reserve that would allow the Lab to operate with no additional fee increase.'' The comment argued that the certification program ''does not operate on deficit spending and typically has carryover from year-to-year.'' For these reasons, the comment questioned the need for the proposed fee increase.

(Response 10) We disagree with the comment. Our Fee Study provides data and information that describes the current financial condition of the color additive certification program. The Fee Study explains that we previously relied upon prior year carryover funding to address the deficit between program expenses and annual fee collections. However, carryover funding and annual fee collections are diminishing due to low collections and the increased costs of maintaining an adequate certification program, which make the fee increases necessary. Relying on the carryover balance is no longer viable to support the color certification program.

(Comment 11) Another comment suggested that we ''establish a policy on the management of the color certification lab's reserves.'' The policy would ''ensure the agency is maintaining an appropriate reserve and that future refunds or fee increases are based on specific metrics.''

(Response 11) Fees that are collected and not obligated at the end of the fiscal year are available to support the color certification program in future fiscal years. We refer to this as ''carryover'' while the comment refers to these funds as ''reserves.'' The FDA color certification program maintains a modest carryover balance to operate the color certification program successfully, which enables us to mitigate financial risks to the color certification program, such as the risk of under collecting fees and issues relating to funds availability during the transition to a new fiscal year. FDA constantly monitors and analyzes its carryover balance, but, due to the complexity of program operations, it is unrealistic to target a specific reserve balance as several factors outside of our control impact

funds availability, including fee collections, inflation, unexpected equipment costs, etc. As explained in our Fee Study, we cannot rely on dwindling carryover balances to sustain the color certification program. A fee increase is necessary to cover the full costs of our color certification activities.

(Comment 12) Another comment stated that a ''manufacturer's suggested end-of-life is not indicative of an equipment's actual lifespan'' and that ''the lab should be able to continue to utilize any equipment that is still operable.'' The comments speculated if there are reasons beyond end-of-life that explain why we are seeking new equipment and ''would new equipment result in a demonstrable benefit to the companies receiving certification?''

(Response 12) We agree that the manufacturer's suggested end-of-life does not mean that a piece of laboratory equipment is no longer useful. However, when the manufacturer stops servicing the laboratory equipment, it can be costly and inefficient to maintain the aged items. We require properly functioning laboratory equipment to conduct color certification activities and maintain an adequate color certification program. It would not be prudent for us to wait for equipment to fail before seeking to replace it because this would contribute to delays in the color certification process and reduce the program's efficiency. Therefore, when a manufacturer notifies us that a piece of equipment is reaching end-of-life, we begin the procurement process to obtain new equipment. The procurement process is lengthy and can take months. In recent years, we were unable to purchase new equipment because of ongoing budget concerns.

The fee increase will help to resolve budget concerns and enable us to timely purchase new, more efficient equipment to replace those items that have reached end-of life, cannot be maintained, or are obsolete. The fee increase will also help to address delays in batch certification times caused by reduced resources. The purchase of new equipment will allow FDA to maintain an adequate color certification program while supporting efficient operations, which, in turn, benefits companies that require certification.

(Comment 13) One comment stated that our recent decision to stop providing bottles for sample submission ''passes a significant cost to manufacturers'' and required ''manufacturers to use the same vendor, removing a company's ability to negotiate a reasonable price.'' The comment argued that continuing to pass the cost on to manufacturers should be ''factored into any decision to raise fees.''

(Response 13) In April 2024, we notified color manufacturers that we would stop providing bottles for sample submission. We previously supplied sample bottles to all color certification customers. We stopped the service as part of our overall effort to conserve funds and reduce program costs. While this action helped reduce some program costs, the fee increase is still necessary to cover many other program expenses. Contrary to the claim in the comment, we are not requiring manufacturers to use the same vendor. The notice instructs manufacturers to use the same type of bottles because of our storage limitations; however, the bottles are available from multiple vendors.

(Comment 14) In arguing against the fee increase, one comment asserted that lower color certification volumes ''can most likely be attributed to destocking occurring by companies with products containing certified colors.'' Because companies are destocking certified colors ''that built up during the recent COVID pandemic,'' the comment claimed that ''manufacturers expect the collection to adjust as companies work through their existing stock.''

(Response 14) We appreciate the information about destocking, but disagree with the suggestion. The color certification program is sustained by collected fees. Lower certification volumes contribute to a reduction in the amount of collected fees we receive. This directly affects our ability to provide, maintain, and equip an adequate color certification program. Relying on industry's assertion that collections will adjust does not resolve the ongoing funding concerns of the color certification program. Given that collected fees are meant to cover the full costs of the color certification program, lower certification volumes support the need for a fee increase.

(Comment 15) Using the example of FD&C Red No. 3, one comment claimed that ''if a certified color suffers a downward trend in response to regulatory activity'' by FDA, ''the lab should be able to foresee the resulting impacts on its activity and cut costs accordingly.'' The comment stated that the downward trend ''should not be a reason to trigger a fee increase.''

(Response 15) We note that we continue to certify batches of FD&C Red No. 3 for its listed uses. We disagree with the suggestion that FDA activities related to certain color additive listings triggered FDA's proposed fee increase. As discussed in our Fee Study, collections that have not kept pace with inflation and a diminishing carryover balance explain the need for a fee increase. These funding concerns for the color certification program predate FDA's filing of the pending color additive petition requesting that FDA remove the color additive listing for FD&C Red No. 3 (88 FR 10245).

(Comment 16) One comment expressed concern about ''the lack of communication and transparency'' by our color certification laboratory. Specifically, the comment raised questions and sought information about FDA's method development and publication process.

(Response 16) This rule does not cover methods development and publication. These activities are outside the scope of this rulemaking.

(Comment 17) A few comments questioned the safety of FD&C Red. No. 40. They urged FDA to either ban this color additive or, alternatively, replace the additive in certain products.

(Response 17) The comments are outside the scope of this rulemaking, so we decline to address them.

V. Effective/Compliance Date(s)

The preamble to the proposed rule stated that we would make any final rule resulting from this rulemaking effective 30 days after its date of publication in the **Federal Register** (87 FR 66116 at 66117).

We did not receive any comments on the proposed effective date for the final rule. Therefore, the final rule will become effective December 9, 2024.

VI. Economic Analysis of Impacts

A. Introduction

We have examined the impacts of the final rule under Executive Order 12866, Executive Order 13563, Executive Order 14094, the Regulatory Flexibility Act (5 U.S.C. 601–612), the Congressional Review Act/Small Business Regulatory Enforcement Fairness Act (5 U.S.C. 801, Pub. L. 104–121), and the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4).

Executive Orders 12866, 13563, and 14094 direct us to assess all benefits, costs, and transfers of available regulatory alternatives and, when regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity). Rules are ''significant'' under Executive Order 12866 Section 3(f)(1) (as amended by Executive Order 14094) if they ''have an annual effect on the economy of $200 million or more (adjusted every 3 years by the Administrator of [the Office of

Information and Regulatory Affairs (OIRA)] for changes in gross domestic product); or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, territorial, or tribal governments or communities.'' OIRA has determined that this final rule is not a significant regulatory action under Executive Order 12866 Section 3(f)(1).

Because this rule is not likely to result in an annual effect on the economy of $100 million or more or meet other criteria specified in the Congressional Review Act/Small Business Regulatory Enforcement Fairness Act, OIRA has determined that this rule does not fall within the scope of 5 U.S.C. 804(2).

The Regulatory Flexibility Act requires us to analyze regulatory options that would minimize any significant impact of a rule on small entities. Because the increase in fees for color certification services would not significantly increase costs to manufacturers, we certify that the final rule will not have a significant economic impact on a substantial number of small entities.

The Unfunded Mandates Reform Act of 1995 (section 202(a)) requires us to prepare a written statement, which includes estimates of anticipated impacts, before issuing ''any rule that includes any Federal mandate that may result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100,000,000 or more (adjusted annually for inflation) in any one year.'' The current threshold after adjustment for inflation is $183 million, using the most current (2023) Implicit Price Deflator for the Gross Domestic Product. This final rule will not result in an expenditure in any year that meets or exceeds this amount.

B. Overview of Benefits, Costs, and Transfers

This final rule amends existing color additive regulations by increasing fees for certification services. The fee schedule for color certification, as provided for in this final rule, is designed to cover all the costs of operating FDA's color certification program. This includes both the cost of specific tests required by the regulations and the general costs associated with the certification program, such as the costs of accounting, reviewing data, issuing certificates, conducting research, inspecting establishments, and purchasing and maintaining equipment. The fee for certification services of straight colors including lakes will increase from $0.35 per pound to $0.45 per pound, with the minimum fee increasing from $224 to $288. The fees for repacks of certified color additives and color additive mixtures will increase from $35 for 100 pounds or less to $45. The fee for repacks of certified color additives and color additive mixtures over 100 pounds, but not over 1,000 pounds will increase from $35 plus $0.06 for each pound over 100 pounds to $45 plus $0.08 for each pound over 100 pounds. The fee for repacks of certified color additives and color additive mixtures over 1,000 pounds will increase from $89 plus $0.02 for each pound over 1,000 pounds to $114 plus $0.03 for each pound over 1,000 pounds.

The economic burdens of this final rule accrue to color additive manufacturers. We estimate a one-time cost to read and understand the rule for all color additive manufacturers. The present value of this cost is approximately $5,384 at a 3 percent rate of discount and $5,183 at a 7 percent rate of discount. The annualized value of these cost estimates are approximately $631 at a 3 percent discount rate and $738 at a 7 percent discount rate. Because the value of these impacts is small relative to manufacturer revenues, we assume that the supply of color additives will not be affected by this final rule. Consequently, we estimate no other impacts associated with this final rule.

As noted in the preamble, the fees are intended to recover the full costs of operating FDA's color certification program. Since 2005, the costs of the certification program have significantly increased as a result of escalating staff payroll, rent, and facility charges, as well as general operational expenses, including purchasing and maintaining equipment. As the increase in fees is not associated with any change in FDA's certification program, no economic benefits are expected to result from this final rule. Similarly, the impact of the increase in certification fees on color additive manufacturers is considered a transfer, rather than an economic cost. Accordingly, we do not estimate economic benefits associated with this final rule, and the impact of the increase in color certification fees is estimated as an ongoing transfer from manufacturers of color additives to the Federal Government. Our estimates are summarized in table 1.

TABLE 1—SUMMARY OF BENEFITS, COSTS, AND DISTRIBUTIONAL EFFECTS OF THE FINAL RULE

[Thousands of 2023 dollars]

Category	Primary estimate	Low estimate	High estimate	Dollar year	Discount rate (%)	Time horizon	Notes (*e.g.,* risk assumptions; source citations; whether inclusion of capital effects differs across low, primary, high estimates; etc.)
Benefits:							
Annualized monetized benefits	.....	.....	.....	.....	.....	.....	
Annualized quantified, but non-monetized, benefits	.....	.....	.....	.....	.....	.....	
Unquantified benefits	.....	.....	.....	.....	.....	.....	
Costs:							
Annualized monetized costs	$0.63	.....	.....	.....	3	.....	
	$0.74	.....	.....	.....	7	.....	
Annualized quantified, but non-monetized, costs	.....	.....	.....	.....	.....	.....	
Unquantified costs	.....	.....	.....	.....	.....	.....	
Transfers:							
Annualized monetized Federal budgetary transfers	$2,507	.....	.....	.....	3	.....	
	$2,507	.....	.....	.....	7	.....	
Bearers of transfer gain and loss?	Bearer of transfer loss: Manufacturers of color additives			Bearer of transfer gain: Federal Government			
Category	Effects			Notes			
Effects on State, local, or Tribal governments	No effect						

TABLE 1—SUMMARY OF BENEFITS, COSTS, AND DISTRIBUTIONAL EFFECTS OF THE FINAL RULE—Continued
[Thousands of 2023 dollars]

Category	Primary estimate	Low estimate	High estimate	Dollar year	Discount rate (%)	Time horizon	Notes (*e.g.,* risk assumptions; source citations; whether inclusion of capital effects differs across low, primary, high estimates; etc.)
Category	Effects			Notes			
Effects on small businesses	This final rule generates costs to small businesses, as well as transfers from small businesses to FDA that we treat as costs from the perspective of the small business. On average, these costs amount to approximately 0.25% of annual average revenues of the small firms in the affected industry						
Effects on wages	No Effect						
Effects on growth	No Effect						

We have developed a comprehensive Economic Analysis of Impacts that assesses the impacts of the final rule. The full analysis of economic impacts is available in the docket for this final rule (docket number FDA–2022–N–1635) (Ref. 2) and at *https://www.fda.gov/about-fda/economics-staff/regulatory-impact-analyses-ria.*

VII. Analysis of Environmental Impact

We have determined under 21 CFR 25.30(h) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

VIII. Paperwork Reduction Act of 1995

This final rule contains no collection of information. Therefore, clearance by the Office of Management and Budget under the Paperwork Reduction Act of 1995 is not required.

IX. Federalism

We have analyzed this final rule in accordance with the principles set forth in Executive Order 13132. We have determined that the rule does not contain policies that have substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government. Accordingly, we conclude that the rule does not contain policies that have federalism implications as defined in the Executive order and, consequently, a federalism summary impact statement is not required.

X. Consultation and Coordination With Indian Tribal Governments

We have analyzed this rule in accordance with the principles set forth in Executive Order 13175. We have determined that the rule does not contain policies that have substantial direct effects on one or more Indian Tribes, on the relationship between the Federal Government and Indian Tribes, or on the distribution of power and responsibilities between the Federal Government and Indian Tribes. Accordingly, we conclude that the rule does not contain policies that have tribal implications as defined in the Executive order and, consequently, a tribal summary impact statement is not required.

XI. References

The following references are on display at the Dockets Management Staff (see **ADDRESSES**) and are available for viewing by interested persons between 9 a.m. and 4 p.m. Monday through Friday; they are also available electronically at *https://www.regulations.gov.* Although FDA verified the website addresses in this document, please note that websites are subject to change over time.

1. FDA, ''Color Certification Fee Study,'' March 2024.
2. FDA, ''Color Additive Certification; Increase in Fees for Certification Services'' Final Regulatory Impact Analysis, Final Regulatory Flexibility Analysis, Unfunded Mandates Reform Act Analysis. Available at *https://www.fda.gov/AboutFDA/ReportsManualsForms/Reports/EconomicAnalyses/default.htm.*

List of Subjects in 21 CFR Part 80

Color additives, Cosmetics, Drugs, Reporting and recordkeeping requirements.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 80 is amended as follows:

PART 80—COLOR ADDITIVE CERTIFICATION

■ 1. The authority citation for part 80 continues to read as follows:

Authority: 21 U.S.C. 371, 379e.

■ 2. In § 80.10, revise paragraphs (a) and (b) to read as follows:

§ 80.10 Fees for certification services.

(a) *Fees for straight colors including lakes.* The fee for the services provided by the regulations in this part in the case of each request for certification submitted in accordance with § 80.21(j)(1) and (2) shall be $0.45 per pound of the batch covered by such requests, but no such fee shall be less than $288.

(b) *Fees for repacks of certified color additives and color additive mixtures.* The fees for the services provided under the regulations in this part in the case of each request for certification submitted in accordance with § 80.21(j)(3) and (4) shall be:

(1) 100 pounds or less—$45.

(2) Over 100 pounds but not over 1,000 pounds—$45 plus $0.08 for each pound over 100 pounds.

(3) Over 1,000 pounds—$114 plus $0.03 for each pound over 1,000 pounds.

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Dated: October 30, 2024.

Robert M. Califf,

Commissioner of Food and Drugs.

[FR Doc. 2024–25974 Filed 11–7–24; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 54

DEPARTMENT OF LABOR

Employee Benefits Security Administration

29 CFR Parts 2560 and 2590

Extension of Certain Timeframes for Employee Benefit Plans, Participants, Beneficiaries, Qualified Beneficiaries, and Claimants Affected by Hurricane Helene, Tropical Storm Helene, or Hurricane Milton

AGENCIES: Employee Benefits Security Administration, Department of Labor; Internal Revenue Service, Department of the Treasury.

ACTION: Extension of timeframes.

SUMMARY: This document announces the extension of certain timeframes under the Employee Retirement Income Security Act and the Internal Revenue Code for group health plans, disability and other welfare plans, pension plans, and participants, beneficiaries, qualified beneficiaries, and claimants of these plans affected by Hurricane Helene, Tropical Storm Helene, or Hurricane Milton.

DATES: November 8, 2024.

FOR FURTHER INFORMATION CONTACT: Department of Labor, Elizabeth Schumacher or David Sydlik, Office of Health Plan Standards and Compliance Assistance, Employee Benefits Security Administration, at 202–693–8335, and Thomas Hindmarch, Office of Regulations and Interpretations, Employee Benefits Security Administration, at 202–693–8500; or William Fischer, Internal Revenue Service, Department of the Treasury at 202–317–5500.

SUPPLEMENTARY INFORMATION:

I. Purpose

In this document, the Employee Benefits Security Administration, Department of Labor, Internal Revenue Service, and Department of the Treasury (the Agencies) are extending certain timeframes otherwise applicable to group health plans, disability and other welfare benefit plans, pension plans, and their participants, beneficiaries, qualified beneficiaries, and claimants under the Employee Retirement Income Security Act of 1974 (ERISA) and the Internal Revenue Code of 1986 (the Code), under the authority of section 518 of ERISA and section 7508A(b) of the Code.[1] [2] In order to ensure that plans, participants, beneficiaries, qualified beneficiaries, and claimants in disaster areas are not further adversely affected by Hurricane Helene, Tropical Storm Helene, and Hurricane Milton with respect to their employee benefit plans, certain timeframes are extended during the Relief Period established by this document, as explained in further detail below.

As a result of Hurricane Helene, Tropical Storm Helene, and Hurricane Milton, participants, beneficiaries, qualified beneficiaries, and claimants covered by group health plans, disability or other employee welfare benefit plans, and employee pension benefit plans may encounter problems in exercising their health coverage portability and continuation coverage rights, or in filing or perfecting their benefit claims. Recognizing the numerous challenges such individuals already face as a result of these natural disasters, it is important that the Agencies take steps to minimize the possibility of such individuals losing benefits because of a failure to comply with certain pre-established timeframes. Similarly, the Agencies recognize that affected group health plans may have difficulty in complying with the timing of certain notice obligations.

The Agencies believe the relief established by this document is immediately needed to preserve and protect the benefits of participants, beneficiaries, qualified beneficiaries, and claimants in affected plans. Accordingly, the Agencies have determined, pursuant to section 553 of the Administrative Procedure Act, 5 U.S.C. 553(b)(A), (B) and 553(d), that there is good cause for granting the relief provided by this document effective immediately upon publication, and that notice and public participation may result in undue delay and, therefore, be contrary to the public interest.

This document has been reviewed by the Department of Health and Human Services (HHS), which has advised the Agencies that HHS concurs with the relief specified in this document in the application of the laws under its jurisdiction.[3]

HHS has advised the Agencies that HHS encourages plan sponsors of non-Federal governmental plans and health insurance issuers offering group or individual health insurance coverage to extend otherwise applicable timeframes under titles XXII and XXVII of the Public Health Service Act (PHS Act)[4] for participants, beneficiaries, and

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[1] ERISA section 518 and Code section 7508A(b) generally provide that, in the case of an employee benefit plan, sponsor, administrator, participant, beneficiary, or other person with respect to such a plan affected by a federally declared disaster (as defined in section 162(i)(5) of the Code), a terroristic or military action, or a public health emergency declared by the Secretary of Health and Human Services pursuant to section 319 of the Public Health Service Act, notwithstanding any other provision of law, the Secretaries of Labor and the Treasury may prescribe (by notice or otherwise) a period of up to 1 year that may be disregarded in determining the date by which any action is required or permitted to be completed. Section 518 of ERISA and section 7508A(b) of the Code further provide that no plan shall be treated as failing to be operated in accordance with the terms of the plan solely as a result of complying with the postponement of a deadline under those sections.

[2] See, *e.g.,* Hurricane Helene Recovery: Brief Overview of FEMA Programs and Resources, (October 3, 2024), available at *https://crsreports.congress.gov/product/pdf/IN/IN12429;* 89 FR 84908 (October 24, 2024); 89 FR 84923 (October 24, 2024); 89 FR 84919 (October 24, 2024); 89 FR 84914 (October 24, 2024); 89 FR 84912 (October 24, 2024); 89 FR 84920 (October 24, 2024).

[3] Section 104 of Title I of the Health Insurance Portability and Accountability Act of 1996 (HIPAA) requires that the Secretaries of Labor, the Treasury, and Health and Human Services (the Departments) ensure through an interagency Memorandum of Understanding (MOU) that regulations, rulings, and interpretations issued by each of the Departments relating to the same matter over which two or more departments have jurisdiction, are administered so as to have the same effect at all times. Under section 104 of HIPAA, the Departments, through the MOU, are to provide for coordination of policies relating to enforcement of the same requirements in order to have a coordinated enforcement strategy that avoids duplication of enforcement efforts and assigns priorities in enforcement. See section 104 of HIPAA and Memorandum of Understanding applicable to Title XXVII of the PHS Act, Part 7 of ERISA, and Chapter 100 of the Code, published at 64 FR 70164, December 15, 1999.

[4] The applicable PHS Act provisions are (1) the 30-day period (or 60-day period, if applicable) to request special enrollment under PHS Act section 2704(f); (2) the 60-day election period for COBRA continuation coverage under PHS Act section 2205; (3) the date for making COBRA premium payments pursuant to PHS Act section 2202(2)(C) and (3); (4) the date for individuals to notify the plan of a qualifying event or determination of disability under PHS Act section 2206(3); (5) the date within which individuals may file a benefit claim under the plan's claims procedure pursuant to 45 CFR 147.136(b) (incorporating 29 CFR 2560.503–1); (6) the date within which claimants may file an appeal of an adverse benefit determination under the plan's claims procedure pursuant to 45 CFR 147.136(b) (incorporating 29 CFR 2560.503–1(h)); (7) the date within which claimants may file a request for an external review after receipt of an adverse benefit determination or final internal adverse benefit determination pursuant to 45 CFR 147.136(c)(2)(vi) and (d)(2)(i), and (8) the date within which a claimant may file information to perfect a request for external review upon a finding that the request was not complete pursuant to 45 CFR 147.136(d)(2)(ii).

enrollees in a manner consistent with the relief provided in this document.

The relief provided by this document supplements other disaster relief guidance issued by the Agencies, which can be accessed at: *https://www.dol.gov/agencies/ebsa/employers-and-advisers/plan-administration-and-compliance/disaster-relief* and *https://www.irs.gov/newsroom/tax-relief-in-disaster-situations.*

II. Background

Title I of the Health Insurance Portability and Accountability Act of 1996 (HIPAA) provides portability of health coverage by, among other things, requiring special enrollment rights into group health plans upon the loss of eligibility for other coverage or gaining a dependent through marriage, birth, adoption or placement for adoption. ERISA section 701, Code section 9801, 29 CFR 2590.701–6, 26 CFR 54.9801–6. Title X of the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) permits certain qualified beneficiaries who lose coverage under a group health plan to elect continuation health coverage. ERISA section 601, Code section 4980B, 26 CFR 54.4980B–1. Section 503 of ERISA and 29 CFR 2560.503–1 require employee benefit plans subject to Title I of ERISA to establish and maintain reasonable procedures governing the determination and appeal of claims for benefits under the plan. Section 2719 of the PHS Act, incorporated into ERISA by ERISA section 715, and into the Code by Code section 9815, imposes additional rights and obligations with respect to internal claims and appeals and external review for non-grandfathered group health plans and health insurance issuers offering non-grandfathered group or individual health insurance coverage. See also 29 CFR 2590.715–2719 and 26 CFR 54.9815–2719. All of the foregoing provisions include timing requirements for certain acts in connection with employee benefit plans, some of which are being temporarily modified by this document.

A. Special Enrollment Timeframes

In general, HIPAA requires a special enrollment period in certain circumstances, including when an employee or dependent loses eligibility for any group health plan or other health insurance coverage in which the employee or the employee's dependents were previously enrolled (including coverage under Medicaid and the Children's Health Insurance Program), and when a person becomes a dependent of an eligible employee by birth, marriage, adoption, or placement for adoption. ERISA section 701(f), Code section 9801(f), 29 CFR 2590.701–6, and 26 CFR 54.9801–6. Generally, group health plans must allow such individuals to enroll in the group health plan if they are otherwise eligible and if enrollment is requested within 30 days after the occurrence of the event (or within 60 days, in the case of termination of Medicaid or CHIP coverage, or eligibility for employment assistance under Medicaid or CHIP). ERISA section 701(f), Code section 9801(f), 29 CFR 2590.701–6, and 26 CFR 54.9801–6.

B. COBRA Timeframes

The COBRA continuation coverage provisions generally provide a qualified beneficiary a period of at least 60 days to elect COBRA continuation coverage under a group health plan. ERISA section 605 and Code section 4980B(f)(5). Plans are required to allow payment of premiums in monthly installments, and plans cannot require payment of premiums before 45 days after the day of the initial COBRA election. ERISA section 602(3) and Code section 4980B(f)(2)(C). COBRA continuation coverage may be terminated for failure to pay premiums timely. ERISA section 602(2)(C) and Code section 4980B(f)(2)(B)(iii). Under the COBRA rules, a premium is considered paid timely if it is made not later than 30 days after the first day of the period for which payment is being made. ERISA section 602(2)(C), Code section 4980B(f)(2)(B)(iii), and 26 CFR 54.4980B–8 Q&A–5(a). Notice requirements prescribe time periods for employers to notify the plan of certain qualifying events and for individuals to notify the plan of certain qualifying events or a determination of disability. Notice requirements also prescribe a time period for plans to notify qualified beneficiaries of their rights to elect COBRA continuation coverage. ERISA section 606, Code section 4980B(f)(6), and 29 CFR 2590.606–3.

C. Claims Procedure Timeframes

Section 503 of ERISA and 29 CFR 2560.503–1, as well as section 2719 of the PHS Act, incorporated into ERISA by ERISA section 715 and 29 CFR 2590.715–2719, and into the Code by Code section 9815 and 26 CFR 54.9815–2719, require ERISA-covered employee benefit plans and non-grandfathered group health plans and health insurance issuers offering non-grandfathered group or individual health insurance coverage to establish and maintain a procedure governing the filing and initial disposition of benefit claims, and to provide claimants with a reasonable opportunity to appeal an adverse benefit determination to an appropriate named fiduciary. Plans may not have provisions that unduly inhibit or hamper the initiation or processing of claims for benefits. Further, group health plans and disability plans must provide claimants at least 180 days following receipt of an adverse benefit determination to appeal (60 days in the case of pension plans and other welfare benefit plans). 29 CFR 2560.503–1(h)(2)(i), 29 CFR 2560.503–1(h)(3)(i), 29 CFR 2560.503–1(h)(4), 29 CFR 2590.715–2719(b)(2)(ii)(C), and 26 CFR 54.9815–2719(b)(2)(ii)(C).

D. External Review Process Timeframes

PHS Act section 2719, incorporated into ERISA by ERISA section 715 and into the Code by Code section 9815, sets out standards for external review that apply to non-grandfathered group health plans and health insurance issuers offering non-grandfathered group or individual health insurance coverage and provides for either a State external review process or a Federal external review process. Standards for external review processes and timeframes for submitting claims to the independent reviewer for group health plans or health insurance issuers may vary depending on whether a plan uses a State or Federal external review process. For plans or issuers that use the Federal external review process, the process must allow at least 4 months after the receipt of a notice of an adverse benefit determination or final internal adverse benefit determination for a request for an external review to be filed. 29 CFR 2590.715–2719(d)(2)(i) and 26 CFR 54.9815–2719(d)(2)(i). The Federal external review process also provides for a preliminary review of a request for external review. The regulation provides that if such request is not complete, the Federal external review process must provide for a notification that describes the information or materials needed to make the request complete, and the plan or issuer must allow a claimant to perfect the request for external review within the 4-month filing period or within the 48-hour period following the receipt of the notification, whichever is later. 29 CFR 2590.715–2719(d)(2)(ii)(B) and 26 CFR 54.9815–2719(d)(2)(ii)(B).

III. Relief

A. Relief for Plan Participants, Beneficiaries, Qualified Beneficiaries, and Claimants

With respect to plan participants, beneficiaries, qualified beneficiaries, or claimants directly affected by Hurricane Helene, Tropical Storm Helene, or

Hurricane Milton (as defined in paragraph III.C.(1)), group health plans, disability and other employee welfare benefit plans, and employee pension benefit plans subject to ERISA or the Code must disregard the relevant Relief Period (as defined in paragraph II.C.(4)) for plan participants, beneficiaries, qualified beneficiaries, or claimants located in Florida, Georgia, North Carolina, South Carolina, Tennessee, and Virginia in determining the following periods and dates—

(1) The 30-day period (or 60-day period, if applicable) to request special enrollment under ERISA section 701(f) and Code section 9801(f),

(2) The 60-day election period for COBRA continuation coverage under ERISA section 605 and Code section 4980B(f)(5),[5]

(3) The date for making COBRA premium payments pursuant to ERISA section 602(2)(C) and (3) and Code section 4980B(f)(2)(B)(iii) and (C),[6]

(4) The date for individuals to notify the plan of a qualifying event or determination of disability under ERISA section 606(a)(3) and Code section 4980B(f)(6)(C),

(5) The date within which individuals may file a benefit claim under the plan's claims procedure pursuant to 29 CFR 2560.503–1,

(6) The date within which claimants may file an appeal of an adverse benefit determination under the plan's claims procedure pursuant to 29 CFR 2560.503–1(h),

(7) The date within which claimants may file a request for an external review after receipt of an adverse benefit determination or final internal adverse benefit determination pursuant to 29 CFR 2590.715–2719(d)(2)(i) and 26 CFR 54.9815–2719(d)(2)(i), and

(8) The date within which a claimant may file information to perfect a request for external review upon a finding that the request was not complete pursuant to 29 CFR 2590.715–2719(d)(2)(ii) and 26 CFR 54.9815–2719(d)(2)(ii).

B. Relief for Group Health Plans

With respect to group health plans subject to ERISA or the Code, and their sponsors and administrators affected by Hurricane Helene, Tropical Storm Helene, or Hurricane Milton, the relevant Relief Period shall be disregarded when determining the date for providing a COBRA election notice under ERISA section 606(c) and Code section 4980B(f)(6)(D).

C. Definitions

For purposes of this document—

(1) A participant, beneficiary, qualified beneficiary, or claimant directly affected by Hurricane Helene, Tropical Storm Helene, or Hurricane Milton means an individual who resided, lived, or worked in one of the disaster areas (as defined in paragraph III.C.(2)) at the time of the hurricane or tropical storm; or whose coverage was under an employee benefit plan that was directly affected (as defined in paragraph III.C.(3)).

(2) The term disaster areas means the counties or tribal areas in Florida, Georgia, North Carolina, South Carolina, Tennessee, and Virginia that have been or are later designated as disaster areas eligible for Individual Assistance by the Federal Emergency Management Agency (FEMA) because of the devastation caused by Hurricane Helene, Tropical Storm Helene, or Hurricane Milton.

(3) An employee benefit plan is directly affected by Hurricane Helene, Tropical Storm Helene, or Hurricane Milton if the principal place of business of the employer that maintains the plan (in the case of a single-employer plan, determined disregarding the rules of section 414(b) and (c) of the Code); the principal place of business of employers that employ more than 50 percent of the active participants covered by the plan (in the case of a plan covering employees of more than one employer, determined disregarding the rules of section 414(b) and (c) of the Code); or the office of the plan or the plan administrator; or the office of the primary recordkeeper serving the plan, was located in one of the disaster areas (as defined in paragraph III.C.(2)) at the time of the hurricane or tropical storm.

(4) The term ''Relief Period'' means—

(i) For disaster areas in Florida designated as eligible for Individual Assistance by FEMA because of the devastation caused by Hurricane Helene, the period beginning on September 23, 2024, and ending on May 1, 2025;

(ii) For disaster areas in Georgia designated as eligible for Individual Assistance by FEMA because of the devastation caused by Hurricane Helene, the period beginning on September 24, 2024, and ending on May 1, 2025;

(iii) For disaster areas in North Carolina, South Carolina, and Virginia designated as eligible for Individual Assistance by FEMA because of the devastation caused by Hurricane Helene or Tropical Storm Helene, the period beginning on September 25, 2024, and ending on May 1, 2025;

(iv) For disaster areas in Tennessee designated as eligible for Individual Assistance by FEMA because of the devastation caused by Tropical Storm Helene, the period beginning on September 26, 2024, and ending on May 1, 2025; and

(v) For disaster areas in Florida not designated as eligible for Individual Assistance by FEMA because of the devastation caused by Hurricane Helene (but designated as eligible for Individual Assistance by FEMA because of the devastation caused by Hurricane Milton), the period beginning October 5, 2024 and ending on May 1, 2025.

D. Later Extensions

The Agencies will continue to monitor the effects of Hurricane Helene, Tropical Storm Helene, and Hurricane Milton and may provide additional relief as warranted.

IV. Examples

The following examples illustrate the timeframe for extensions required by this document. In each example, assume that the individual described is directly affected by the hurricane or tropical storm.

Example 1 (Electing COBRA). (i) *Facts.* Individual A works for Employer X in Buncombe County, NC and participates in X's group health plan. Due to Tropical Storm Helene, X's business is destroyed, and the plan terminates. Individual A has no other coverage. Employer Y is part of the same controlled group as Employer X and continues to operate and sponsor a group health plan. Individual A is provided a COBRA election notice on December 1, 2024. What is the deadline for Individual A to elect COBRA?

(ii) *Conclusion.* In Example 1, Individual A is eligible to elect COBRA coverage under Employer Y's plan because Employer Y is in the same controlled group as Employer X.[7] The

[5] The term ''election period'' is defined as ''the period which—(A) begins not later than the date on which coverage terminates under the plan by reason of a qualifying event, (B) is of at least 60 days' duration, and (C) ends not earlier than 60 days after the later of—(i) the date described in subparagraph (A), or (ii) in the case of any qualified beneficiary who receives notice under section 1166(a)(4) of this title, the date of such notice.'' 29 U.S.C. 1165(a)(1), ERISA section 605(a)(1). See also Code section 4980B(f)(5).

[6] Under this provision, the group health plan must treat the COBRA premium payments as timely paid if paid in accordance with the periods and dates set forth in this document. Regarding coverage during the election period and before an election is made, see 26 CFR 54.4980B–6, Q&A 3; during the period between the election and payment of the premium, see 26 CFR 54.4980B–8, Q&A 5(c).

[7] Under the COBRA rules, an employee's COBRA continuation coverage period continues even after the end of the plan, if the employer continues to provide any group health plan to any employee. Code section 4980B(f)(2)(B)(ii) and ERISA 602(2)(B). For purposes of COBRA, ''employer'' includes the person for whom services are performed and any

Relief Period is disregarded for purposes of determining Individual A's COBRA election period. The last day of Individual A's COBRA election period is 60 days after May 1, 2025, which is June 30, 2025.

Example 2 (Special enrollment period). (i) *Facts.* Individual B resides in Columbia, South Carolina. Individual B is eligible for, but previously declined participation in, her employer-sponsored group health plan. On October 31, 2024, Individual B gives birth and would like to enroll herself and the child into her employer's plan; however, open enrollment does not begin until November 15, for coverage that begins January 1. When may Individual B exercise her special enrollment rights?

(ii) *Conclusion.* In Example 2, the Relief Period is disregarded for purposes of determining Individual B's and her child's special enrollment period. Individual B and her child qualify for special enrollment into her employer's plan for coverage that begins on the date of the child's birth, to the extent she satisfies all of the plan's conditions for special enrollment that the plan may apply under Federal law. Individual B may exercise her special enrollment rights for herself and her child until 30 days after May 1, 2025, which is May 31, 2025, provided that she pays her share of the premiums for any period of coverage.

Example 3 (COBRA premium payments). (i) *Facts.* Individual C resides in Chatham County, Georgia. Before the hurricane, Individual C was receiving COBRA continuation coverage under a group health plan. More than 45 days had passed since Individual C had elected COBRA. Monthly premium payments are due by the first of the month. The plan does not permit qualified beneficiaries longer than the statutory 30-day grace period for making premium payments. Individual C made a timely September payment, but did not make the October payment or any subsequent payments during the Relief Period. As of May 1, 2025, Individual C has made no premium payments for October, November, December, January, February, March, April, or May. Does Individual C lose COBRA coverage, and if so for which month(s)?

(ii) *Conclusion.* In this Example 3, the Relief Period is disregarded for purposes of determining whether monthly COBRA premium installment payments are timely. Premium payments made by 30 days after May 1, 2025, which is May 31, 2025, for October, November, December, January, February, March, April, and May, are timely, and Individual C is entitled to COBRA continuation coverage for these months if she timely makes payment. Under the terms of the COBRA statute, premium payments are timely if made within 30 days from the date they are first due. In calculating the 30-day period, however, the Relief Period is disregarded, and payments for October, November, December, January, February, March, and April are all deemed to be timely if they are made within 30 days after the end of the Relief Period. Premium payments for May are deemed timely if they are made within 30 days after they are first due (May 1). Accordingly, premium payments for October, November, December, January, February, March, and April, as well as premium payments for May, are all due by May 31, 2025. Since the due dates for Individual C's premiums would be postponed and Individual C's payment for premiums would be retroactive during the initial COBRA election period, Individual C's insurer or plan may initially deny claims and then, after premiums are paid, must make retroactive payment for benefits and services received by the participant during this time.

Example 4 (COBRA premium payments). (i) *Facts.* Same facts as Example 3. By May 31, 2025, Individual C made a payment equal to two months' premiums. For how long does Individual C have COBRA continuation coverage?

(ii) *Conclusion.* Individual C is entitled to COBRA continuation coverage for October and November of 2024, the two months for which timely premium payments were made, and Individual C is not entitled to COBRA continuation coverage for any month after November 2024. Items and services covered by the group health plan (*e.g.,* doctors' visits or filled prescriptions) that were furnished on or before November 30, 2024 would be covered under the terms of the plan. The plan would not be obligated to cover items or services furnished after November 30, 2024.

Example 5 (Claims for medical treatment under a group health plan). (i) *Facts.* Individual D lives in Caldwell County, North Carolina and is a participant in a group health plan. On October 15, 2023, Individual D received medical treatment for a condition covered under the plan, but a claim relating to the medical treatment was not submitted until October 20, 2024. Under the plan, claims must be submitted within 365 days of the participant's receipt of the medical treatment. Was Individual D's claim timely?

(ii) *Conclusion.* Yes. Absent this relief, the last day for Individual D to submit a claim was October 14, 2024. For purposes of determining the 365-day period applicable to Individual D's claim, the Relief Period is disregarded. As of the first day of the Relief Period, Individual D had 19 days to file the claim (September 25, 2024, through October 14, 2024). Therefore, Individual D's last day to submit a claim is 19 days after May 1, 2025, which is May 20, 2025, so Individual D's claim was timely. If the plan has already denied Individual D's claim as untimely, the claim may have to be resubmitted and, if the claim is fully or partially denied, the plan may need to send an updated adverse benefit determination.

Example 6 (Internal appeal—disability plan). (i) *Facts.* Individual E resides in Gulf County, Florida and received a notification of an adverse benefit determination from Individual E's disability plan on August 28, 2024. The notification advised Individual E that there are 180 days within which to file an appeal. What is Individual E's appeal deadline?

(ii) *Conclusion.* When determining the 180-day period within which Individual E's appeal must be filed, the Relief Period is disregarded. Therefore, Individual E's last day to submit an appeal is 154 days (180—26 days following August 28 to September 23) after May 1, 2025, which is October 2, 2025.

Example 7 (Internal appeal—employee pension benefit plan). (i) *Facts.* Individual F resides in Greene County, Tennessee and received a notice of adverse benefit determination from Individual F's 401(k) plan on November 15, 2024. The notification advised Individual F that there are 60 days within which to file an appeal. What is Individual F's appeal deadline?

(ii) *Conclusion.* When determining the 60-day period within which Individual F's appeal must be filed, the Relief Period is disregarded. Therefore, Individual F's last day to submit an appeal is 60 days after May 1, 2025, which is June 30, 2025.

other person that is a member of a group described in Code section 414(b), (c), (m), or (o). 26 CFR 54.4980B–2, Q&A 2.

Signed at Washington, DC, this 4th day of November, 2024.

Lisa M. Gomez,

Assistant Secretary, Employee Benefits Security Administration, Department of Labor.

Douglas W. O'Donnell,

Deputy Commissioner, Internal Revenue Service, Department of the Treasury.

[FR Doc. 2024–26014 Filed 11–7–24; 8:45 am]

BILLING CODE P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket Number USCG–2024–0877]

RIN 1625–AA08

Special Local Regulation; San Diego Bay, San Diego, CA

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary special local regulation (SLR) for the San Diego Fleet Week Veterans Day Boat Parade that will be held on the waters of San Diego Bay, California. This action is necessary to provide for the safety of the participants, crew, spectators, sponsor vessels, and general users of the waterway during the event on November 11, 2024. This special local regulation temporarily encompasses all navigable waters, from surface to bottom, on a pre-determined course in the northern portion of the San Diego Bay Federal Channel.

DATES: This rule is effective from 9 a.m. to 11:30 a.m. on November 11, 2024.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *https://www.regulations.gov,* type USCG–2024–0877 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 Lieutenant Shelley Turner, Waterways Management, U.S. Coast Guard Sector San Diego, CA; telephone (619) 278–7656, email *MarineEventsSD@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 it is impracticable. The Coast Guard did not receive sufficient notice of the parade in time to publish an NPRM. As such, it is impracticable to publish an NPRM because we lack sufficient time to provide a reasonable comment period and then consider those comments before issuing the rule.

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 contrary to public interest because immediate action is needed to ensure the safety of life on the navigable waters of San Diego Bay during the marine event on November 11, 2024.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 46 U.S.C. 70041. The Captain of the Port (COTP) Sector San Diego has determined that potential hazards associated with the parade will be a safety concern for anyone within the vicinity of the parade route. This rule is needed to protect personnel, vessels, spectators, and the marine environment in the navigable waters of the San Diego Bay in the vicinity of the marine event during the enforcement period of this rule.

IV. Discussion of the Rule

This rule establishes a special local regulation from 9 a.m. until 11:30 a.m. on November 11, 2024. The SLR will cover all navigable waters on a pre-determined course in the northern portion of the San Diego Main Ship Channel from Shelter Island Basin, past the Embarcadero, crossing the federal navigable channel and ending off Coronado Island. The duration of the SLR is intended to protect personnel, vessels, spectators, and the marine environment in these navigable waters before, during, and after the event is scheduled to occur. During the enforcement period, persons and vessels are prohibited from anchoring, blocking, loitering, or impeding within this regulated area unless authorized by the Captain of the Port, or his 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 size, location, duration, and time-of-day of the special local regulation. This action will affect only the northern portion of the San Diego Bay Federal Channel for two and a half hours. Vessels will still be able to transit the area outside of the regulated area and request permission to enter, as needed. The Coast Guard will publish a Local Notice to Mariners and will issue a Broadcast Notice to Mariners via VHF–FM marine channel 16 that details the vessel restrictions of the regulated area.

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 special local regulation 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 special local regulation lasting less than three hours that will prohibit entry into a regulated area to non-participants of a marine parade. It is categorically excluded from further review under paragraph L61 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 100

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 100 as follows:

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

■ 1. The authority citation for part 100 continues to read as follows:

Authority: 46 U.S.C. 70041; 33 CFR 1.05–1.

■ 2. Add § 100.T1199–0877 to read as follows:

§ 100.T1199–0877 San Diego Fleet Week Veterans Day Boat Parade, San Diego Bay, California.

(a) *Regulated area.* The regulations in this section apply to the following area:

(1) Parade Area: All navigable waters, from surface to bottom, on a pre-determined course in the northern portion of the San Diego Main Ship Channel from Shelter Island Basin, past the Embarcadero, crossing the federal navigable channel and ending off Coronado Island.

(2) [Reserved]

(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 San Diego (COTP) in the enforcement of the regulations in this section.

Participant means all persons and vessels registered with the event sponsor as participants in the parade.

(c) *Regulations.* (1) All non-participants are prohibited from entering, transiting through, anchoring in, or remaining within the regulated area described in paragraph (a) of this section unless authorized by the Captain of the Port Sector San Diego or their designated representative.

(2) To seek permission to enter, contact the COTP or the COTP's representative by calling the Sector San Diego JHOC at 619–278–7033. Those in the regulated area, including participants, must comply with all lawful orders or directions given to them by the COTP or the designated representative.

(3) The COTP will provide notice of the regulated areas through advanced notice via Broadcast Notice to Mariners and by on-scene designated representatives.

(d) *Enforcement period.* This section will be enforced from 9 a.m. through 11:30 a.m. on Monday, November 11, 2024.

Dated: November 5, 2024.

P.C. Dill,

Captain, U.S. Coast Guard, Captain of the Port Sector San Diego.

[FR Doc. 2024–26130 Filed 11–7–24; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2024–0680]

RIN 1625–AA00

Safety Zone; Waterway Training Area, Delaware River, Near Eddystone, PA

AGENCY: Coast Guard, DHS.

ACTION: Final rule.

SUMMARY: The Coast Guard is establishing a safety zone for certain waters of the Delaware River. This action is necessary to provide for the safety of life on the navigable waters on a portion of the Delaware River near Eddystone, PA, during non-lethal signaling and warning device training conducted from onboard U.S. Coast Guard vessels. This rule prohibits persons and vessels from being in the safety zone unless authorized by the Captain of the Port (COTP), Sector Delaware Bay or a designated representative.

DATES: This rule is effective December 9, 2024.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *https://www.regulations.gov,* type USCG–2024–0680 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 rulemaking, call or email LCDR Owen Mims, Chief Waterways Management Division, U.S. Coast Guard; 215–271–4814, *SecDelBayWWM@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
COTP Captain of the Port
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

To maintain ports, waterways, and coastal security mission readiness, Coast Guard personnel within the Sector Delaware Bay COTP Zone must conduct LA51 device training. As we explained in a notice of proposed rulemaking (NPRM), the LA51 is a non-lethal signaling and warning device Coast Guard personnel use during law enforcement operations for getting the attention of vessels which do not respond to orders from the Coast Guard. The NPRM was published on September 9, 2024, and titled Safety Zone; Waterway Training Area, Delaware River, Near Eddystone, PA (89 FR 73055).

At the present time, Coast Guard personnel within the Sector Delaware Bay COTP Zone must transit beyond the 12 NM baseline to conduct LA51 device training. This is a logistical and financial burden for the units within Sector Delaware Bay COTP Zone and it limits training opportunities. To better accommodate the Sector's training needs, the COTP Sector Delaware Bay proposed to establish a safety zone shoreward of the 12 nautical miles (NM) baseline for use as a waterway training area in the Delaware River. In the NPRM, we invited comments on our proposed regulatory action related to this safety zone. During the comment period that ended October 9, 2024, we received no comments.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under the authority in 46 U.S.C. 70034. The purpose of this rulemaking is to ensure the safety of vessels and the navigable waters within the waterway training area before, during, and after the training events.

IV. Discussion of Comments, Changes, and the Rule

As noted above, we received no comments on our NPRM. There are no changes in the regulatory text of this rule from the proposed rule in the NPRM.

The COTP Sector Delaware Bay is establishing a safety zone for use as a waterway training area. The safety zone waterway training area will only be used to conduct LA51 device training as needed for Coast Guard Law Enforcement training requirements. And the COTP Sector Delaware Bay will only activate the safety zone, making it subject to enforcement, during periods when training is being conducted.

The waterway training area includes all navigable waters, on a portion of the Delaware River, near Eddystone, PA, west of Little Tinicum Island and east of Chester Island. The safety zone is a square in shape measuring approximately 2,500 yards in length and approximately 2,500 yards in width. The exact coordinates of the safety zone are provided in the text of the rule, which is provided at the end of this FR article.

The waterway training area will be located within a portion of the main navigable channel in the Delaware River. Although this safety zone encompasses a portion of the main navigational channel in the Delaware River that is used by the commercial and recreational vessels, vessel traffic in this area would be able to safely transit through the safety zone after obtaining permission from the COTP Sector Delaware Bay or a designated representative. The Coast Guard will ensure appropriate monitoring of the waterway while the safety zone is activated.

The Coast Guard anticipates that the proposed safety zone would be activated for approximately two hours on six separate occasions annually—a total of approximately 12 annual enforcement hours for the zone. The Coast Guard anticipates that it would activate the zone at various times of the year during daylight hours only. Whenever a LA51 device training event is planned, the COTP Sector Delaware Bay would notify the maritime community of the enforcement dates and times of the safety zone as the training event dictates. Such notification would be made by broadcast or local notice to mariners, on-scene oral notice, or other appropriate means in accordance with 33 CFR 165.7.

The duration and enforcement of the zone is intended to ensure the safety of vessels and these navigable waters before, during, and after these training events. Except for training participants, no vessel or person would be permitted to enter the safety zone without obtaining permission from the COTP Sector Delaware Bay 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, duration, and location of the safety zone. It is anticipated that the safety zone will be activated for six separate events annually. Vessel traffic will be able to safely transit through the safety zone while being enforced, with permission from the COTP Sector Delaware Bay or a designated representative by telephone at (215) 271–4807 or on VHF–FM radio channel 16. The impact to the Delaware River would be for approximately 2 hours or less. Moreover, the Coast Guard will release the details of the zone via a Broadcast Notice to Mariners on VHF–FM radio channel 16 and publish in the Local Notice to Mariners.

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 proposed rule would 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 IV.A above, this proposed rule would not have a significant economic impact on any vessel owner or operator.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this proposed rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

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 proposed rule. If the proposed 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. The Coast Guard will not retaliate against small entities that question or complain about this proposed 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 approximately two hours on six separate occasions annually for LA51 device training. It is categorically excluded from further review under paragraph L60(a) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1. A Record of Environmental Consideration supporting this determination is available in the docket. For instructions on locating the docket, see the **ADDRESSES** section of this preamble.

G. Protest Activities

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

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add § 165.523 to read as follows:

§ 165.523 Safety Zone; Waterway Training Area, Sector Delaware Bay Captain of the Port Zone

(a) *Location.* All navigable waters, on a portion of the Delaware River, encompassed by a line connecting the following points beginning at latitude 39°51′05.4″ N, longitude 075°20′17.4″ W; thence east to latitude 39°51′42.0″ N, longitude 075°18′39.6″ W; thence south to latitude 39°50′38.4″ N, longitude 075°18′09.0″ W; thence west to latitude 39°50′05.4″ N, 075°19′37.2″ W; and thence north back to the beginning point. (WGS 84)

(b) *Definitions.* As used in this section, designated representative means a Coast Guard Patrol Commander, including a Coast Guard petty officer, warrant or commissioned officer onboard a Coast Guard vessel or onboard a federal, state, or local law enforcement vessel assisting the Captain of the Port (COTP), Sector Delaware Bay 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 or remain in 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 or remain in the zone, contact the COTP or the COTP's representative via VHF–FM channel 16 or (215) 271–4807. 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.

(3) No vessel authorized to enter or remain in the zone may take on bunkers or conduct lightering operations within the safety zone during its enforcement period.

(4) This section applies to all vessels except those engaged in law enforcement, aids to navigation servicing, and emergency response operations.

(d) *Enforcement.* (1) The safety zone created by this section will be enforced only upon issuance of a Broadcast Notice to Mariners (BNM) by the COTP or the COTP's representative, as well as on-scene notice or other appropriate means in accordance with § 165.7.

(2) The U.S. Coast Guard may be assisted in the patrol and enforcement of the safety zone by Federal, State, and local agencies.

Dated: November 4, 2024.

Kate F. Higgins-Bloom,

Captain, U.S. Coast Guard, Captain of the Port, Sector Delaware Bay.

[FR Doc. 2024–25958 Filed 11–7–24; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 9 and 257

[EPA–HQ–OLEM–2020–0107; FRL–7814.1–02–OLEM]

RIN 2050–AH34

Hazardous and Solid Waste Management System: Disposal of Coal Combustion Residuals From Electric Utilities; Legacy CCR Surface Impoundments; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule; correction.

SUMMARY: The Environmental Protection Agency (EPA or the Agency) is taking direct final action to correct three errors published in the **Federal Register** on May 8, 2024. This May 8, 2024 rule (Legacy Final Rule) established regulatory requirements for legacy coal combustion residuals (CCR) surface impoundments and CCR management units, among other things, under the Resource Conservation and Recovery Act (RCRA). This document makes clear that the effective date of the Legacy Final Rule is November 8, 2024 and corrects inadvertent deletions in the existing 2015 regulatory text.

DATES: This rule is effective on February 6, 2025 without further notice unless EPA receives adverse comment by December 9, 2024. If EPA receives adverse comment, the Agency will publish a timely withdrawal in the **Federal Register** informing the public about the specific regulatory paragraph or amendment that will not take effect.

ADDRESSES: EPA has established a docket for this action under Docket ID No. EPA–HQ–OLEM–2020–0107. All documents in the docket are listed on the *http://www.regulations.gov* website. Although listed in the index, some information is not publicly available, *e.g.,* CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available electronically through *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Taylor Holt, Office of Resource Conservation and Recovery, Materials Recovery and Waste Management Division, Environmental Protection Agency, 1200 Pennsylvania Avenue NW, MC: 5304T, Washington, DC 20460; telephone number: (202) 566–1439; email address: *Holt.Taylor@epa.gov,* or Frank Behan, Office of Resource Conservation and Recovery, Materials Recovery and Waste Management Division, Environmental Protection Agency, 1200 Pennsylvania Avenue NW, MC: 5304T, Washington, DC 20460; telephone number: (202) 566–0531; email address: *Behan.Frank@epa.gov.* For more information on this rulemaking, please visit *https://www.epa.gov/coalash.*

SUPPLEMENTARY INFORMATION:

I. Why is the EPA using a direct final rule?

EPA is publishing this rule without a prior proposed rule because EPA views this as a noncontroversial action and anticipates no adverse comment since the amendments merely correct errors in the Legacy Final Rule. However, in the ''Proposed Rules'' section of this **Federal Register** publication, EPA is publishing a separate document that will serve as the proposed rule to adopt the provisions in this direct final rule if adverse comments are received on this direct final rule. The Agency will not institute a second comment period on this action. Any parties interested in commenting must do so at this time. For further information about commenting on this rule, see the **ADDRESSES** section of the proposed rule document.

If EPA receives adverse comment, EPA will publish a timely withdrawal in the **Federal Register** informing the public about the specific regulatory paragraph(s) or amendment(s) that will not take effect. The corrections that are not withdrawn will become effective on the date set out above. EPA would address all public comments in any subsequent final rule based on the comments and new information submitted in response to the proposed rule.

In light of the narrow purpose of this rule to conform the regulatory text to the final actions described in the Legacy Final Rule, EPA is only soliciting comment on whether the changes in this direct final rule conform the text to EPA's stated intent in the Legacy Final Rule preamble. EPA is not reconsidering, proposing to reopen, or otherwise soliciting comment on any provisions of the Legacy Final Rule itself. For the reader's convenience, EPA has provided a background description of individual provisions in the Legacy Final Rule in several places throughout this preamble. These descriptions do not reopen the underlying described provisions, but merely explain the context to inform the public of the basis for this action's technical corrections. EPA will not respond to comments submitted on any issues other than those specifically identified in this action, and such comments will not be considered part of the rulemaking record.

II. General Information

A. Does this action apply to me?

This rule may be of interest to electric utilities and independent power producers that fall within the North American Industry Classification System (NAICS) code 221112. The reference to NAICS code 221112 is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be regulated by this action. This discussion lists the types of entities that EPA is now aware could potentially be regulated by this action. Other types of entities not described here could also be regulated. To determine whether your entity is regulated by this action, you should carefully examine the applicability criteria found in 40 CFR 257.50 of title 40 of the Code of Federal Regulations. If you have questions regarding the applicability of this action to a

particular entity, consult the persons listed in the **FOR FURTHER INFORMATION CONTACT** section.

B. What action is the agency taking?

EPA is correcting errors in the Legacy Final Rule published in the **Federal Register** on May 8, 2024, which established regulatory requirements for legacy CCR surface impoundments and CCR management units (CCRMU).

C. What is the agency's authority for taking this action?

EPA is publishing this rule under the authority of sections 1008(a)(3), 2002(a), 4004, and 4005(a), (d) of the Solid Waste Disposal Act of 1970, as amended by the Resource Conservation and Recovery Act of 1976 (RCRA), as amended by the Hazardous and Solid Waste Amendments of 1984 (HSWA) and the Water Infrastructure Improvements for the Nation (WIIN) Act of 2016, 42 U.S.C. 6907(a), 6912(a), 6944, 6945(a) and (d).

III. Background

On April 17, 2015, EPA issued national minimum criteria for the disposal of CCR as solid waste under subtitle D of RCRA (80 FR 21302) (2015 CCR Rule or CCR regulations). The 2015 CCR Rule, codified in subpart D of part 257 of Title 40 of the Code of Federal Regulations, established regulations for existing and new CCR landfills, existing and new CCR surface impoundments, and all lateral expansions of these CCR units. The 2015 CCR Rule also imposed requirements on inactive surface impoundments at active facilities but exempted inactive surface impoundments at inactive facilities. On August 21, 2018, the U.S. Court of Appeals for the District of Columbia Circuit vacated and remanded the provision that exempted inactive impoundments at inactive facilities from the CCR regulations. *Utility Solid Waste Activities Group, et al.* v. *EPA* (*USWAG*) 901 F.3d 414 (D.C. Cir. 2018).

On May 8, 2024, EPA published the Legacy Final Rule regulating inactive surface impoundments at inactive facilities (legacy CCR surface impoundments or legacy impoundments) under 40 CFR part 257, subpart D. (89 FR 38950). In addition, the final rule established requirements to address the risks from solid waste management activities involving the direct placement of CCR on the land that was exempt from regulation under the 2015 CCR Rule. This included inactive CCR landfills, and CCR surface impoundments and landfills that closed prior to the effective date of the 2015 CCR Rule; the final rule refers to these newly regulated units as CCRMU. The Legacy Final Rule added a definition for legacy CCR surface impoundments, CCRMU, among other terms. It also established the regulatory requirements applicable to legacy CCR surface impoundments and CCRMU, which largely consist of requiring compliance with certain existing CCR regulations, along with tailored compliance deadlines.

IV. Revisions to Part 257, Subpart D

Since publication of the Legacy Final Rule, EPA has identified several errors in the Legacy Final Rule. Some of these issues were raised to the Agency's attention by members of the public including industry, non-governmental organizations, and State regulatory agencies. EPA is addressing three of these errors in this direct final rule and companion proposed rule. These changes are: (1) Fixing an error that caused confusion regarding the November 8, 2024 effective date of the Legacy Final Rule; and (2) Correcting inadvertent deletions in existing 2015 regulatory text caused by incorrect amendatory instruction.[1]

A. The Effective Date of the Legacy Final Rule Is November 8, 2024

Section 4004(c) of RCRA establishes a six-month effective date for rules issued under section 4004(a), providing that ''the prohibition contained in subsection (b) shall take effect on the date six months after the date of promulgation of regulations under subsection (a).'' 42 U.S.C. 6944(c). In other words, RCRA requires that six months after promulgation of a rule under section 4004(a), solid waste must be managed in a manner that complies with the requirements of the rule. Under RCRA, promulgation of a rule occurs upon signature and publication in the **Federal Register**. *Horsehead Resource Development Co, Inc.,* v. *EPA,* 130 F.3d 1090, 1094–1095 (D.C. Cir. 1997) (''We hold . . . at least in the absence of a contrary agency regulation, ''promulgation'' as used in section [7006(a)(1) of RCRA] means the date of **Federal Register** publication.''). Thus, by operation of law the requirements in the Legacy Final Rule go into effect six months from the date of its publication in the **Federal Register**, which in this case is November 8, 2024.

The **DATES** preamble caption in the Legacy Final Rule states that the rule is effective on November 4, 2024. 89 FR 38950. This is incorrect. All other references to the effective date in the Legacy Final Rule correctly specify the effective date of November 8, 2024, including eight times in the preamble and 11 times in the regulatory text.[2] This action corrects the single inaccuracy in the preamble to reflect the six-month effective date established by RCRA section 4004(c). In summary, the effective date of the Legacy Final Rule is November 8, 2024.

B. Revision to § 257.73(a) (Structural Integrity Criteria for Existing CCR Surface Impoundments)

For reasons that are discussed in the Legacy Final Rule, legacy CCR surface impoundments are required to comply with the same structural integrity criteria applicable to the CCR surface impoundments regulated by the 2015 CCR Rule. 89 FR 39011. EPA effected this requirement by revising § 257.73(a) to add legacy CCR surface impoundments to those CCR units subject to the structural integrity criteria. The Legacy Final Rule made no other revisions to the structural integrity criteria, which were codified in the 2015 CCR Rule. However, when implementing this revision in the regulatory text, the Agency inadvertently deleted the second sentence of § 257.73(a) due to a faulty amendatory instruction.[3] That is, EPA intended for the amendatory instruction to revise only the first sentence of paragraph § 257.73(a) and leave the remainder of the paragraph as promulgated in the 2015 CCR Rule. The faulty amendatory instruction inadvertently resulted in the deletion of the following sentence from § 257.73(a): ''If an incised CCR surface impoundment is subsequently modified (*e.g.,* a dike is constructed) such that the CCR unit no longer meets the definition of an incised CCR unit, the CCR unit is subject to the requirements of paragraphs (a)(1) through (4) of this section.''

This final rule restores the inadvertently deleted second sentence back to § 257.73(a). Specifically, EPA is amending § 257.73(a) to read: ''The requirements of paragraphs (a)(1) through (4) of this section apply to all existing CCR surface impoundments and legacy CCR surface impoundments, except for those that are incised CCR surface impoundments. If an incised

[1] Amendatory instructions are the specific instructions the Agency provides to the Office of the Federal Register on how to amend the regulatory text.

[2] Preamble references to an effective date of November 8, 2024 occur at 89 FR 39005, 39015 and 39016. Regulatory text references to November 8, 2024 are found at 89 FR 39105 through 39108, and 39110.

[3] Amendatory instructions are the specific instructions the Agency provides to the Office of the Federal Register on how to amend the regulatory text.

CCR surface impoundment is subsequently modified (*e.g.,* a dike is constructed) such that the CCR unit no longer meets the definition of an incised CCR unit, the CCR unit is subject to the requirements of paragraphs (a)(1) through (4) of this section.''

C. Revisions to § 257.105 (Recordkeeping Requirements)

The Agency amended § 257.105, which specifies the requirements for recordkeeping, in the Legacy Final Rule by making several revisions and additions. Given the number of revisions and additions, EPA revised and republished § 257.105 in its entirety. That is, the regulatory text published in the Legacy Final Rule reflected a combination of revised or new content (*i.e.,* the revisions and additions discussed in the final rule) and unchanged, republished content (*i.e.,* previously codified text unaffected by the Legacy Final Rule). However, EPA inadvertently failed to include § 257.105(j) when republishing this section, which resulted in the deletion of paragraph (j) from § 257.105. Section 257.105(j) includes the recordkeeping requirements when retrofitting a CCR unit and this paragraph should not have been affected by the Legacy Final Rule. This action restores paragraph (j) back to § 257.105.

V. Statutory and Executive Order Reviews

Additional information about these statutes and Executive Orders can be found at *https://www.epa.gov/laws-regulations/laws-and-executive-orders.*

A. Executive Order 12866: Regulatory Planning and Review and Executive Order 14904: Modernizing Regulatory Review

This action is not a significant regulatory action as defined in Executive Order 12866, as amended by Executive Order 14094, and was therefore not subject to a requirement for Executive Order 12866 review.

B. Paperwork Reduction Act (PRA)

This action does not impose any new information collection burden under the PRA. OMB has previously approved the information collection activities contained in the existing Legacy Final Rule and has assigned the temporary OMB control number 2050–0231. The burden contained in 2050–0231 will ultimately be merged into EPA information collection request number 2050–0223. This action merely corrects provisions of the CCR Legacy Final Rule and does not include any new information collection requirements.

C. Regulatory Flexibility Act (RFA)

I certify that this action will not have a significant economic impact on a substantial number of small entities (SISNOSE) under the RFA. This final rule corrects errors in the regulatory text of the CCR Legacy Final Rule. This rule does not impose any additional requirements on any entities, including small entities.

D. Unfunded Mandates Reform Act (UMRA)

This action does not contain an unfunded mandate of $100 million (adjusted annually for inflation) or more (in 1995 dollars) as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. The rule corrects errors in the regulatory text of the CCR Legacy Final Rule. This rule does not impose any additional requirements, and thus the costs involved in this action are estimated not to exceed $183 million in 2023$ ($100 million in 1995$ adjusted for inflation using the GDP implicit price deflator) or more in any one year.

E. Executive Order 13132: Federalism

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

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

This action does not have Tribal implications as specified in Executive Order 13175. The rule corrects errors in the regulatory text of the CCR Legacy final rule. This rule does not impose any additional requirements. Thus, Executive Order 13175 does not apply to this action.

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

Executive Order 13045 directs Federal agencies to include an evaluation of the health and safety effects of the planned regulation on children in Federal health and safety standards and explain why the regulation is preferable to potentially effective and reasonably feasible alternatives. This action is not subject to Executive Order 13045 because it is not a significant regulatory action under section 3(f)(1) of Executive Order 12866, and because the EPA does not believe the environmental health or safety risks addressed by this action present a disproportionate risk to children. This rule corrects errors in the regulatory text of the CCR Legacy Final Rule. This rule does not impose any additional requirements and therefore does not address environmental health and safety risks that may disproportionately affect children.

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

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

I. National Technology Transfer and Advancement Act (NTTAA)

This rulemaking does not involve technical standards.

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

The EPA believes that this action does not concern human health or environmental conditions and therefore cannot be evaluated with respect to potentially disproportionate and adverse effects on communities with environmental justice concerns. This rule corrects errors in the regulatory text of the CCR Legacy Final Rule. This rule does not impose any additional requirements. EPA conducted an extensive Environmental Justice analysis for the Legacy CCR rule. The results of that analysis can be found in the preamble for that final rule. 89 FR 39098.

K. Congressional Review Act (CRA)

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

Correction

In the **Federal Register** of May 8, 2024, in FR Doc. 2024–09157, on page 38950, in the first column, correct the **DATES** paragraph to read:

''**DATES:** This final rule is effective on November 8, 2024.''

List of Subjects in 40 CFR Part 257

Environmental protection, Beneficial use, Coal combustion products, Coal combustion residuals, Coal combustion

waste, Disposal, Hazardous waste, Landfill, Surface impoundment.

Michael S. Regan,
Administrator.

For the reasons set out in the preamble, title 40, chapter I, of the Code of Federal Regulations is amended as follows:

PART 257—CRITERIA FOR CLASSIFICATION OF SOLID WASTE DISPOSAL FACILITIES AND PRACTICES

■ 1. The authority citation for part 257 continues to read as follows:

Authority: 42 U.S.C. 6907(a)(3), 6912(a)(1), 6927, 6944, 6945(a) and (d); 33 U.S.C. 1345(d) and (e).

■ 2. Amend § 257.73 by revising the introductory paragraph (a) to read as follows:

§ 257.73 Structural integrity criteria for existing CCR surface impoundments.

(a) The requirements of paragraphs (a)(1) through (4) of this section apply to all existing CCR surface impoundments and legacy CCR surface impoundments, except for those that are incised CCR surface impoundments. If an incised CCR surface impoundment is subsequently modified (*e.g.,* a dike is constructed) such that the CCR unit no longer meets the definition of an incised CCR unit, the CCR unit is subject to the requirements of paragraphs (a)(1) through (4) of this section.

* * * * *

■ 3. Amend § 257.105 by adding paragraph (j) to read as follows:

§ 257.105 Recordkeeping requirements.

* * * * *

(j) Retrofit criteria. The owner or operator of a CCR unit subject to this subpart must place the following information, as it becomes available, in the facility's operating record:

(1) The written retrofit plan, and any amendment of the plan, as required by § 257.102(k)(2), except that only the most recent retrofit plan must be maintained in the facility's operating record irrespective of the time requirement specified in paragraph (b) of this section.

(2) The notification of intent that the retrofit activities will proceed in accordance with the alternative procedures in § 257.103.

(3) The annual progress reports required under the alternative requirements as required by § 257.103.

(4) The written demonstration(s), including the certification in § 257.102(f)(2)(iii), for a time extension for completing retrofit activities as required by § 257.102(k)(3).

(5) The notification of intent to initiate retrofit of a CCR unit as required by § 257.102(k)(5).

(6) The notification of completion of retrofit activities as required by § 257.102(k)(6).

* * * * *

[FR Doc. 2024–25752 Filed 11–7–24; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 51, 79, 80, 85, 122, 300, 372, 501, 704, 745, 763, 790, 1036, and 1037

[EPA–HQ–OECA–2024–0208; FRL 11265–02–OECA]

RIN 2020–AA55

Inflation Adjustment References for Civil Monetary Penalty Amounts in Title 40 of the Code of Federal Regulations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: The U.S. Environmental Protection Agency (EPA) is taking direct final action to address outdated maximum and minimum statutory civil monetary penalty amounts by adding language that refers readers to the up-to-date maximum and minimum statutory civil monetary penalty amounts. The Federal Civil Penalties Inflation Adjustment Act of 1990, as amended through the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 requires the EPA to annually issue rules that adjust the statutory maximum and minimum civil penalty amounts under the various environmental laws implemented by the EPA to account for inflation. The EPA makes inflation adjustments for each of the outdated penalty amounts in a separate rule. This rule adds language notifying the reader that the penalty amount listed may not be accurate and refers the reader to the EPA's regulation to find the correct amounts.

DATES: This rule is effective on November 8, 2024, without further notice, unless the EPA receives adverse comment by December 9, 2024. If the EPA receives adverse comment, we will publish a timely withdrawal in the **Federal Register** informing the public that the rule will not take effect.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–HQ–OECA–2024–0208. All documents in the docket are listed on the *http://www.regulations.gov* website. Although listed in the index, some information is not publicly available, *e.g.,* CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available electronically through *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Ryan Didion, Office of Civil Enforcement, Office of Enforcement and Compliance Assurance, Mail Code 2241A, U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue NW, Washington, DC 20460; telephone number: (202) 564–0332; email: *didion.ryan@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Why is the EPA using a direct final rule?

The EPA is publishing this rule without a prior proposed rulemaking because we view this as a noncontroversial action and anticipate no adverse comment because this matter is clerical in nature as these are minor technical amendments where there is no substantive issue and the EPA finds it has good cause to forgo notice and comment because notice and comment would be unnecessary and contrary to the public interest in understanding where the most current penalty limits may be found. If the EPA receives adverse comment, we will publish a timely withdrawal in the **Federal Register** informing the public that the rule will not take effect. Any parties interested in commenting must do so at this time. For further information about commenting on this rule, see the **ADDRESSES** section of this document.

II. Background

The Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (2015 Act) requires each Federal agency to adjust the level of statutory civil monetary penalties under the laws implemented by that agency with annual adjustments to account for inflation. The purpose of the 2015 Act is to maintain the deterrent effect of civil monetary penalties by translating originally enacted statutory civil penalty amounts to today's dollars. The EPA promulgates annual rules as required by the 2015 Act to adjust the statutory maximum and minimum civil penalty amounts in 40 CFR 19.4.

Currently, there are statutory civil penalty amounts in 40 CFR parts 51, 79,

80, 85, 122, 300, 372, 501, 704, 745, 763, 790, 1036, and 1037, that were previously correct when promulgated but are no longer accurate because they have not been adjusted for inflation. This rule adds language in 16 instances throughout CFR Title 40 stating the current inflation adjusted figures can be found in 40 CFR 19.4. With these revisions, the corrected regulatory provisions will now be adjusted annually per the 2015 Act.

III. Statutory and Executive Order Reviews

Additional information about these statutes and Executive orders can be found at *https://www.epa.gov/laws-regulations/laws-and-executive-orders.*

A. Executive Order 12866: Regulatory Planning and Review and Executive Order 14094: Modernizing Regulatory Review

This action is not a significant regulatory action as defined in Executive Order 12866, as amended by Executive Order 14094, and was therefore not subject to a requirement for Executive Order 12866 review.

B. Paperwork Reduction Act (PRA)

This action does not impose an information collection burden under the PRA. This action contains no information collection activities and, therefore, no information collection request will be submitted to the Office of Management and Budget for review under the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* This rule adds a sentence to statutory civil penalty amounts in 40 CFR parts 51, 79, 80, 85, 122, 300, 372, 501, 704, 745, 763, 790, 1036, and 1037, stating the current statutory penalty amount can be found in 40 CFR 19.4.

C. Regulatory Flexibility Act (RFA)

This action is not subject to the RFA. The RFA applies only to rules subject to notice and comment rulemaking requirements under the Administrative Procedures Act (APA), 5 U.S.C. 553, or any other statute. This rule is not subject to notice and comment requirements because this rule fits with the APA's ''good cause'' exemption under 5 U.S.C. 553(b).

D. Unfunded Mandates Reform Act (UMRA)

This action does not contain an unfunded mandate as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. The action imposes no enforceable duty on any state, local, or tribal governments or the private sector.

E. Executive Order 13132: Federalism

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

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

This action does not have tribal implications as specified in Executive Order 13175. This action simply inserts language to inform the public of the current statutory civil monetary penalty amounts. Accordingly, this rule will not have a substantial direct effect on tribal governments, 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. Thus, Executive Order 13175 does not apply to this action.

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

The EPA interprets Executive Order 13045 as applying only to those regulatory actions that concern environmental health or safety risks that the EPA has reason to believe may disproportionately affect children, per the definition of ''covered regulatory action'' in section 2–202 of the Executive Order. This action is not subject to Executive Order 13045 because it does not concern an environmental health risk or safety risk. Since this action does not concern human health, the EPA's Policy on Children's Health also does not apply.

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

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

I. National Technology Transfer and Advancement Act (NTTAA)

This rule does not involve technical standards.

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

The EPA believes that this type of action does not concern human health or environmental conditions and therefore cannot be evaluated with respect to potentially disproportionate and adverse effects on communities with environmental justice concerns. These corrections have no substantive impact; they simply notify readers that accurate inflation adjusted statutory penalty amounts can be found in 40 CFR 19.4.

K. Congressional Review Act (CRA)

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

List of Subjects

40 CFR Part 51

Environmental protection, Administrative practice and procedure, Air pollution control, Carbon oxides, Fees, Intergovernmental relations, Lead, Nitrogen oxides, Ozone, Reporting and recordkeeping requirements, Sulfur oxides, Transportation, Volatile organic compounds.

40 CFR Part 79

Environmental protection, Fuel additives, Gasoline, Motor vehicle pollution, Penalties, Reporting and recordkeeping requirements.

40 CFR Part 80

Environmental protection, Administrative practice and procedure, Air pollution control, Biobased products, Diesel fuel, Fuel additives, Gasoline, Imports, Oil imports, Penalties, Petroleum.

40 CFR Part 85

Environmental protection, Confidential business information, Greenhouse gases, Imports, Labeling, Motor vehicle pollution, Reporting and recordkeeping requirements, Research, Warranties.

40 CFR Part 122

Environmental protection, Water pollution control.

40 CFR Part 300

Environmental protection, Air pollution control, Chemicals, Hazardous

substances, Hazardous waste, Intergovernmental relations, Natural resources, Oil pollution, Penalties, Reporting and recordkeeping requirements, Superfund, Water pollution control, Water supply.

40 CFR Part 372

Environmental protection, Reporting and recordkeeping requirements, Toxic substances.

40 CFR Part 501

Environmental protection, Administrative practice and procedure, Indians-lands, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Sewage disposal.

40 CFR Part 704

Environmental protection, Chemicals, Confidential business information, Hazardous substances, Reporting and recordkeeping requirements.

40 CFR Part 745

Environmental protection, Child welfare, Hazardous substances, Housing, Lead, Lead poisoning, Reporting and recordkeeping requirements.

40 CFR Part 763

Environmental protection, Administrative practice and procedure, Asbestos, Confidential business information, Hazardous substances, Imports, Intergovernmental relations, Labeling, Occupational safety and health, Reporting and recordkeeping requirements, Schools.

40 CFR Part 790

Environmental protection, Administrative practice and procedure, Chemicals, Confidential business information, Hazardous substances, Reporting and recordkeeping requirements.

40 CFR Part 1036

Environmental protection, Administrative practice and procedure, Air pollution control, Confidential business information, Greenhouse gases, Labeling, Motor vehicle pollution, Reporting and recordkeeping requirements, Warranties.

40 CFR Part 1037

Environmental protection, Administrative practice and procedure, Air pollution control, Confidential business information, Labeling, Motor vehicle pollution, Reporting and recordkeeping requirements, Warranties.

David M. Uhlmann,

Assistant Administrator, Office of Enforcement and Compliance Assurance.

For the reasons set out in the preamble, the EPA amends title 40, chapter I, parts 51, 79, 80, 85, 122, 300, 372, 501, 704, 745, 763, 790, 1036, and 1037 of the Code of Federal Regulations as follows:

PART 51—REQUIREMENTS FOR PREPARATION, ADOPTION, AND SUBMITTAL OF IMPLEMENTATION PLANS

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

Authority: 23 U.S.C. 101; 42 U.S.C. 7401–7671q.

■ 2. Amend § 51.493 by adding two sentences to the end of paragraph (i)(2) to read as follows:

§ 51.493 State program requirements.

* * * * *

(i) * * *

(2) * * * The civil monetary penalty amount listed in this section may not reflect recent inflation adjustments EPA is required to make. The current maximum and minimum statutory civil penalty amounts are located in § 19.4.

PART 79—REGISTRATION OF FUELS AND FUEL ADDITIVES

■ 3. The authority citation for part 79 continues to read as follows:

Authority: 42 U.S.C. 7414, 7524, 7545 and 7601.

■ 4. Amend § 79.8 by adding two sentences to the end of the text to read as follows:

§ 79.8 Penalties.

* * * The civil monetary penalty amount listed in this section may not reflect recent inflation adjustments EPA is required to make. The current maximum and minimum statutory civil penalty amounts are located in § 19.4.

■ 5. Amend § 79.51 by adding paragraph(f)(7) to read as follows:

§ 79.51 General requirements and provisions.

* * * * *

(f) * * *

(7) The civil monetary penalty amounts listed in this section may not reflect recent inflation adjustments EPA is required to make. The current maximum and minimum statutory civil penalty amounts are located in § 19.4.

* * * * *

PART 80—REGULATION OF FUELS AND FUEL ADDITIVES

■ 6. The authority citation for part 80 continues to read as follows:

Authority: 42 U.S.C. 7414, 7521, 7542, 7545, and 7601(a).

■ 7. Amend § 80.5 by adding two sentences to the end of the text to read as follows:

§ 80.5 Penalties.

* * * The civil monetary penalty amount listed in this section may not reflect recent inflation adjustments EPA is required to make. The current maximum and minimum statutory civil penalty amounts are located in § 19.4.

PART 85—CONTROL OF AIR POLLUTION FROM MOBILE SOURCES

■ 8. The authority citation for part 85 continues to read as follows:

Authority: 42 U.S.C. 7401–7671q.

■ 9. Amend § 85.1513 by adding two sentences to the end of paragraph (d) to read as follows:

§ 85.1513 Prohibited acts; penalties.

* * * * *

(d) * * * The civil monetary penalty amount listed in this section may not reflect recent inflation adjustments EPA is required to make. The current maximum and minimum statutory civil penalty amounts are located in § 19.4.

* * * * *

PART 122—EPA ADMINISTERED PERMIT PROGRAMS: THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

■ 10. The authority citation for part 122 continues to read as follows:

Authority: 33 U.S.C. 1251 *et seq.*

■ 11. Amend § 122.41 by adding paragraph (a)(4) to read as follows:

§ 122.41 Conditions applicable to all permits (applicable to State programs, see § 123.25).

* * * * *

(4) The civil monetary penalty amounts listed in this section may not reflect recent inflation adjustments EPA is required to make. The current maximum and minimum statutory civil penalty amounts are located in § 19.4.

* * * * *

PART 300—NATIONAL OIL AND HAZARDOUS SUBSTANCES POLLUTION CONTINGENCY PLAN

■ 12. The authority citation for part 300 continues to read as follows:

Authority: 33 U.S.C. 1251 *et seq.;* 42 U.S.C. 9601–9657; E.O. 13626, 77 FR 56749, 3 CFR, 2013 Comp., p. 306; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; E.O. 12580, 52 FR 2923, 3 CFR, 1987 Comp., p. 193.

■ 13. Amend § 300.400 by adding two sentences to the end of paragraph (d)(4)(iv)(D) to read as follows:

§ 300.400 General.

* * * * *

(d) * * *

(4) * * *

(iv) * * *

(D) * * * The civil monetary penalty amount listed in this section may not reflect recent inflation adjustments EPA is required to make. The current maximum and minimum statutory civil penalty amounts are located in § 19.4.

* * * * *

PART 372—TOXIC CHEMICAL RELEASE REPORTING: COMMUNITY RIGHT-TO-KNOW

■ 14. The authority citation for part 372 continues to read as follows:

Authority: 42 U.S.C. 11023 and 11048.

■ 15. Amend § 372.18 by adding two sentences to the end of the text to read as follows:

§ 372.18 Compliance and enforcement.

* * * The civil monetary penalty amount listed in this section may not reflect recent inflation adjustments EPA is required to make. The current maximum and minimum statutory civil penalty amounts are located in § 19.4.

PART 501—STATE SLUDGE MANAGEMENT PROGRAM REGULATIONS

■ 16. The authority citation for part 501 continues to read as follows:

Authority: 33 U.S.C. 1251 *et seq.*

■ 17. Amend § 501.15 by adding two sentences to the end of paragraph (b)(3) to read as follows:

§ 501.15 Requirements for permitting.

* * * * *

(b) * * *

(3) * * * The civil monetary penalty amounts listed in this section may not reflect recent inflation adjustments EPA is required to make. The current maximum and minimum statutory civil penalty amounts are located in § 19.4.

* * * * *

■ 18. Amend § 501.17 by adding two sentences to the end of paragraph (a)(3)(i) to read as follows:

§ 501.17 Requirements for enforcement authority.

(a) * * *

(3) * * *

(i) * * * The civil monetary penalty amount listed in this section may not reflect recent inflation adjustments EPA is required to make. The current maximum and minimum statutory civil penalty amounts are located in § 19.4.

PART 704—REPORTING AND RECORDKEEPING REQUIREMENTS

■ 19. The authority citation for part 704 continues to read as follows:

Authority: 15 U.S.C. 2607(a).

■ 20. Amend § 704.13 by adding two sentences to the end of the text to read as follows:

§ 704.13 Compliance and enforcement.

* * * The civil monetary penalty amount listed in this section may not reflect recent inflation adjustments EPA is required to make. The current maximum and minimum statutory civil penalty amounts are located in § 19.4.

PART 745—LEAD-BASED PAINT POISONING PREVENTION IN CERTAIN RESIDENTIAL STRUCTURES

■ 21. The authority citation for part 745 continues to read as follows:

Authority: 15 U.S.C. 2605, 2607, 2681–2692 and 42 U.S.C. 4852d.

■ 22. Amend § 745.118 by adding two sentences to the end of paragraph (f) to read as follows:

§ 745.118 Enforcement.

* * * * *

(f) * * * The civil monetary penalty amounts listed in this section may not reflect recent inflation adjustments EPA is required to make. The current maximum and minimum statutory civil penalty amounts are located in § 19.4.

PART 763—ASBESTOS

■ 23. The authority citation for part 763 continues to read as follows:

Authority: 15 U.S.C. 2605, 2607(c), 2643, and 2646.

■ 24. Amend § 763.97 by adding paragraph (g) to read as follows:

§ 763.97 Compliance and enforcement.

* * * * *

(g) *Annual adjustments to civil penalties.* The civil monetary penalty amounts listed in this section may not reflect recent inflation adjustments EPA is required to make. The current maximum and minimum statutory civil penalty amounts are located in § 19.4.

PART 790—PROCEDURES GOVERNING TESTING CONSENT AGREEMENTS AND TEST RULES

■ 25. The authority citation for part 790 continues to read as follows:

Authority: 15 U.S.C. 2603.

■ 26. Amend § 790.65 by adding two sentences to the end of paragraph (c) to read as follows:

§ 790.65 Failure to comply with a consent agreement.

* * * * *

(c) * * * The civil monetary penalty amount listed in this section may not reflect recent inflation adjustments EPA is required to make. The current maximum and minimum statutory civil penalty amounts are located in § 19.4.

* * * * *

PART 1036—CONTROL OF EMISSIONS FROM NEW AND IN-USE HEAVY-DUTY HIGHWAY ENGINES

■ 27. The authority citation for part 1036 continues to read as follows:

Authority: 42 U.S.C. 7401—7671q.

■ 28. Amend § 1036.601 by adding two sentences to the end of paragraph (a)(3) to read as follows:

§ 1036.601 Overview of compliance provisions.

(a) * * *

(3) * * * The civil monetary penalty amount listed in this section may not reflect recent inflation adjustments EPA is required to make. The current maximum and minimum statutory civil penalty amounts are located in § 19.4.

* * * * *

PART 1037—CONTROL OF EMISSIONS FROM NEW HEAVY-DUTY MOTOR VEHICLES

■ 29. The authority citation for part 1037 continues to read as follows:

Authority: 42 U.S.C. 7401–7671q.

■ 30. Amend § 1037.601 by adding two sentences to the end of paragraph (a)(5) to read as follows:

§ 1037.601 General compliance provisions.

(a) * * *

(5) * * * The civil monetary penalty amount listed in this section may not reflect recent inflation adjustments EPA is required to make. The current maximum and minimum statutory civil penalty amounts are located in § 19.4.

* * * * *

[FR Doc. 2024–25669 Filed 11–7–24; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2023–0062; FRL–12158–01–OCSPP]

Fluindapyr; Pesticide Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes tolerances for residues of fluindapyr in or on soybean, forage; soybean, hay; soybean, hulls; and soybean, seed. FMC Corporation requested these tolerances under the Federal Food, Drug, and Cosmetic Act (FFDCA).

DATES: This regulation is effective November 8, 2024. Objections and requests for hearings must be received on or before January 7, 2025, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2023–0062, is available at *https://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW, Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room, and for the OPP Docket is (202) 566–1744. Please review the visitor instructions and additional information about the docket available at *https://www.epa.gov/dockets.*

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

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

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

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

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

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

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

Under FFDCA section 408(g), 21 U.S.C. 346a(g), any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA–HQ–OPP–2023–0062 in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing and must be received by the Hearing Clerk on or before January 7, 2025. Addresses for mail and hand delivery of objections and hearing requests are provided in 40 CFR 178.25(b).

EPA's Office of Administrative Law Judges (OALJ), in which the Hearing Clerk is housed, urges parties to file and serve documents by electronic means only, notwithstanding any other particular requirements set forth in other procedural rules governing those proceedings. *See* ''Revised Order Urging Electronic Service and Filing'', dated June 22, 2023, which can be found at *https://www.epa.gov/system/files/documents/2023-06/2023-06-22%20-%20revised%20order%20urging%20electronic%20filing%20and%20service.pdf.* Although EPA's regulations require submission via U.S. Mail or hand delivery, EPA intends to treat submissions filed via electronic means as properly filed submissions; therefore, EPA believes the preference for submission via electronic means will not be prejudicial. When submitting documents to the OALJ electronically, a person should utilize the OALJ e-filing system at *https://yosemite.epa.gov/oa/eab/eab-alj_upload.nsf.*

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing (excluding any Confidential Business Information (CBI)) for inclusion in the public docket. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit the non-CBI copy of your objection or hearing request, identified by docket ID number EPA–HQ–OPP–2023–0062, by one of the following methods:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be CBI or other information whose disclosure is restricted by statute.
- *Mail:* OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001.
- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *https://www.epa.gov/dockets/where-send-comments-epa-dockets.*

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

II. Summary of Petitioned-For Tolerance

In the **Federal Register** of July 5, 2023 (88 FR 42935) (FRL–10579–05–OCSPP), EPA issued a document pursuant to FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), announcing the filing of a pesticide petition (PP 2F9020) by FMC Corporation, 2929 Walnut Street, Philadelphia, PA 19104. The petition requested that 40 CFR part 180 be amended by establishing tolerances for residues of the fungicide fluindapyr, in or on soybean, forage at 15 parts per million (ppm); soybean, hay at 30 ppm; soybean, hulls at 0.6 ppm; soybean, seed at 0.2 ppm. That document referenced a summary of the petition prepared by FMC Corporation, the registrant, which is available in the docket, *https://www.regulations.gov.* There were no comments received in response to the notice of filing.

III. Aggregate Risk Assessment and Determination of Safety

Section 408(b)(2)(A)(i) of FFDCA allows EPA to establish a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is ''safe.'' Section 408(b)(2)(A)(ii) of FFDCA defines ''safe'' to mean that ''there is a reasonable certainty that no harm will result from aggregate exposure to the

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

Consistent with FFDCA section 408(b)(2)(D), and the factors specified therein, EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of and to make a determination on aggregate exposure for fluindapyr, including exposure resulting from the tolerances established by this action. EPA's assessment of exposures and risks associated with fluindapyr follows.

In an effort to streamline its publications in the **Federal Register**, EPA is not reprinting sections of the rule that repeat what has been previously published in tolerance rulemakings for the same pesticide chemical. Where scientific information concerning a particular chemical remains unchanged, the content of those sections would not vary between tolerance rulemakings, and EPA considers referral back to those sections as sufficient to provide an explanation of the information EPA considered in making its safety determination for the new rulemaking.

EPA has previously published a tolerance rulemaking for fluindapyr in which EPA concluded, based on the available information, that there is a reasonable certainty that no harm would result from aggregate exposure to fluindapyr and established tolerances for residues of that chemical. EPA is incorporating previously published sections from that rulemaking as described further in this rule, as they remain unchanged.

A. Toxicological Profile

EPA has evaluated the available toxicity data and considered its validity, completeness, and reliability as well as the relationship of the results of the studies to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children.

Specific information on the studies received and the nature of the adverse effects caused by fluindapyr as well as the no-observed-adverse-effect-level (NOAEL) and the lowest-observed-adverse-effect-level (LOAEL) from the toxicity studies are discussed in the final rule published in Unit III.A. of the **Federal Register** of March 9, 2021 (86 FR 13459) (FRL–10019–19).

B. Toxicological Points of Departure/ Levels of Concern

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

A summary of the toxicological endpoints for fluindapyr used for human risk assessment can be found at *https://www.regulations.gov* in document ''Fluindapyr. Human Health Risk Assessment for Section 3 Registration and Tolerance Requests for Use on Soybeans and Proposed New Uses on Sod Farms, Athletic Fields and Residential Turfgrass and Lawns,'' hereinafter ''Fluindapyr Human Health Risk Assessment'' on pages 19–20 in Docket ID number EPA–HQ–OPP–2023–0062.

C. Exposure Assessment

1. *Dietary exposure from food and feed uses.* In evaluating dietary exposure to fluindapyr, EPA considered exposure under the petitioned-for tolerances as well as all existing fluindapyr tolerances in 40 CFR 180.716. EPA assessed dietary exposures from fluindapyr in food as follows:

i. *Acute exposure.* Quantitative acute dietary exposure and risk assessments are performed for a food-use pesticide, if a toxicological study has indicated the possibility of an effect of concern occurring as a result of a 1-day or single exposure. Such effects were identified for fluindapyr. In estimating acute dietary exposure, EPA used 2003–2008 food consumption information from the United States Department of Agriculture (USDA) Nationwide Health and Nutrition Examination Survey, What We Eat in America (NHANES/WWEIA). As to residue levels in food, the acute analysis assumed 100% crop treated (PCT) for all commodities, highest average field trial (HAFT) residue values, empirical and default processing factors, and anticipated livestock residues based on calculated livestock dietary burden and tissue transfer rates from the livestock feeding studies.

ii. *Chronic exposure.* In conducting the chronic dietary exposure assessment EPA used 2005–2010 food consumption data from the USDA's NHANES/ WWEIA. As to residue levels in food, chronic analysis assumed 100 PCT for all commodities, field trial mean residue values, empirical and default processing factors and anticipated livestock dietary burden and tissue transfer rates from the livestock feeding studies and metabolite ratios from the metabolism studies.

iii. *Cancer.* Based on the data referenced in Unit III.A., EPA has concluded that fluindapyr does not pose a cancer risk to humans. Therefore, a dietary exposure assessment for the purpose of assessing cancer risk is unnecessary.

2. *Dietary exposure from drinking water.* The proposed uses do not result in an increase in the estimated residue levels in drinking water, so the estimated drinking water concentration used in the March 9, 2021, final rule is the same as those used in this assessment.

3. *From non-dietary exposure.* The term ''residential exposure'' is used in this document to refer to non-occupational, non-dietary exposure (*e.g.,* for lawn and garden pest control, indoor pest control, termiticides, and flea and tick control on pets). Fluindapyr is currently registered for the following uses that could result in residential exposures: turf in public areas (*i.e.,* golf courses and landscape areas around public, intuitional, and commercial properties). The currently registered use on turf in public areas

will result in short-term (1 to 30 days) residential post-application dermal exposures to adults. It will also result in residential post-application exposure in children 1 to less than 2 years old (combined dermal and hand-to-mouth exposure).

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

EPA has not found fluindapyr to share a common mechanism of toxicity with any other substances, and fluindapyr does not appear to produce a toxic metabolite produced by other substances. For the purposes of this tolerance action, therefore, EPA has assumed that fluindapyr does not have a common mechanism of toxicity with other substances. For information regarding EPA's efforts to determine which chemicals have a common mechanism of toxicity and to evaluate the cumulative effects of such chemicals, see EPA's website at *https://www.epa.gov/pesticide-science-and-assessing-pesticide-risks/cumulative-assessment-risk-pesticides.*

D. Safety Factor for Infants and Children

Section 408(b)(2)(C) of FFDCA provides that EPA shall apply an additional tenfold (10X) margin of safety for infants and children in the case of threshold effects to account for prenatal and postnatal toxicity and the completeness of the database on toxicity and exposure unless EPA determines based on reliable data that a different margin of safety will be safe for infants and children. This additional margin of safety is commonly referred to as the Food Quality Protection Act (FQPA) Safety Factor (SF). EPA is retaining the 10X FQPA SF or all exposure assessments except acute and chronic dietary exposure for the need of the comparative thyroid assay (CTA). See Unit III.D. of the March 9, 2021, rulemaking for a discussion of the Agency's rationale for that determination.

E. Aggregate Risks and Determination of Safety

EPA determines whether acute and chronic dietary pesticide exposures are safe by comparing dietary exposure estimates to the acute PAD (aPAD) and chronic PAD (cPAD). Short-, intermediate-, and chronic-term aggregate risks are evaluated by comparing the estimated total food, water, and residential exposure to the appropriate PODs to ensure that an adequate MOE exists.

1. *Acute risk.* An acute aggregate risk assessment takes into account acute exposure estimates from dietary consumption of food and drinking water. Using the exposure assumptions discussed in this unit for acute exposure, the acute dietary exposure from food and water to fluindapyr will occupy 9% of the aPAD for all infants under 1 year old, the population group receiving the greatest exposure.

2. *Chronic risk.* Using the exposure assumptions described in this unit for chronic exposure, EPA has concluded that chronic exposure to fluindapyr from food and water will utilize 44% of the cPAD for infants under 1 year old the population group receiving the greatest exposure. Based on the explanation in Unit III.C.3., regarding residential use patterns, chronic residential exposure to residues of fluindapyr is not expected.

3. *Short-term risk.* Short-term aggregate exposure takes into account short-term residential exposure plus chronic exposure to food and water (considered to be a background exposure level). Short-term and intermediate-term endpoints are identical, and so short-term aggregate exposure would be considered protective of intermediate-term aggregate exposures. Regarding short-term risk, the four population subgroups assessed for residential post-application exposures are: adults, youth 11 to less than 16 years old, children 6 to less than 11 years old, and children 1 to less than 2 years old. Of the four population subgroups, the children 1 to less than 2 years old represent the highest exposure from post-application exposures (combined dermal and hand-to-mouth exposure). However, based on registered use patterns, intermediate-term exposure is not expected for the residential exposure pathway. Therefore, intermediate-term aggregate risk is not estimated.

Using the exposure assumptions described in this unit for short-term exposures, EPA has concluded the combined short-term food, water, and residential exposures result in aggregate MOEs for adults, children 11 to less than 16 years old, children 6 to less than 11 years old, and children 1 to less than 2 years old of 2100, 6500, 5100, and 1100 respectively. Because EPA's level of concern for fluindapyr is a MOE of 1,000 or below, these MOEs are not of concern.

4. *Aggregate cancer risk for U.S. population.* Based on the lack of evidence of carcinogenicity in two adequate rodent carcinogenicity studies, fluindapyr is not expected to pose a cancer risk to humans.

5. *Determination of safety.* Based on the risk assessment and information described above, EPA concludes that there is a reasonable certainty that no harm will result to the general population, or to infants and children from aggregate exposure to fluindapyr residues.

IV. Other Considerations

A. Analytical Enforcement Methodology

For a discussion of the available enforcement analytical methods, see Unit IV.A. of the March 9, 2021, rulemaking.

B. International Residue Limits

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

The Codex has not established a MRL for fluindapyr.

V. Conclusion

Therefore, tolerances are established for residues of fluindapyr, (3-(difluoromethyl)-*N*-(7-fluoro-1,1,3-trimethyl-2,3-dihydro-1*H*-inden-4-yl)-1-methyl-1*H*-pyrazole-4-carboxamide), in or on Soybean, forage at 15 ppm; Soybean, hay at 30 ppm; Soybean, hulls at 0.6 ppm; and Soybean, seed at 0.2 ppm.

VI. Statutory and Executive Order Reviews

This action establishes tolerances under FFDCA section 408(d) in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled ''Regulatory

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

Since tolerances and exemptions that are established on the basis of a petition under FFDCA section 408(d), such as the tolerance in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), do not apply.

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

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

VII. Congressional Review Act

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

List of Subjects in 40 CFR Part 180

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

Dated: October 31, 2024.

Charles Smith,

Director, Registration Division, Office of Pesticide Programs.

Therefore, for the reasons stated in the preamble, EPA is amending 40 CFR chapter I as follows:

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

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

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

■ 2. In § 180.716, amend table 1 to paragraph (a)(1) by adding in alphabetical order the entries ''Soybean, forage'', ''Soybean, hay'', ''Soybean, hulls'', and ''Soybean, seed'' to read as follows:

§ 180.716 Fluindapyr; tolerances for residues.

(a) * * *

(1) * * *

TABLE 1 TO PARAGRAPH (a)(1)

Commodity	Parts per million
* * * * *	
Soybean, forage	15
Soybean, hay	30
Soybean, hulls	0.6
Soybean, seed	0.2

* * * * *

[FR Doc. 2024–25917 Filed 11–7–24; 8:45 am]

BILLING CODE 6560–50–P

Proposed Rules

Federal Register
Vol. 89, No. 217
Friday, November 8, 2024

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 981

[Doc. No. AMS–SC–24–0050]

Almonds Grown in California; Continuance Referendum

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Referendum order.

SUMMARY: This document directs that a referendum be conducted among eligible almond growers to determine whether they favor continuance of the marketing order regulating the handling of almonds grown in California.

DATES: The referendum will be conducted from December 4 through December 20, 2024. Only current growers of almonds within the production area that grew almonds during the period August 1, 2023, through July 31, 2024, are eligible to vote in this referendum. The U.S. Department of Agriculture (USDA) will provide the option for ballots to be returned electronically. Further detail will be provided in the ballot instructions. Ballots returned via express mail or electronic mail must show proof of delivery by no later than 11:59 p.m. Eastern time on December 20, 2024, to be counted.

ADDRESSES: Copies of the marketing order may be obtained from the West Region Branch, Market Development Division, Specialty Crops Program, AMS, USDA, 2202 Monterey Street, Suite 102B, Fresno, California 93721–3129; Telephone: (559) 487–5901; the Office of the Docket Clerk, Market Development Division, Specialty Crops Program, AMS, USDA, 1400 Independence Avenue SW, STOP 0237, Washington, DC 20250–0237; Telephone: (202) 720–8085; or on the internet: *https://www.ams.usda.gov/rules-regulations/moa/commodities.*

FOR FURTHER INFORMATION CONTACT: Peter Sommers, Marketing Specialist, or Abigail Maharaj, Branch Chief, West Region Branch, Market Development Division, Specialty Crops Program, AMS, USDA, 2202 Monterey Street, Suite 102B, Fresno, CA 93721–3129; Telephone: (559) 487–5901, or Email: *Peter.Sommers@usda.gov* or *Abigail.Maharaj@usda.gov.*

SUPPLEMENTARY INFORMATION: Pursuant to Marketing Order No. 981, as amended (7 CFR part 981), hereinafter referred to as the ''Order,'' and the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the ''Act,'' it is hereby directed that a referendum be conducted to ascertain whether continuance of the Order is favored by growers. The referendum will be conducted from December 4 through December 20, 2024, among almond growers in the production area. Only current almond growers that were engaged in the production of almonds during the period of August 1, 2023, through July 31, 2024, may participate in the continuance referendum.

USDA has determined that continuance referenda are an effective means for determining whether growers favor the continuation of marketing order programs. USDA would consider termination of the Order if less than two-thirds of the growers voting in the referendum, or growers of less than two-thirds of the volume of almonds represented in the referendum, favor continuance. In evaluating the merits of continuance versus termination, USDA will not exclusively consider the results of the continuance referendum. USDA will also consider all other relevant information concerning the operation of the Order and the relative benefits and costs to growers, handlers, and consumers to determine whether continued operation of the Order would tend to effectuate the declared policy of the Act.

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the ballot materials used in the referendum have been submitted to and approved by the Office of Management and Budget (OMB) and have been assigned OMB No. 0581–0178, Fruit Crops. It has been estimated it will take an average of 20 minutes for each of the approximately 9,500 almond growers to cast a ballot. Participation is voluntary. Ballots postmarked after December 20, 2024, will not be included in the vote tabulation.

Abigail Maharaj, Jeffery Rymer, and Peter Sommers of the West Region Branch, Market Development Division, Specialty Crops Program, AMS, USDA, are hereby designated as the referendum agents of the Secretary of Agriculture to conduct this referendum. The procedure applicable to the referendum shall be the ''Procedure for the Conduct of Referenda in Connection with Marketing Orders for Fruits, Vegetables, and Nuts Pursuant to the Agricultural Marketing Agreement Act of 1937, as Amended'' (7 CFR part 900.400 *et seq.*).

Ballots and voting instructions will be sent by U.S. Postal Service, or through electronic mail to all growers of record and may also be obtained from the referendum agents or from their appointees.

List of Subjects in 7 CFR Part 981

Marketing agreements, Nuts, and Reporting and recordkeeping requirements.

(Authority: 7 U.S.C. 601–674)

Erin Morris,

Associate Administrator, Agricultural Marketing Service.

[FR Doc. 2024–26048 Filed 11–7–24; 8:45 am]

BILLING CODE P

DEPARTMENT OF ENERGY

10 CFR Part 430

[EERE–2024–BT–STD–0002]

RIN 1904–AF69

Energy Conservation Program: Energy Conservation Standards for Dishwashers, Residential Clothes Washers, and Consumer Clothes Dryers

AGENCY: Office of Energy Efficiency and Renewable Energy, Department of Energy.

ACTION: Notification of proposed confirmation of withdrawal and request for comment.

SUMMARY: In light of the United States Court of Appeals for the Fifth Circuit granting a petition for review of a final rule published by the U.S. Department of Energy (''DOE'') on January 19, 2022, and remanding the matter to DOE for further proceedings, DOE issued a

request for information on whether ''short-cycle'' product classes for dishwashers, residential clothes washers, and consumer clothes dryers are warranted under the Energy Policy and Conservation Act. In this document, DOE considers the factors outlined by the Fifth Circuit and proposes to confirm the elimination of ''short-cycle'' product classes in the January 19, 2022, final rule.

DATES: DOE will accept comments, data, and information regarding this proposal no later than December 9, 2024. *See* section IV, ''Public Participation,'' for details.

ADDRESSES: Interested persons are encouraged to submit comments using the Federal eRulemaking Portal at *www.regulations.gov* under docket number EERE–2024–BT–STD–0002. Follow the instructions for submitting comments. Alternatively, interested persons may submit comments may submit comments, identified by docket number EERE–2024–BT–STD–0002, by any of the following methods:

(1) Email: ShortCycle2024STD0002@ee.doe.gov. Include the docket number EERE–2024–BT–STD–0002 in the subject line of the message.

(2) Postal Mail: Appliance and Equipment Standards Program, U.S. Department of Energy, Building Technologies Office, Mailstop EE–5B, 1000 Independence Avenue SW, Washington, DC, 20585–0121. Telephone: (202) 287–1445. If possible, please submit all items on a compact disc (''CD''), in which case it is not necessary to include printed copies.

(3) Hand Delivery/Courier: Appliance and Equipment Standards Program, U.S. Department of Energy, Building Technologies Office, 1000 Independence Avenue SW, Washington, DC, 20585–0121. Telephone: (202) 287–1445. If possible, please submit all items on a CD, in which case it is not necessary to include printed copies.

No telefacsimiles (''faxes'') will be accepted. For detailed instructions on submitting comments and additional information on this process, see section IV of this document.

Docket: The docket for this activity, which includes **Federal Register** notices, 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, some documents listed in the index, such as those containing information that is exempt from public disclosure, may not be publicly available.

The docket web page can be found at *www.regulations.gov/docket/EERE–2024–BT–STD–0002.* The docket web page contains instructions on how to access all documents, including public comments, in the docket. See section IV for information on how to submit comments through *www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT:

Dr. Carl Shapiro, 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: (202) 287–5649. Email: *ApplianceStandardsQuestions@ee.doe.gov.*

Mr. Pete Cochran, U.S. Department of Energy, Office of the General Counsel, GC–33, 1000 Independence Avenue SW, Washington, DC 20585–0121. Telephone: (240) 961–1189. Email: *Peter.Cochran@hq.doe.gov.*

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I. Introduction

The following sections briefly discuss the statutory authority underlying this proposed confirmation of withdrawal, as well as some of the historical background relevant to dishwashers, residential clothes washers (''RCWs''), and consumer clothes dryers.

A. Authority

The U.S. Department of Energy (''DOE'') must follow specific statutory criteria under the Energy Policy and Conservation Act, Public Law 94–163,[1] as amended, (''EPCA'') for prescribing new or amended standards for covered products, including dishwashers, RCWs, and consumer clothes dryers. Any new or amended standard for a covered product must be designed to achieve the maximum improvement in energy efficiency that the Secretary of Energy (''Secretary'') determines is technologically feasible and economically justified. (42 U.S.C. 6295(o)(2)(A)) Furthermore, DOE may not adopt any standard that would not result in the significant conservation of energy. (42 U.S.C. 6295(o)(3)(B))

Moreover, DOE may not prescribe a standard if DOE determines by rule that the establishment of such standard will not result in significant conservation of energy (or, for certain products, water), or is not technologically feasible or economically justified. (42 U.S.C. 6295(o)(3)(B)) In deciding whether a proposed standard is economically justified, DOE must determine whether the benefits of the standard exceeds 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 products subject to the standard;

(2) The 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;

(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 products 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

[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 reflect the last statutory amendments that impact parts A and A–1 of EPCA.

(7) Other factors the Secretary considers relevant.

(42 U.S.C. 6295(o)(2)(B)(i)(I)–(VII))

EPCA, as codified, also contains what is known as an ''anti-backsliding'' provision, which prevents the Secretary from prescribing any amended standard that either increases the maximum allowable energy use or decreases the minimum required energy efficiency of a covered product. (42 U.S.C. 6295(o)(1)) Also, the Secretary may not prescribe an amended or new standard if interested persons have established by a preponderance of the evidence that the standard is likely to result in the unavailability in the United States in any covered product type (or class) of performance characteristics (including reliability), features, sizes, capacities, and volumes that are substantially the same as those generally available in the United States. (42 U.S.C. 6295(o)(4))

Additionally, EPCA specifies requirements when promulgating an energy conservation standard for a covered product that has two or more subcategories. A rule prescribing an energy conservation standard for a type (or class) of product 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 which 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)) In determining whether a performance-related feature justifies a different standard for a group of products, DOE considers such factors as the utility to the consumer of such a feature and other factors DOE deems appropriate. (*Id.*) Any rule prescribing such a standard must include an explanation of the basis on which such higher or lower level was established. (42 U.S.C. 6295(q)(2))

B. Background

The Administrative Procedure Act (''APA''), 5 U.S.C. 551 *et seq.,* provides, among other things, that ''[e]ach agency shall give an interested person the right to petition for the issuance, amendment, or repeal of a rule.'' (5 U.S.C. 553(e)) Pursuant to this provision of the APA, the Competitive Enterprise Institute (''CEI'') petitioned DOE for the issuance of a rule establishing a new product class under 42 U.S.C. 6295(q) that would cover dishwashers with a cycle time of less than 60 minutes from washing through drying, asserting that it is not technologically feasible to create dishwashers that both meet the current standards and have cycle times of 60 minutes or less.[2] On October 30, 2020, DOE published a final rule that established a product class for standard-size dishwashers with a cycle time for the normal cycle[3] of 60 minutes or less. 85 FR 68723 (''October 2020 Final Rule''). Contrary to CEI's claim in its petition that it is not technologically feasible for a dishwasher with a cycle time of 60 minutes or less to meet the current standards, in the October 2020 Final Rule DOE identified several dishwashers that had cycles that were less than 60 minutes and met the current standards, but asserted that establishing a product class for dishwashers with a normal cycle of 60 minutes or less could spur manufacturer innovation to generate additional product offerings. *Id.* at 85 FR 68726. The October 2020 Final Rule additionally specified that the current standards for dishwashers no longer apply to short-cycle products and that DOE intended to conduct the necessary rulemaking to determine standards that would provide the maximum energy efficiency that is technologically feasible and economically justified, and would result in a significant conservation of energy. *Id.* at 85 FR 68733, 68741.

Following the October 2020 Final Rule, having determined that similarities exist between the consumer use of dishwashers, RCWs, and consumer clothes dryers (*i.e.,* that these products offer several cycles with varying times, and that consumers run these cycles multiple times per week on average), DOE published a final rule on December 16, 2020, that established product classes for top-loading RCWs and certain classes of consumer clothes dryers with a cycle time of less than 30 minutes, and front-loading RCWs with a cycle time of less than 45 minutes (''December 2020 Final Rule''). 85 FR 81359. Similar to the October 2020 Final Rule, the December 2020 Final Rule also specified that the current standards for RCWs and consumer clothes dryers no longer apply to short-cycle products. 85 FR 68723, 68742; 85 FR 81359, 81376.

On January 19, 2022, DOE published a final rule (''January 2022 Final Rule'') revoking the October 2020 Final Rule and the December 2020 Final Rule (collectively, ''Short-cycle Final Rules''). In that rule, DOE noted that the appropriate time for establishing a new product class under 42 U.S.C. 6295(q) is during a rulemaking prescribing new or amended standards. 87 FR 2673, 2682. And, as the Short-cycle Final Rules stated that they were not applying the rulemaking analysis pursuant to the seven factors specified in 42 U.S.C. 6295(o) for the establishment of standards, DOE found that these rules were improperly promulgated. *Id.* at 87 FR 2673. The January 2022 Final Rule reinstated the prior product classes and applicable standards for these covered products. *Id.* at 87 FR 2686.

On March 17, 2022, various States filed a petition in the United States Court of Appeals for the Fifth Circuit (''Fifth Circuit'') seeking review of the January 2022 Final Rule, which eliminated the short-cycle product classes and reinstated the applicable energy conservation standards. The petitioners argued that the January 2022 Final Rule withdrawing the Short-cycle Final Rules violated EPCA and was arbitrary and capricious. On January 8, 2024, the Fifth Circuit granted the petition for review and remanded the matter to DOE for further proceedings consistent with the Fifth Circuit's opinion. In remanding the January 2022 Final Rule for further consideration, the Court held that even if the Short-cycle Final Rules were invalid, DOE was obligated to consider other remedies short of withdrawal. *See Louisiana, et al.* v. *United States Department of Energy, et al.,* 90 F.4th 461, 477 (5th Cir. 2024). Specifically, the Court noted that instead of withdrawing the Short-cycle Final Rules, DOE could have promulgated energy conservation standards for the short-cycle product classes. *Id.* at 476.

As a result, DOE is considering whether short-cycle product classes and standards can be established under the applicable statutory criteria. Under EPCA, DOE establishes product classes based on: (1) fuel type; or (2) performance-related features. (42 U.S.C. 6295(q)(1)) With regards to product classes based on performance-related features, the product must have a feature which other products within such type do not have and such feature must justify a different standard from that which applies to other products within such type. (*Id.).* In the Short-cycle Final Rules, DOE found that cycle time was a performance-related feature and that some products had shorter

[2] *See* document IDs 0006 and 0007 at *www.regulations.gov/docket/EERE-2018-BT-STD-0005.*

[3] The ''normal cycle'' is specifically defined in section 1 of the DOE test procedure at title 10 of the Code of Federal Regulations (''CFR''), part 430, subpart B, appendix C1 (''appendix C1''), as ''the cycle type, including washing and drying temperature options, recommended in the manufacturer's instructions for daily, regular, or typical use to completely wash a full load of normally soiled dishes including the power-dry feature,'' among other criteria.

cycle times than others. 85 FR 68723, 68726; 85 FR 81359, 81361. But the Short-cycle Final Rules did not determine whether cycle time justified different standards. Instead, the Short-cycle Final Rules stated DOE would determine specific standards in a separate rulemaking. *Id.* Therefore, to establish separate energy conservation standards for short-cycle product classes, DOE must first confirm the determination made in the Short-cycle Final Rules that cycle time is a performance-related feature for these three covered products. DOE must then determine that a different standard level is justified for short-cycle products as there is no basis for establishing a product class under 42 U.S.C. 6295(q) that would be subject to the same standard level. Finally, assuming DOE determines that cycle time is a performance-related feature and a different standard level is justified for short-cycle products, DOE must apply the criteria in 42 U.S.C. 6295(o) to prescribe energy conservation standards that, among other things, are technologically feasible and economically justified and would result in significant conservation of energy.

As part of this process, DOE published a request for information on March 11, 2024 (''March 2024 RFI''), seeking data and other information on, among other things, the presence of any short-cycle products in the market and any relationship between cycle time and performance. 89 FR 17338. DOE received comments in response to the March 2024 RFI from the interested parties listed in Table II.1.

TABLE II.1—LIST OF COMMENTERS WITH WRITTEN SUBMISSIONS IN RESPONSE TO THE MARCH 2024 RFI

Commenter(s)	Reference in this final rule	Comment number in the docket	Commenter type
Appliance Standards Awareness Project, Alliance for Water Energy, American Council for an Energy-Efficient Economy, Consumer Federation of America, Earthjustice, National Consumer Law Center, Natural Resources Defense Council, New York State Energy Research and Development Authority.	ASAP *et al.*	8	Efficiency Organizations.
Association of Home Appliance Manufacturers	AHAM	5	Trade Association.
Attorneys General of MT, AL, AR, FL, GA, ID, IA, KY, LA, MS, MO, NE, OH, SC, TN, TX, UT, VA.	AGs of MT *et al.*	9	State Government Officials.
California Investor-Owned Utilities (Pacific Gas and Electric, Southern California Edison, San Diego Gas and Electric).	CA IOUs	6	Utilities.
China via National Center of Standards Evaluation and State Administration for Market Regulation.	China	11	International Government.
LG Corporation	LG	7	Manufacturer.
Northwest Energy Efficiency Alliance	NEEA	4	Efficiency Organization.
Natural Resources Defense Council and Earthjustice	NRDC and Earthjustice	10	Efficiency Organizations.
New York State Energy Research and Development Authority and California Energy Commission.	NYSERDA and CEC	12	State Agencies.
U.S. Representative Stephanie Bice	Rep. Bice	2	Federal Government Official.
Joshua McCray	McCray	3	Individual.

A parenthetical reference at the end of a comment quotation or paraphrase provides the location of the item in the public record.[4]

II. Discussion

This discussion responds to the Fifth Circuit's January 8, 2024, decision remanding this matter to DOE for further proceedings consistent with its opinion. In remanding the January 2022 Final Rule for further consideration, the Fifth Circuit found the January 2022 Final Rule arbitrary and capricious for two principal reasons:

(1) It failed to adequately consider appliance performance, substitution effects, and the ''ample record evidence'' that DOE's conservation standards are causing Americans to use more energy and water rather than less; and

(2) It rested instead on DOE's view that the Short-cycle Final Rules were legally invalid—but even if true, that does not excuse DOE from considering other remedies short of repealing the Short-cycle Final Rules *in toto.*

Louisiana, 90 F.4th at 477.

With regards to the second reason, the Court noted that instead of withdrawing the Short-cycle Final Rules, DOE could have promulgated energy conservation standards for the short-cycle product classes. *Id.* at 476.

In the discussion that follows, DOE considers whether an alternative to withdrawing the Short-cycle Final Rules—establishing standards for the short-cycle product classes—would be justified under EPCA. As discussed below, DOE tentatively concludes that the short-cycle features of dishwashers, RCWs, and consumer clothes dryers do not justify standards different from those applicable to those products generally. DOE has also considered the effect of withdrawing the short-cycle product class on product performance and energy and water use savings, including cleaning and drying performance, the potential for increased substitution (*e.g.,* by hand washing or pre-washing), and the risk that standards are unintentionally increasing energy use (*e.g.,* via consumers relying on multiple cycles or unregulated cycles).

A. Dishwashers

The following sections apply DOE's authority under EPCA at 42 U.S.C. 6295(q) to determine whether a ''short-cycle'' feature for dishwashers is a performance-related feature that justifies the establishment of a separate product class. DOE considers a short-cycle feature for dishwashers to be a cycle that can completely wash a full load of normally soiled dishes in 60 minutes or less. DOE first reiterates its prior determinations that cycle time is a performance-related feature of dishwashers and details its specific consideration of the short-cycle feature (*see* section II.A.1 of this document). As

[4] The parenthetical reference provides a reference for information located in the docket for this rulemaking. (Docket No. EERE–2024–BT–STD–0002, which is maintained at: *www.regulations.gov*). The references are arranged as follows: (commenter name, comment docket ID number at page of that document).

discussed in section II.A.2 of this document, DOE tentatively determines in this analysis that the short-cycle feature does not justify a different standard. Data and information from the Short-cycle Final Rules, March 2024 RFI, and dishwashers direct final rule published on April 24, 2024 (''April 2024 Dishwashers Direct Final Rule''; 89 FR 31398) show that products with a normal cycle of less than 60 minutes can meet the current energy conservation standards using the same design strategies as other dishwashers of comparable efficiency without a short-cycle feature. Finally, in section II.A.3 of this document, DOE addresses other pertinent comments received in response to the March 2024 RFI that pertain to the dishwasher topics discussed in this document.

1. Cycle Time as a Performance-Related Feature

DOE first considered whether cycle time is a performance-related feature of dishwashers in accordance with 42 U.S.C. 6295(q)(1)(B). Consistent with DOE's assessment in previous rulemakings, discussed as follows, DOE reiterates that cycle time is a performance-related feature of dishwashers.

In a notice of proposed rulemaking (''NOPR'') published on July 16, 2019 (''July 2019 NOPR''), DOE noted that while some individual consumers commented in response to the Notice of Petition for Rulemaking that was published on April 24, 2018 (83 FR 17768) that they were not concerned with a shorter cycle time, other individual consumers expressed dissatisfaction with the amount of time necessary to run their dishwashers. 84 FR 33869, 33873. In the July 2019 NOPR, DOE further discussed that the data and comments from dissatisfied consumers indicated that for many consumers, there is a utility in shorter cycle times to clean a normally soiled load of dishes. *Id.* Based on these considerations, DOE concluded that cycle time for dishwashers is a performance-related feature for the purposes of 42 U.S.C. 6295(q). *Id.*

DOE reiterated this conclusion in the October 2020 Final Rule. 85 FR 68723, 68726–68732. Specifically, DOE concluded in the October 2020 Final Rule that dishwashers with a normal cycle with a cycle time of 60 minutes or less have a performance-related feature that other dishwashers currently on the market lack. *Id.* at 85 FR 68726, citing 84 FR 33869, 33871. As defined in section 1 of appendix C1, the normal cycle refers to the cycle recommended to the consumer to completely wash a full load of normally soiled dishes.

As discussed, CEI petitioned DOE in March 2018 to establish a separate product class for dishwashers for which the normal cycle is less than 60 minutes. In the October 2020 Final Rule, DOE finalized the creation of a new product class for standard-size dishwashers with a normal cycle of 60 minutes or less. 85 FR 68723, 68733. In the January 2022 Final Rule, DOE did not question the validity of those prior determinations that short cycles provide a performance-related feature. 87 FR 2673, 2682.

In response to the March 2024 RFI, AHAM stated that cycle time is an important consumer feature. (AHAM, No. 5 at p. 1) The AGs of MT *et al.* stated that consumers find distinct utility in appliances that are actually capable of cleaning dishes on a short cycle. (AGs of MT *et al.,* No. 9 at p. 5)

The CA IOUs commented that short-cycle product classes for dishwashers are unwarranted because they do not meet the requirements for a separate product class under EPCA. The CA IOUs stated that ''cycle time'' is not a ''capacity or other performance-related feature'' that justifies a higher or lower standard as specified under 42 U.S.C. 6295(q)(1). The CA IOUs further noted that under 42 U.S.C. 6295(o)(4), the types of features that are considered for establishing a higher or lower standard, and thus, separate product class, include reliability, size, capacity, volume, and similar attributes. The CA IOUs further asserted that cycle time, for the products at issue, is outside the scope of what EPCA permits DOE to consider in establishing or maintaining separate product classes. (CA IOUs, No. 6 at p. 8) For the reasons stated in the July 2019 NOPR and October 2020 Final Rule, DOE reconfirms in this proposed confirmation of withdrawal that cycle time is a performance-related feature of dishwashers for the purposes of 42 U.S.C. 6295(q). The following paragraphs discuss DOE's specific consideration of the short-cycle feature for dishwashers.

Within the context of the CEI petition, in this document, DOE considers a dishwasher to have a ''short-cycle feature'' only if it provides a cycle with the capability of ''completely washing'' [5] a full load of normally soiled dishes in 60 minutes or less on any available cycle, as would be the consumer expectation for a normal cycle. DOE does not consider a cycle intended for washing only a partial load of dishes, or a cycle unable to completely wash a full load of normally soiled dishes, to be a short-cycle feature for the purpose of this analysis—even if such cycle has a cycle time of 60 minutes or less. In this regard, the analyses performed in support of this proposed confirmation of withdrawal differ from the analyses DOE performed in support of the January 2022 Final Rule, in which DOE considered all ''quick'' cycles with a cycle time of 60 minutes or less, regardless of dish load size or cleaning ability. By considering only cycles that can completely wash a full load of normally soiled dishes, DOE avoids considering ''quick'' cycles designed for addressing niche applications (*e.g.,* light soils, delicate items, *etc.*) that are not capable of washing a full load of normally soiled dishes, as would be the consumer expectation for a normal cycle.

In the sections that follow, DOE evaluates whether such a short-cycle feature justifies a separate product class in accordance with 42 U.S.C. 6295(q).

2. Justification of Different Standards for Dishwashers With a Short-Cycle Feature

As discussed, EPCA authorizes DOE to prescribe a higher or lower standard than that which applies (or would apply) for such type (or class) for any group of covered products which have 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 which 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)) In determining whether a performance-related feature justifies a different standard for a group of products, DOE considers such factors as the utility to the consumer of such a feature and other factors DOE deems appropriate. (*Id.*)

A typical application of this provision of EPCA is for DOE to establish comparatively less stringent standards for classes of covered products that have a performance-related feature that

[5] As discussed further in section II.E.3.a of this document, DOE's test procedure for dishwashers at 10 CFR 430, subpart B, appendix C2 (''appendix C2''), which references the latest industry test standard, defines a minimum cleaning index of 70 as the level that represents ''completely washing'' a full load of normally soiled dishes—as measured on each of the three soil loads that are tested in the DOE test procedure (*i.e.,* the heavy, medium, and light soil loads). *See* 88 FR 3234, 3251–3263. For the purpose of this proposed confirmation of withdrawal, DOE considers ''completely washing a full load of normally soiled dishes'' to mean achieving a cleaning index of at least 70 on each of the three soil loads.

inherently uses more energy than products without such feature, and for which DOE has determined that such feature provides a utility to the consumer that justifies the comparatively less stringent standard. For example, when establishing standards for consumer refrigerators, DOE determined through-the-door ice service to be a performance-related feature of refrigerators that provides utility to the consumer and that affects efficiency; *i.e.,* inherently uses more energy (*see* discussion of product class segregation at 52 FR 46367, 46371 (Dec. 7, 1987)). Accordingly, DOE established comparatively less stringent standards for refrigerators with through-the-door ice service than for equivalent refrigerators without such a feature. 54 FR 47916, 47943–47944 (Nov. 17, 1989). DOE has maintained a product class distinction with comparatively less stringent standards for refrigerators with through-the-door ice service through successive amendments to the standards for consumer refrigerators.[6]

In the October 2020 Final Rule, DOE acknowledged that designing a dishwasher with a normal cycle time of 60 minutes or less is achievable and asserted that establishing a short-cycle product class could spur manufacturer innovation to generate additional product offerings to fill the market gap that exists for dishwashers with this feature (*i.e.,* the ability to clean a load of normally soiled dishes in under 60 minutes). DOE further stated its intent to determine the specific energy and water conservation standards of the new product class in a separate rulemaking. 85 FR 68723, 68724.

DOE has conducted an analysis of the energy and water use of a short-cycle feature for dishwashers to evaluate whether different (*i.e.,* comparatively less stringent) standards would be warranted for dishwashers that provide a short-cycle feature. As discussed in the previous section of this document, DOE has determined that a normal cycle of 60 minutes or less on a dishwasher is a performance-related feature that provides consumer utility for the purpose of consideration of potential product class distinction under the provisions of 42 U.S.C. 6295(q). DOE next evaluated whether dishwashers with a short-cycle feature necessitate more energy and water use than dishwashers without such feature, which could justify a comparatively less stringent standard for dishwashers that provide such a feature.

To evaluate the energy and water use of a short-cycle feature in comparison to the currently applicable energy and water standards, DOE considered all data available from recent rulemakings, including data from testing conducted in support of the October 2020 Final Rule[7] and the April 2024 Dishwashers Direct Final Rule and confidential data from AHAM. DOE notes that the test data published in support of the October 2020 Final Rule include cleaning indices calculated by scoring soil particles on all items as well as spots, streaks, and rack contact marks on glassware. However, in a final rule amending the test procedure for dishwashers published on January 18, 2023 (''January 2023 TP Final Rule''), DOE established a new test procedure at appendix C2, which specifies a minimum cleaning index threshold of 70 as a condition for a valid test cycle. 88 FR 3234, 3248. The test procedure at appendix C2 specifies that the cleaning index is calculated by scoring only soil particles, and that spots, streaks, and rack contact marks on glassware are not included in the cleaning index calculation. Accordingly, DOE reanalyzed the October 2020 Final Rule test data, revising the cleaning index for all test cycles at each soil load to include only soil particles and not spots, streaks, or rack contact marks, consistent with the adopted test procedure. The analyses presented in this document are based on these revised cleaning indices. While AHAM's data includes energy and water use data for standard-size dishwashers on the normal cycle and cycle time data for the same units on the normal cycle and quick cycle, it does not include cleaning performance for each unit.

From its test sample, DOE identified one unit that provides a ''short-cycle feature''—as DOE has described that term in this document—that uses less energy and water than the maximum allowable standard level for standard-size dishwashers. Specifically, this unit achieves a cleaning index of at least 70 on the heavy, medium, and light soil loads that are required for testing the normal cycle, with a cycle time less than 60 minutes; *i.e.,* provides a ''short-cycle feature'' consistent with consumer expectations of a normal cycle.[8] This unit's test results demonstrate that providing a short-cycle feature consistent with consumer expectations of a normal cycle (*i.e.,* a cycle that can completely wash a full load of normally soiled dishes in 60 minutes or less) does not necessitate using more energy and water than a dishwasher without such feature that meets the current standards. DOE further evaluated the technologies and design strategies used by this dishwasher and has tentatively concluded that this unit does not incorporate any proprietary technologies or design strategies and is designed no differently than other dishwashers of comparable efficiency without a short-cycle feature.

DOE has tentatively concluded that the availability of this feature currently on the market—at lower energy and water levels than the current standard allows—in a unit with no identifiable proprietary design or control strategy demonstrates that a dishwasher with a short-cycle feature does not inherently use more energy and water than a dishwasher without such feature to achieve an acceptable cleaning performance, and that the current dishwasher standards do not preclude manufacturers from offering a normal cycle of 60 minutes or less. This tentative conclusion is consistent with the October 2020 Final Rule, which found that manufacturers already offered ''quick'' cycles that were less than 60 minutes and could meet the current DOE standards. 85 FR 68724.

Further evaluation of consumer survey data and comments from dishwasher manufacturers (discussed further in section II.A.3.c of this document) indicates that the limited availability of short-cycle features on the current market is not indicative of energy conservation standards precluding or discouraging the availability of such feature, but rather reflects the prioritization of product offerings by manufacturers commensurate with a relatively low level of market demand for this feature in comparison to other features more important to consumers.

In response to the March 2024 RFI, DOE received the following comments regarding establishing a separate short-cycle product class for dishwashers.

AHAM stated that new product classes to protect the short-cycle feature

[6] Separate refrigerator product class distinctions are made for additional product features as well, such as automatic defrost and transparent doors. *See* 10 CFR 430.32(a).

[7] DOE test data are available at *www.regulations.gov/document/EERE-2018-BT-STD-0005-3213.*

[8] In consideration of the Fifth Circuit's opinion that in the short-cycle rulemakings DOE pointed to existing ''quick'' cycles that did not address the foundational concerns underlying these rules, DOE considers in this analysis that the other units in the test sample that provide a dishwasher cycle less than 60 minutes, but that do not ''completely wash'' a full load of normally soiled dishes, do not have what DOE is describing as a ''short-cycle feature'' in this document, and therefore do not factor into DOE's consideration of whether a separate product class is justified for dishwashers with a short-cycle feature. *See* Louisiana, 90 F.4th at 474–75.

are not justified at this time under 42 U.S.C. 6295(q) for the following reasons: (1) consumers are satisfied with existing normal cycle times based on AHAM's 2021 Consumer Research, which found that 81 percent of respondents were satisfied with the length of the normal cycle of their dishwasher; (2) most dishwashers already provide consumers with short cycle time options; and, (3) data shows that standards are not expected to increase cycle time significantly. (AHAM, No. 5 at p. 5)

NEEA commented that the short-cycle product class for dishwashers is unwarranted. NEEA stated that its comments build upon past NEEA letters submitted to DOE, which demonstrated that short-cycle product classes were not appropriate for these appliances. NEEA added that recent research clearly reinforces these conclusions. (NEEA, No. 4 at p. 2)

China commented that DOE should remove the short-cycle product classes. China commented that the short-cycle product class is not defined in the regulations and standards, which makes it difficult for manufacturers to clearly classify their products into this product class. (China, No. 11 at p. 2)

An individual commented expressing support for short-cycle product classes for dishwashers and stated that products with a ''short cycle'' as the normal cycle should be subject to different standards than products without a ''short cycle'' as the normal cycle. The individual noted that such a rulemaking would save consumers money by lowering the cost of their electric bills. (McCray, No. 3 at p. 1)

LG commented that, after internal discussions and discussions with industry partners to evaluate market changes since the January 2022 Final Rule, LG is supportive of DOE's decision in the January 2022 Final Rule and opposes new product classes for short-cycle products. LG added that for appliances to satisfy cleaning and drying performance in a shorter amount of time while achieving the same performance, it would be inevitable that they would consume more energy—an outcome that contradicts DOE's objective to adopt standards that would result in more energy conservation. (LG, No. 7 at pp. 1–2)

As noted earlier in this section, test data show that it is technologically feasible to design dishwashers with a short-cycle feature while meeting current standards. That is, dishwashers with shorter cycle times do not need to consume more energy than the current standard to provide the same performance.

Rep. Bice commented in opposition to multiple rulemakings recently published by DOE that add new regulations to consumer products. Rep. Bice asserted that the standards would increase costs for manufacturers and prices for consumers. Rep. Bice commented that regulation limits consumer choice and is onerous for American manufacturers, including many small businesses. (Rep. Bice, No. 2 at p. 1)

DOE notes that this proposed confirmation of withdrawal does not propose to add any new regulations for dishwashers. Instead, this proposed confirmation of withdrawal reanalyzes the provisions of a previous rulemaking (*i.e.,* the January 2022 Final Rule) that withdrew short-cycle product classes.

In conclusion, based on the available test data—which demonstrate that it is feasible to design a short-cycle feature while meeting current standards—as well as stakeholder comments and market survey data, DOE has tentatively determined that (1) a short-cycle feature that can completely wash a full load of normally soiled dishes in 60 minutes or less is technologically feasible; (2) current standards do not prevent dishwasher manufacturers from providing such a short-cycle feature; and (3) there is a dishwasher currently available on the market that provides such a short-cycle feature and meets the currently applicable energy and water standard. For these reasons, DOE has tentatively determined that a short-cycle feature for dishwashers does not justify a separate product class with separate standards under 42 U.S.C. 6295(q). DOE seeks comment on these proposed determinations.

3. Response to Other Comments

In the sections that follow, DOE addresses comments received in response to the March 2024 RFI that pertain to the dishwasher topics discussed in this document.

a. Prevalence of Quick Cycles on the Market

DOE received comments from stakeholders discussing the prevalence of quick cycle options in current dishwasher models.

ASAP *et al.* reiterated data that AHAM had previously presented in response to the July 2019 NOPR, which ASAP *et al.* summarized as indicating that 87 percent of dishwasher shipments in 2017 provided the option for a quick[9] cycle, and about half of those quick cycles were designed for normally soiled loads. ASAP *et al.* commented that short-cycle product classes are unwarranted, as there are many products with quick cycles that meet existing energy and water conservation standards on the market. (*ASAP et al., No. 8 at p. 2*)

NEEA stated that consumers can already access quick cycles on current dishwasher models. NEEA stated that its review of available products on Lowe's website indicated that 84 percent of 24-inch dishwasher models provided a quick-cycle program. NEEA further commented that consumers continue to be satisfied with existing products that provide the option of a quick cycle, and that consumers of one national retail chain highly rated more than 90 percent of dishwasher models with a quick cycle. NEEA asserted that selecting an available quick cycle by pressing a button or shifting a dial is not an unreasonable consumer burden when a faster cycle is preferred. (NEEA, No. 4 at p. 3)

Confidential data submitted to DOE by AHAM in response to the March 2024 RFI show that 92 percent of dishwasher models offer a quick cycle with cycle times ranging from 30 minutes to 124 minutes, and for 22 percent of these dishwasher models, the recommended soil level for the quick cycle is ''normal,'' ''heavy,'' or ''any'' soil loads.

The prevalence and variety of quick-cycle offerings, as reflected in these data presented by stakeholders, support DOE's conclusions in section II.A.1 of this document that cycle time is a performance-related feature for the purposes of 42 U.S.C. 6295(q).

In consideration of the Fifth Circuit's opinion that DOE's prior reasoning in the January 2022 Final Rule improperly relied upon the prevalence of ''quick'' cycles that do not address the foundational concerns underlying the October 2020 Final Rule, DOE considered in this analysis only those cycles that are consistent with consumer expectations of a normal cycle to completely wash a full load of normally soiled dishes and are 60 minutes or less (*i.e.,* cycles that achieved a cleaning index of at least 70 on the heavy,

[9] DOE notes that ASAP *et al.* referred to these cycles as ''short cycles.'' However, in this proposed confirmation of withdrawal, DOE uses the term ''quick cycles'' to refer to all cycles with a cycle time of around 60 minutes. DOE uses the term ''short-cycle feature'' only to refer to cycles that are 60 minutes or less in duration and can completely wash a full load of normally soiled dishes.

medium, and light soil loads and had a weighted-average cycle time of 60 minutes or less).

b. Historical Cycle Time Trends

In its March 2018 Petition, CEI presented dishwasher cycle time data compiled from annual Consumer Reports data. These data include the range of cycle times measured by Consumer Reports as well as an approximate market-average cycle time for each year. Based on the Consumer Reports data, CEI concluded that the historical increase in the average normal cycle time demonstrates that current standards have precluded manufacturers from offering products with short cycles as the normal cycle.[10] In particular, CEI noted that the average cycle time had not been about 1 hour since 1983, before any standards were adopted; average cycle time in 2018 was 2 hours and 20 minutes, and, according to CEI, had ''more than doubled due to current energy standards.'' CEI further asserted that ''when a new energy standard is adopted by the DOE, the result is an increase in dishwasher cycle time.'' CEI also asserted that dishwasher average cycle times of less than 1 hour had been eliminated from the marketplace.

Regarding CEI's conclusion that the historical increase in the average normal cycle time demonstrates that current standards have precluded manufacturers from offering products with short cycles as the normal cycle, DOE notes that market-average cycle time is not an appropriate indicator to demonstrate any causality with standards. Instead, the *minimum* available cycle time is a more appropriate indicator to assess any impact of standards on dishwasher cycle time, because the minimum available cycle time on the market can provide an indication of the technological feasibility of providing shorter cycle times while meeting more stringent standards. Trends in market-average cycle times have largely been driven by other factors, discussed in the following paragraphs.

Based on the data shared by CEI in its petition, minimum cycle times (as represented by the lowest cycle time measured by Consumer Reports each year) have generally increased only during periods when standards were not amended. For example, the minimum cycle time increased from 65 minutes in 1993 to 85 minutes in 2006, a period during which there were no changes to dishwasher standards. Furthermore, the minimum cycle time as measured by Consumer Reports has decreased over the past 15 years, even while standards became more stringent during that time period.

Additionally, the short-cycle feature currently available on the market has a cycle time (41 minutes) that is lower than the minimum cycle time measured by Consumer Reports in 1983 (55 minutes), prior to the introduction of any standards for dishwashers. This demonstrates that amended standards have not prevented the technological feasibility of providing a short-cycle feature even as dishwasher standards have become more stringent, and even as the market-weighted average cycle time has increased due to other factors (*see* discussion in the following paragraphs regarding potential impact of dishwasher sound levels and detergent formulation on cycle time). In other words, Consumer Reports data (as well as the other data discussed elsewhere in this document) show that current standards are not precluding manufacturers from offering dishwashers with a short-cycle feature.

Consistent with DOE's observations, in response to the March 2024 RFI, ASAP *et al.* noted that the Consumer Reports data presented in CEI's March 2018 Petition show that the greatest cycle-time increase came during a period when no new standards were adopted. ASAP *et al.* asserted that the increase in cycle time was likely driven by other factors, such as consumer preference for quieter products and changes to detergent formulation. ASAP *et al.* cited *Reviewed,*[11] which stated that older dishwashers had sound levels around 60 decibels, while modern dishwashers average between 40 and 50 decibels. ASAP *et al.* also cited *Reviewed* to explain that ''there are lots of ways to reduce noise, but most of them involve reducing the machine's cleaning power, and that in turn means lengthening cycle times to compensate.'' (ASAP *et al.,* No. 8 at p. 4)

ASAP *et al.* also stated that by 2010, many states had banned the sale of dishwasher detergents containing phosphates, which resulted in newer detergents that use enzymes. ASAP *et al.* cited information from *Reviewed* explaining that enzyme-based detergents require more time to work, lengthening cycle times. (*Id.*)

In summary, the available data demonstrate that amended standards have not affected the technological feasibility of providing a short-cycle feature, even as dishwasher standards have become more stringent, and that current standards are not precluding manufacturers from offering dishwashers with a short-cycle feature. Rather, the data provided by CEI in its petition are reflective of the expanding range of product availability on the market since the early 2000s, corresponding to a proliferation of other distinguishing features on the market.

c. Consumer Preferences

With regard to market competition and consumer preferences, the AGs of MT *et al.* referenced AHAM's comments from its Petition for Reconsideration of the October 2020 Final Rule[12] to state that consumers do not want what DOE and industry have offered historically and that distinct short-cycle product classes would increase competition and consumer choice. (AGs of MT *et al.,* No. 9 at p. 5)

The AGs of MT *et al.* noted that CEI's survey included 2,200 individual public comments in support of the short-cycle product class, with only 16 opposed, which the AGs of MT *et al.* assert is evidence that consumers find it important to clean dishes using a short cycle. (*Id.*)

Contrary to the claims made by the AGs of MT *et al.,* the CA IOUs asserted that the absence of dishwasher products with a normal cycle of 60 minutes or less is due to lack of consumer demand. The CA IOUs cited an LBNL report that studied dishwasher consumer preferences based on a survey of 1,201 consumers, ranking from most to least important attributes affecting consumers' purchase decision,[13] and provided a figure illustrating its findings that dishwasher cycle time ranked 14 out of 18 attributes, well below average importance for consumers and significantly lower than energy efficiency, which was ranked fifth, and energy bill cost savings, which was ranked sixth. The CA IOUs stated that based on multiple stakeholders'

[10] The March 2018 Petition is available at *www.regulations.gov/document/EERE-2018-BT-STD-0005-0006,* page 4.

[11] *Reviewed* is part of the USA TODAY Network. *See reviewed.usatoday.com.*

[12] Available at *www.regulations.gov/document/EERE-2018-BT-STD-0005-3224.* The Joint Attorneys General referenced AHAM's comment in this Petition for Reconsideration that the October 2020 Final Rule disrupted AHAM's members who ''have invested heavily in innovating to meet energy conservation standards for dishwashers,'' with the October 2020 Final Rule resulting in ''stranded investments as manufacturers are required to consider abandoning these innovations in efficiency.''

[13] Stratton, H., *et al.* 2021. Dishwashers in the Residential Section: A Survey of Product Characteristics, Usage, and Consumer Preferences (last accessed July 17, 2024). *eta-publications.lbl.gov/sites/default/files/osg_lbnl_report_dishwashers_final_4.pdf.*

comments,[14] [15] consumers prioritize cleaning performance, dish rack features, drying performance, energy and water efficiency, and low noise levels. (CA IOUs, No. 6 at pp. 5–6)

In accordance with the comment from the CA IOUs regarding the importance of energy efficiency to consumers, ASAP *et al.* noted that the market penetration of ENERGY STAR®-qualified dishwashers ranged between 84 percent and 100 percent between 2010 and 2022, which ASAP *et al.* asserted provides an indication that consumers are choosing to buy highly efficient dishwashers. (ASAP *et al.,* No. 8 at p. 4)

AHAM stated that manufacturers pay careful attention to consumer needs and desires for particular features and utilities. (AHAM, No. 5 at p. 4)

In addition to the data cited by commenters, DOE notes that according to the U.S. Energy Information Administration's (''EIA's'') 2020 *Residential Energy Consumption Survey* (''RECS''),[16] over 80 percent of consumers use normal cycles, as currently designed (*i.e.,* generally longer than 60 minutes) most of the time.

Based on the comments and data discussed in the preceding paragraphs, DOE tentatively concludes that consumers on the whole prioritize other attributes over cycle length, and product design is largely driven by these consumer preferences. To the extent that manufacturers prioritize other attributes of dishwasher performance over providing a short-cycle feature, such prioritization is a result of manufacturers targeting broad consumer preferences and not an indication that DOE's energy conservation standards are precluding manufacturers from offering a short-cycle feature.

B. Residential Clothes Washers

The following sections apply DOE's authority under EPCA at 42 U.S.C. 6295(q) to determine whether a ''short-cycle'' feature for RCWs is a performance-related feature that justifies the establishment of separate product classes. DOE considers a short-cycle feature for top-loading RCWs to be a cycle that can completely wash a full load of normally soiled cotton clothing in less than 30 minutes, and for front-loading RCWs to be a cycle that can completely wash a full load of normally soiled cotton clothing in less than 45 minutes.[17] DOE first reiterates its prior determinations that cycle time is a performance-related feature of RCWs and details its specific consideration of the short-cycle feature (*see* section II.B.1 of this document). As discussed in section II.B.2 of this document, DOE tentatively determines in this analysis that the short-cycle feature does not justify a different standard. Data and information from the Short-cycle Final Rules, the RCW direct final rule published on March 15, 2024 (''March 2024 RCW Direct Final Rule''; 89 FR 19026), and the March 2024 RFI show that RCWs currently available with a short normal cycle (*i.e.,* with a cycle time less than 30 minutes for top-loading RCWs and less than 45 minutes for front-loading RCWs) can meet the current energy conservation standards using the same design strategies as other RCWs of comparable efficiency without a short-cycle feature. Finally, in section II.B.3 of this document, DOE addresses other pertinent comments received in response to the March 2024 RFI that pertain to the RCW topics discussed in this document.

1. Cycle Time as a Performance-Related Feature

DOE first considered whether cycle time is a performance-related feature of RCWs in accordance with 42 U.S.C. 6295(q)(1)(B). Consistent with DOE's assessment in previous rulemakings, discussed as follows, DOE reiterates that cycle time is a performance-related feature of RCWs.

DOE has previously considered cycle time as a consumer utility for the purposes of establishing product classes for RCWs. In a direct final rule published on May 31, 2012, (''May 2012 Direct Final Rule'') DOE determined that the longer cycle times of front-loading RCWs versus cycle times for top-loading RCWs are likely to impact consumer utility. 77 FR 32308, 32319. Because the wash cycle times for front-loaders arise from the reduced mechanical action of agitation as compared to top-loaders, DOE stated that it believes that such longer cycles may be required to achieve the necessary cleaning, and thereby constitute a performance-related utility of front-loading versus top-loading RCWs pursuant to the meaning of 42 U.S.C. 6295(q). 77 FR 32308, 32319.

In a NOPR published on August 13, 2020 (''August 2020 NOPR''), DOE discussed that consumer use of RCWs is similar to that of dishwashers, in that the products provide consumer utility over discrete cycles with programmed cycle times, and consumers run these cycles multiple times per week on average. As such, the impact of cycle time on consumer utility identified by CEI in its petition regarding dishwashers is also relevant to RCWs. Based on these considerations, DOE concluded that cycle time for RCWs is a performance-related feature for the purposes of 42 U.S.C. 6295(q). 85 FR 49297, 49299.

DOE reiterated this conclusion in the December 2020 Final Rule. Specifically, DOE concluded in the December 2020 Final Rule that RCWs with a short normal cycle (*i.e.,* with a cycle time less than 30 minutes for top-loading RCWs and less than 45 minutes for front-loading RCWs) provide a distinct utility to consumers that other RCWs do not provide, and that consumers receive a utility from the short normal cycle feature to support the establishment of new product classes under 42 U.S.C. 6295(q)(1)(B). 85 FR 81359, 81363–81364. The ''normal cycle'' refers to the cycle recommended to the consumer for normal, regular, or typical use for washing up to a full load of normally soiled cotton clothing. In the January 2022 Final Rule, DOE did not question the validity of those prior determinations made that short cycles provide a performance-related feature. 87 FR 2673, 2682.

In response to the March 2024 RFI, AHAM stated that cycle time is an important consumer feature. (AHAM, No. 5 at p. 1). The AGs of MT *et al.* stated that consumers find distinct utility in appliances that are actually capable of washing clothes on a short cycle. (AGs of MT *et al.,* No. 9 at p. 5).

The CA IOUs commented that short-cycle product classes for RCWs are unwarranted because they do not meet the requirements for a separate product class under EPCA. The CA IOUs stated that ''cycle time'' is not a ''capacity or other performance-related feature'' that justifies a higher or lower standard as specified under 42 U.S.C. 6295(q)(1). The CA IOUs further noted that under 42 U.S.C. 6295(o)(4), the types of features that are considered for establishing a higher or lower standard, and thus, separate product class, include reliability, size, capacity,

[14] Comments from Electrolux Home Products, Inc. in response to the July 2019 NOPR. Available at *www.regulations.gov/comment/EERE-2018-BT-STD-0005-3134.*

[15] Comments from AHAM in response to the July 2019 NOPR. Available at *www.regulations.gov/comment/EERE-2018-BT-STD-0005-3188.*

[16] U.S. Department of Energy-Energy Information Administration, Residential Energy Consumption Survey, 2015 Public Use Microdata Files, 2020. Washington, DC. Available at *www.eia.gov/consumption/residential/data/2020/index.php?view=microdata.*

[17] This consideration corresponds to DOE's definition of ''normal cycle'' in section 1 of the DOE test procedure at 10 CFR 430, subpart B, appendix J2 (''appendix J2''), which is defined as ''the cycle recommended by the manufacturer [. . .] for normal, regular, or typical use for washing up to a full load of normally soiled cotton clothing,'' among other criteria.

volume, and similar attributes. The CA IOUs further asserted that cycle time, for the products at issue, is outside the scope of what EPCA permits DOE to consider in establishing or maintaining separate product classes. (CA IOUs, No. 6 at p. 8)

For the reasons stated in the May 2012 Direct Final Rule, August 2020 NOPR, and December 2020 Final Rule, DOE reconfirms in this proposed confirmation of withdrawal that cycle time is a performance-related feature of RCWs for the purposes of 42 U.S.C. 6295(q). In the sections that follow, DOE evaluates whether such a short-cycle feature justifies separate product classes in accordance with 42 U.S.C. 6295(q).

2. Justification of Different Standards for Residential Clothes Washers With a Short-Cycle Feature

As discussed, EPCA authorizes DOE to prescribe a higher or lower standard than that which applies (or would apply) for such type (or class) for any group of covered products which have 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 which 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)) In determining whether a performance-related feature justifies a different standard for a group of products, DOE considers such factors as the utility to the consumer of such a feature and other factors DOE deems appropriate. (*Id.*)

DOE stated in the August 2020 NOPR, and reiterated in the December 2020 Final Rule, that it presumed manufacturers were implementing the shortest possible cycle times that enabled a clothes washer to achieve satisfactory cleaning performance (and other aspects of clothes washer performance) while meeting the applicable energy and water conservation standards. 85 FR 81359, 81361. DOE stated its belief that the current energy conservation standards may have been precluding or discouraging manufacturers from introducing models to the market with substantially shorter cycle times. *Id.* DOE further stated in the December 2020 Final Rule that its actions (*i.e.,* establishing short-cycle product classes for top-loading and front-loading RCWs) were intended to incentivize manufacturers to provide consumers with new options when purchasing RCWs, asserting that creation of these new product classes would incentivize manufacturers to develop innovative products with short cycle times for those consumers that receive a value from the time saved washing and drying their clothing. *Id.* at 85 FR 81360–81361. DOE further stated its intent to determine the specific energy and water consumption limits for the new product classes in a separate rulemaking. *Id.*

DOE has conducted an analysis of the energy and water use of a short-cycle feature for RCWs to evaluate whether different (*i.e.,* comparatively less stringent) standards would be warranted for RCWs that provide a short-cycle feature. As discussed in the previous section of this document, DOE has determined that a normal cycle of less than 30 minutes for top-loading RCWs and less than 45 minutes for front-loading RCWs is a performance-related feature that provides consumer utility for the purpose of consideration of potential product class distinction under the provisions of 42 U.S.C. 6295(q). DOE next evaluated whether RCWs with a short-cycle feature necessitate more energy and water use than RCWs without such feature, which could justify a comparatively less stringent standard for RCWs that provide such a feature.

To evaluate the energy and water use of a short-cycle feature in comparison to the currently applicable energy and water standards, DOE considered all data available from recent rulemakings, including DOE's data from testing conducted in support of the December 2020 Final Rule and the March 2024 RCW Direct Final Rule and confidential data received from AHAM.[18] All RCW test data evaluated in this manner was based on testing of the Normal cycle as defined in section 1 of appendix J2, corresponding to the cycle recommended by the manufacturer for normal, regular, or typical use for washing up to a full load of normally soiled cotton clothing.

From among DOE's test samples, DOE identified 3 top-loading RCWs and 9 front-loading RCWs that provide a short-cycle feature. Specifically, these units have a normal cycle time of less than 30 minutes for the top-loading RCWs and less than 45 minutes for the front-loading RCWs.

From AHAM's test sample, DOE identified 1 top-loading standard-size RCW with a normal cycle time of less than 30 minutes and 4 front-loading RCWs with a normal cycle time of less than 45 minutes.

DOE then assessed the energy and water use of the short-cycle feature on these units in comparison to the currently applicable DOE standards. For all of these units, the short-cycle feature uses no more energy and water than the maximum allowable standard levels for standard-size RCWs, demonstrating that providing a short-cycle feature consistent with consumer expectations of a normal cycle (*i.e.,* a cycle that can completely wash a full load of normally soiled cotton clothing in less than 30 or 45 minutes for top-loading and front-loading RCWs respectively) does not necessitate using more energy and water than an RCW without such feature that meets the current standards. DOE further evaluated the technologies and design strategies used by these RCW models and has tentatively concluded that these units do not incorporate any proprietary technologies or design strategies and are designed no differently than other RCW models of comparable efficiency without a short-cycle feature.

DOE has tentatively concluded that the availability of this feature currently on the market—at energy and water levels that comply with the current standards—in units with no identifiable proprietary designs or control strategies demonstrates that an RCW with a short-cycle feature does not inherently use more energy and water than an RCW without such feature, and that the current RCW standards do not preclude manufacturers from offering a short-cycle feature (*i.e.,* a normal cycle time of less than 30 minutes for top-loading RCWs and less than 45 minutes for front-loading RCWs). On the basis that both top-loading and front-loading RCWs with short-cycle features are currently available on the market with no identifiable proprietary designs or control strategies, DOE has tentatively determined that a short-cycle feature is technologically feasible and that current standards do not prevent manufacturers from providing a short-cycle feature.

In response to the March 2024 RFI, DOE received the following comments regarding establishing separate short-cycle product classes for RCWs.

AHAM stated that new product classes to protect the short-cycle feature are not justified at this time under 42 U.S.C. 6295(q) for the following reasons: (1) consumers are satisfied with existing normal cycle times based on AHAM's 2021 Consumer Research, which found that 78 percent of respondents were satisfied with the length of the normal

[18] DOE test data from the December 2020 Final Rule are available at *www.regulations.gov/document/EERE-2020-BT-STD-0001-0007.* Information on the March 2024 RCW Direct Final Rule models is available in the technical support document for the March 2024 RCW Direct Final Rule, which is available at *www.regulations.gov/document/EERE-2017-BT-STD-0014-0510.*

cycle of their laundry appliance; (2) most RCWs already provide consumers with short cycle time options; and, (3) data shows that standards are not expected to increase cycle time significantly. (AHAM, No. 5 at p. 5)

NEEA commented that short-cycle product classes for RCWs are unwarranted. NEEA stated that its comments build upon past NEEA letters submitted to DOE, which demonstrated that short-cycle product classes were not appropriate for these appliances. NEEA added that recent research clearly reinforces these conclusions. (NEEA, No. 4 at p. 2)

China commented that DOE should remove the short-cycle product classes. China commented that the short-cycle product class is not defined in the regulations and standards, which makes it difficult for manufacturers to clearly classify their products into this product class. (China, No. 11 at p. 2)

An individual commented expressing support for short-cycle product classes for RCWs and stated that products with a ''short cycle'' as the normal cycle should be subject to different standards than products without a ''short cycle'' as the normal cycle. The individual noted that such a rulemaking would save consumers money by lowering the cost of their electric bills. (McCray, No. 3 at p. 1)

LG commented that, after internal discussions and discussions with industry partners to evaluate market changes since the January 2022 Final Rule, LG is supportive of DOE's decision in the January 2022 Final Rule and opposes new product classes for short-cycle products. LG added that for appliances to satisfy cleaning and drying performance in a shorter amount of time while achieving the same performance, it would be inevitable that they would consume more energy—an outcome that contradicts DOE's objective to adopt standards that would result in more energy conservation. (LG, No. 7 at pp. 1–2)

As noted earlier in this section, both top-loading and front-loading RCWs with short-cycle features are currently available on the market with no identifiable proprietary designs or control strategies. That is, RCWs with shorter cycle times do not need to consume more energy than the current standard to provide the same performance.

Rep. Bice commented in opposition to multiple rulemakings recently published by DOE that add new regulations to consumer products. Rep. Bice asserted that the standards would increase costs for manufacturers and prices for consumers. Rep. Bice commented that regulation limits consumer choice and is onerous for American manufacturers, including many small businesses. (Rep. Bice, No. 2 at p. 1)

DOE notes that this proposed confirmation of withdrawal does not propose to add any new regulations for RCWs. Instead, this proposed confirmation of withdrawal reanalyzes the provisions of a previous rulemaking (*i.e.,* the January 2022 Final Rule) that withdrew short-cycle product classes.

In conclusion, based on the available test data—which demonstrate that it is feasible to design a short-cycle feature while meeting current standards—DOE has tentatively determined that (1) a short-cycle feature for normal, regular, or typical use for washing up to a full load of normally soiled cotton clothing is technologically feasible; (2) current standards do not prevent RCW manufacturers from providing such a short-cycle feature; and (3) multiple RCW models are currently available on the market that provide such a short-cycle feature that meet the currently applicable energy and water standards. For these reasons, DOE has tentatively determined that a short-cycle feature for RCWs does not justify separate product classes with separate standards under 42 U.S.C. 6295(q). DOE requests comment on these proposed determinations.

3. Response to Other Comments

DOE received comments in response to the March 2024 RFI from stakeholders discussing the prevalence of quick cycles on current RCW models.

NEEA stated that consumers can already access quick cycles on current RCW models. NEEA stated that its review of the 58 best-selling models in the northwest United States [19] indicated that 94 percent of RCW models provided a quick-cycle program, noting that quick cycles are widely available in both top-loading and front-loading models. NEEA further commented that consumer-use data found that the quick cycle is used relatively infrequently in RCWs, citing their previous letter [20] showing that the quick cycle is selected 8 percent of the time. (NEEA, No. 4 at p. 3)

LG commented that that there are RCWs currently on the market that have default cycles comparable to DOE's definition of short cycles while also offering additional short cycles as an option and because such products are already prevalent, it would be counterproductive to establish new product classes, which would involve simply setting a short cycle as the default cycle. (LG, No. 7 at p. 1)

The CA IOUs commented that short-cycle product classes for RCWs are unwarranted, as other products of the same type are already available with quick cycles that meet current and future DOE energy conservation standards. (CA IOUs, No. 6 at p. 1) The CA IOUs also stated that they could not find substantial evidence that consumers largely prefer shorter cycle times. The CA IOUs presented results from a 2024 in-store survey, showing that consumers were satisfied with a 45- to 60-minute RCW cycle. The CA IOUs additionally stated that survey results showed that 57 percent of consumers favored an ENERGY STAR-qualified RCW, 27 percent preferred a quiet RCW, and only 16 percent preferred an RCW with a cycle time of 30 minutes or less. (*Id.* at pp. 1–2)

Confidential data submitted to DOE by AHAM in response to the March 2024 RFI show that 91 percent of RCW models offer a quick cycle with cycle times ranging from 15 minutes to 59 minutes and the recommended soil level for the quick cycle is ''normal'' for 6 percent of these RCW models.

The prevalence and variety of quick-cycle offerings as reflected in these data presented by stakeholders support DOE's conclusions in section II.B.1 of this document that cycle time is a performance-related feature for the purposes of 42 U.S.C. 6295(q).

In consideration of the Fifth Circuit's opinion that DOE's prior reasoning in the January 2022 Final Rule improperly relied upon the prevalence of ''quick'' cycles that do not address the foundational concerns underlying the December 2020 Final Rule, DOE considered in this analysis only those cycles that are consistent with consumer expectations of a normal cycle (*i.e.,* a cycle for normal, regular, or typical use for washing up to a full load of normally soiled cotton clothing) and have a cycle time of less than 30 minutes for top-loading RCWs and less than 45 minutes for front-loading RCWs.

C. Consumer Clothes Dryers

The following sections apply DOE's authority under EPCA at 42 U.S.C. 6295(q) to determine whether a ''short-cycle'' feature for consumer clothes dryers is a performance-related feature that justifies the establishment of a separate product class. DOE considers a short-cycle feature for consumer clothes dryers to be a normal cycle that offers

[19] NEEA noted that these models represent 75 percent of the top-loading market, 80 percent of the front-loading market, and 77 percent of overall sales for 2023.

[20] Available at *www.regulations.gov/comment/EERE-2020-BT-STD-0001-0044.*

cycle times of less than 30 minutes. DOE first reiterates its prior determinations that cycle time is a performance-related feature of consumer clothes dryers and details its specific consideration of the short-cycle feature (*see* section II.C.1 of this document). As discussed in section II.C.2 of this document, DOE tentatively determines in this analysis that the short-cycle feature does not justify a different standard. Data and information from the Short-cycle Final Rules, the consumer clothes dryers direct final rule published on March 12, 2024 (''March 2024 Dryers Direct Final Rule''; 89 FR 18164), and the March 2024 RFI show that products with a normal cycle of less than 30 minutes can meet the current energy conservation standards using the same design strategies as other consumer clothes dryers of comparable efficiency without a short-cycle feature. Finally, in section II.C.3 of this document, DOE addresses other pertinent comments received in response to the March 2024 RFI that pertain to the consumer clothes dryer topics discussed in this document.

1. Cycle Time as a Performance-Related Feature

DOE first considered whether cycle time is a performance-related feature of consumer clothes dryers in accordance with 42 U.S.C. 6295(q)(1)(B). Consistent with DOE's assessment in previous rulemakings, discussed as follows, DOE reiterates that cycle time is a performance-related feature of consumer clothes dryers.

In the August 2020 NOPR, DOE discussed that consumer use of consumer clothes dryers is similar to that of dishwashers, in that the products provide consumer utility over discrete cycles with programmed cycle times, and consumers run these cycles multiple times per week on average. As such, the impact of cycle time on consumer utility identified by CEI in its petition regarding dishwashers is also relevant to consumer clothes dryers. Based on these considerations, DOE concluded that cycle time for consumer clothes dryers is a performance-related feature for the purposes of 42 U.S.C. 6295(q). 85 FR 49297, 49299.

DOE reiterated this conclusion in the December 2020 Final Rule. 85 FR 81359, 81363–81364. Specifically, DOE concluded in the December 2020 Final Rule that consumer clothes dryers with a short normal cycle (*i.e.,* with a cycle time of less than 30 minutes) provide a distinct utility to consumers that other consumer clothes dryers do not provide, and that consumers receive a utility from the short normal cycle feature to support the establishment of a new product class under 42 U.S.C. 6295(q)(1)(B). *Id.* at 85 FR 81363, 81364. The ''normal cycle'' refers to the cycle recommended by the manufacturer to the consumer for drying cotton or linen clothes, among other criteria. In the January 2022 Final Rule, DOE did not question the validity of those prior determinations made about whether that short cycles provide a performance-related feature. 87 FR 2673, 2682.

In response to the March 2024 RFI, AHAM stated that cycle time is an important consumer feature, (AHAM, No. 5 at p. 1).

The CA IOUs commented that short-cycle product classes for consumer clothes dryers are unwarranted because they do not meet the requirements for a separate product class under EPCA. The CA IOUs stated that ''cycle time'' is not a ''capacity or other performance-related feature'' that justifies a higher or lower standard as specified under 42 U.S.C. 6295(q)(1). The CA IOUs further noted that under 42 U.S.C. 6295(o)(4), the types of features that are considered for establishing a higher or lower standard, and thus, separate product class, include reliability, size, capacity, volume, and similar attributes. The CA IOUs further asserted that cycle time, for the products at issue, is outside the scope of what EPCA permits DOE to consider in establishing or maintaining separate product classes. (CA IOUs, No. 6 at p. 8). (CA IOUs, No. 6 at p. 8)

For the reasons stated in the August 2020 NOPR and December 2020 Final Rule, DOE reconfirms in this proposed confirmation of withdrawal its previous determinations that cycle time is a performance-related feature of consumer clothes dryers for the purposes of 42 U.S.C. 6295(q).

In the sections that follow, DOE evaluates whether such a short-cycle feature justifies separate product classes in accordance with 42 U.S.C. 6295(q).

2. Justification of Different Standards for Consumer Clothes Dryers With a Short-Cycle Feature

As discussed, EPCA authorizes DOE to prescribe a higher or lower standard than that which applies (or would apply) for such type (or class) for any group of covered products which have 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 which 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)) In determining whether a performance-related feature justifies a different standard for a group of products, DOE considers such factors as the utility to the consumer of such a feature and other factors DOE deems appropriate. (*Id.*)

DOE stated in the August 2020 NOPR, and reiterated in the December 2020 Final Rule, that vented electric standard-size and vented gas clothes dryers that comply with the current energy conservation standards exhibit cycle times of approximately 30 minutes or longer. 85 FR 81359, 81361. Based on a presumption that manufacturers were already implementing the shortest possible cycle times that enabled a clothes dryer to achieve satisfactory drying performance (and other aspects of clothes dryer performance) while meeting the applicable energy conservation standards, DOE asserted that the standards may have discouraged manufacturers from developing clothes dryers for consumers that provide the utility of 30-minute-or-less cycle times. *Id.* DOE further stated in the December 2020 Final Rule that its actions (*i.e.,* establishing short-cycle product classes for consumer clothes dryers) were intended to incentivize manufacturers to provide consumers with new options when purchasing clothes dryers, asserting that creation of this new product class would incentivize manufacturers to develop innovative products with short cycle times for those consumers that receive a value from the time saved washing and drying their clothing. *Id.* at 85 FR 81360–81361. DOE further stated its intent to determine the specific energy conservation standards of the new product classes in a separate rulemaking. *Id.*

DOE has conducted an analysis of the energy use of a short-cycle feature for consumer clothes dryers to evaluate whether different (*i.e.,* comparatively less stringent) standards would be warranted for consumer clothes dryers that provide a short-cycle feature. As discussed in the previous section of this document, DOE has determined that a short-cycle feature on a consumer clothes dryer is a performance-related feature that provides consumer utility for the purpose of consideration of potential product class distinction under the provisions of 42 U.S.C. 6295(q). DOE next evaluated whether consumer clothes dryers with a short-cycle feature necessitate more energy use than consumer clothes dryers without such feature, which could justify a comparatively less stringent standard for consumer clothes dryers that provide such a feature.

To evaluate the energy use of a short-cycle feature in comparison to the currently applicable energy standards, DOE considered all data available from recent rulemakings, including DOE's data from testing conducted in support of the December 2020 Final Rule, the March 2024 Dryers Direct Final Rule, and confidential data from AHAM. All consumer clothes dryer test data evaluated in this manner was based on testing of the Normal cycle as defined in section 3.3.2 of appendix D2, corresponding to the program labeled ''normal'' or, for clothes dryers that do not have a ''normal'' program, the cycle recommended by the manufacturer for drying cotton or linen clothes. In addition, all test data represent cycles that achieve a final moisture content of 2 percent or less, which DOE has determined to be representative of the consumer-acceptable dryness level after completion of a drying cycle.

None of the units in DOE's test sample had a normal cycle time less than 30 minutes.[21] However, from the confidential data received from AHAM, DOE identified 3 electric standard-size clothes dryers and 1 vented gas standard-size clothes dryer with normal cycle times of less than 30 minutes.

DOE then assessed the energy use of the short-cycle feature on these units in comparison to the current applicable DOE standards. For all of these units, the short-cycle feature uses no more energy than the maximum allowable standard levels for standard-size consumer clothes dryers, demonstrating that providing a short-cycle feature consistent with consumer expectations of a normal cycle (*i.e.,* cycle recommended by the manufacturer to the consumer for drying cotton or linen clothes in less than 30 minutes) does not necessitate using more energy than a consumer clothes dryer without such feature that meets the current standards. In the engineering analysis conducted for the March 2024 Dryers Direct Final Rule, DOE did not identify any proprietary technologies in use among clothes dryers currently on the market. 89 FR 18164, 18178–18179. Therefore, although AHAM's data set did not identify specific model numbers associated with each data point, DOE has no reason to believe that any proprietary technologies or design strategies are being used in those clothes dryer models with cycle times of less than 30 minutes.

DOE has tentatively concluded that the availability of a short-cycle feature currently on the market—at energy levels that comply with the current standards—in units with no identifiable proprietary designs or control strategies demonstrates that a consumer clothes dryer with a short-cycle feature does not inherently use more energy than a consumer clothes dryer without such a feature, and that the current consumer clothes dryer standards do not preclude manufacturers from offering a short-cycle feature (*i.e.,* a normal cycle time of less than 30 minutes). On the basis that both vented electric standard-size and vented gas clothes dryers with short-cycle features (*i.e.,* normal cycles less than 30 minutes) are currently available on the market with no identifiable proprietary designs or control strategies, DOE has tentatively determined that a short-cycle feature is technologically feasible and that current standards do not prevent manufacturers from providing a short-cycle feature.

In response to the March 2024 RFI, DOE received the following comments regarding establishing separate short-cycle product classes for consumer clothes dryers.

AHAM stated that new product classes to protect the short-cycle feature are not justified at this time under 42 U.S.C. 6295(q) for the following reasons: (1) consumers are satisfied with existing normal cycle times based on AHAM's 2021 Consumer Research, which found that 78 percent of respondents were satisfied with the length of the normal cycle of their laundry appliance; (2) most consumer clothes dryers already provide consumers with short cycle time options; and, (3) data shows that standards are not expected to increase cycle time significantly. (AHAM, No. 5 at p. 5)

NEEA commented that the short-cycle product class for consumer clothes dryers is unwarranted. NEEA stated that its comments build upon past NEEA letters submitted to DOE, which demonstrated that short-cycle product classes were not appropriate for these appliances. NEEA added that recent research clearly reinforces these conclusions. (NEEA, No. 4 at p. 2)

China commented that DOE should remove the short-cycle product classes. China commented that the short-cycle product class is not defined in the regulations and standards, which makes it difficult for manufacturers to clearly classify their products into this product class. (China, No. 11 at p. 2)

An individual commented expressing support for short-cycle product classes for consumer clothes dryers and stated that products with a ''short cycle'' as the normal cycle should be subject to different standards than products without a ''short cycle'' as the normal cycle. The individual noted that such a rulemaking would save consumers money by lowering the cost of their electric bills. (McCray, No. 3 at p. 1)

LG commented that, after internal discussions and discussions with industry partners to evaluate market changes since the January 2022 Final Rule, LG is supportive of DOE's decision in the January 2022 Final Rule and opposes new product classes for short-cycle products. LG added that for appliances to satisfy cleaning and drying performance in a shorter amount of time while achieving the same performance, it would be inevitable that they would consume more energy—an outcome that contradicts DOE's objective to adopt standards that would result in more energy conservation. (LG, No. 7 at pp. 1–2)

As noted earlier in this section, test data show that both vented electric standard-size and vented gas clothes dryers with short-cycle features (*i.e.,* normal cycles less than 30 minutes) are currently available on the market at energy levels that comply with the current standards with no identifiable proprietary designs or control strategies. That is, consumer clothes dryers with shorter cycle times do not need to consume more energy than the current standard to provide the same performance.

Rep. Bice commented in opposition to multiple rulemakings recently published by DOE that add new regulations to consumer products. Rep. Bice asserted that the standards would increase costs for manufacturers and prices for consumers. Rep. Bice commented that regulation limits consumer choice and is onerous for American manufacturers, including many small businesses. (Rep. Bice, No. 2 at p. 1)

DOE notes that this proposed confirmation of withdrawal does not propose to add any new regulations for consumer clothes dryers. Instead, this proposed confirmation of withdrawal reanalyzes the provisions of a previous rulemaking (*i.e.,* the January 2022 Final Rule) that withdrew short-cycle product classes.

In conclusion, based on the available test data—which demonstrate that it is feasible to design a short-cycle feature while meeting current standards—DOE has tentatively determined that (1) a short-cycle feature as the normal cycle for drying cotton or linen clothes is technologically feasible; (2) current standards do not prevent consumer clothes dryer manufacturers from

[21] Information on these models is available in the technical support document for the March 2024 Dryers Direct Final Rule, which is available at *www.regulations.gov/document/EERE-2014-BT-STD-0058-0059.*

providing such a short-cycle feature; and (3) multiple consumer clothes dryer models are currently available on the market that provide such a short-cycle feature that meet the currently applicable energy and water standards. For these reasons, DOE has tentatively determined that a short-cycle feature for consumer clothes dryers does not justify separate product classes with separate standards under 42 U.S.C. 6295(q). DOE requests comment on these proposed determinations.

3. Response to Other Comments

DOE received comments in response to the March 2024 RFI from stakeholders discussing the prevalence of quick cycles on current consumer clothes dryer models.

NEEA stated that consumers can already access quick cycles on current consumer clothes dryer models. NEEA stated that its review of available products on Lowe's website indicated that 92 percent of standard-size clothes dryer models provided a quick cycle program. NEEA further commented that preliminary consumer clothes dryer field data from the 2024 NEEA Residential Building Stock Assessment Laundry Field Study revealed that the quick-dry program is used infrequently (1 percent of the time). NEEA also stated that consumers continue to be satisfied with existing products that provide the option of a quick cycle, and that consumers of one national retail chain highly rated more than 90 percent of consumer clothes dryer models with a quick cycle. NEEA asserted that selecting an available quick cycle by pressing a button or shifting a dial is not an unreasonable consumer burden when a faster cycle is preferred. (NEEA, No. 4 at p. 3) NEEA also commented that according to its market research, emerging combination washer-dryer models are gaining popularity, and according to NEEA data from its ENERGY STAR Residential Products Portfolio participation, one combination washer-dryer is among the top-selling models of RCWs and consumer clothes dryers on the market. NEEA commented that this option changes consumer views of cycle timing because it is no longer necessary to wait for a cycle to end to switch the load from the clothes washer into the clothes dryer. (*Id.* at p. 4)

LG commented that there are consumer clothes dryers currently on the market that have default cycles comparable to DOE's definition of short cycle while also offering additional short cycles as an option, and since such products are already prevalent, it would be counterproductive to establish ''new'' product classes, which would involve simply setting a short cycle as the default cycle. (LG, No. 7 at p. 1)

The CA IOUs commented that short-cycle product classes for consumer clothes dryers are unwarranted, as other products of the same type are already available with quick cycles that meet current and future DOE energy conservation standards. (CA IOUs, No. 6 at p. 1)

Confidential data submitted to DOE by AHAM in response to the March 2024 RFI show that 78 percent of consumer clothes dryer models offer a quick cycle with cycle times ranging from 23 minutes to 77 minutes, of which, 81 percent of the models are recommended for small load sizes and for 19 percent of these consumer clothes dryer models, the manufacturer did not recommend any specific load size for the quick cycle.

The prevalence and variety of quick-cycle offerings as reflected in these data presented by stakeholders support DOE's conclusions in section II.C.1 of this document that cycle time is a performance-related feature for the purposes of 42 U.S.C. 6295(q).

In consideration of the Fifth Circuit's opinion that DOE's prior reasoning in the January 2022 Final Rule improperly relied upon the prevalence of ''quick'' cycles that do not address the foundational concerns underlying the December 2020 Final Rule, DOE considered in this analysis only those cycles that are consistent with consumer expectations of a normal cycle (*i.e.,* a normal cycle or the cycle recommended by the manufacturer for drying cotton or linen clothes if a ''normal'' cycle is not available).

D. Other Comments

1. Process

China commented that the comment period for the March 2024 RFI was less than 60 days, but Article 6.3.1.8(a) of Agreement on Technical Barriers to Trade (Document No. G/TBT/1/Rev.15) specifies that ''the normal time limit for comments on notifications should be 60 days.'' Accordingly, China suggested extending the comment period for the March 2024 RFI. (China, No. 11 at p. 3)

In response, DOE notes that the time limits referenced in Article 6.3.1.8 of the Agreement on Technical Barriers to Trade apply to notified technical regulations and conformity assessment procedures and not to documents like the March 2024 RFI. DOE finds that the 30-day comment period in the March 2024 RFI was appropriate as stakeholders have already been afforded multiple opportunities to provide comments on this topic as part of the October 2020 Final Rule, the December 2020 Final Rule, and January 2022 Final Rule. 85 FR 68723; 85 FR 81359; 87 FR 2673.

2. Legal

NRDC and Earthjustice included as an attachment to their comments on the March 2024 RFI, their previous comments with ASAP *et al.* and commented that the creation of the short-cycle product classes violated numerous provisions of EPCA and standards of reasoned decision-making, including the statute's anti-backsliding provision, product class provision, and criteria for prescribing new or amended standards. NRDC and Earthjustice commented that if DOE were to attempt to unwind its revocation of the short-cycle product classes, DOE would be repeating these violations of the statute and compounding its unlawful prior actions. (NRDC and Earthjustice, No. 10 at p. 2)

The CA IOUs commented that the Short-cycle Final Rules reduced or removed efficiency standards for dishwashers, RCWs, and consumer clothes dryers, which conflicts with EPCA under 42 U.S.C. 6295(o)(1). (CA IOUs, No. 6 at p. 9)

As discussed elsewhere in this document, DOE applied EPCA's authority under 42 U.S.C. 6295(q) and has tentatively determined that separate product classes with separate standards are not justified for dishwashers, RCWs, and consumer clothes dryers that provide a short-cycle feature.

AHAM commented that while it remains opposed to new short-cycle product classes for dishwashers, RCWs, and consumer clothes dryers, AHAM questioned DOE's legal interpretation that the anti-backsliding provision in EPCA prohibits new product classes from having less-stringent standards. AHAM commented that Congress provided DOE the authority to develop separate classes that can have higher or lower standards and would not have included this provision if DOE could never use it. AHAM commented that the intent behind the creation of a new product class is to ensure features are protected and if standards threaten those features, DOE is authorized to create new product classes that have a less (or more) stringent standard than other products of that type. AHAM commented that if the anti-backsliding provision is interpreted to prohibit lower standards from being implemented, it would render this section of EPCA almost useless once initial product classes have been established, and that does not seem

consistent with Congressional intent. (AHAM, No. 5 at pp. 6–7)

In the January 2022 Final Rule, DOE concluded that it did not adequately consider EPCA's requirements, including the anti-backsliding provision in 42 U.S.C. 6295(o)(1), when it finalized the Short-cycle Final Rules. 87 FR 2673, 2680. DOE did not provide a legal interpretation on the anti-backsliding provision beyond that it was not adequately considered in the Short-cycle Final Rules. In this proposed confirmation of withdrawal, DOE applied EPCA's authority under 42 U.S.C. 6295(q) and tentatively determined that a short-cycle feature does not justify a separate product class with separate standards under 42 U.S.C. 6295(q) for dishwashers, RCWs, and consumer clothes dryers. As a result, the anti-backsliding provision is not applicable because DOE is not proposing to establish a separate product class requiring different standards.

DOE also received a comment regarding pending litigation, which is outside of the scope of this proposed confirmation of withdrawal.

3. Impacts on Average Lifetime

The AGs of MT *et al.* commented that increased energy efficiency tends to increase appliance complexity, which decreases mean time to failure and makes many appliances either not repairable in a cost-effective manner or not repairable at all. The AGs of MT *et al.* asserted that one method to increase reliability is to decrease time of continuous operation (*i.e.,* cycle time); another method is to operate components well short of their rated load—which would be less energy efficient but would be more reliable and last longer (*i.e.,* less downtime for repair and longer time before replacement), which would make overall costs lower. The AGs of MT *et al.* stated that a significant subset of consumers prefer, and find distinct utility in, more-functional and longer-lasting short-cycle appliances. The AGs of MT *et al.* asserted that the expected increased reliability and increased lifespan of short-cycle appliances likely aligns with lower life-cycle energy use vis-à-vis appliance models in the pre-existing classes. (AGs of MT *et al.,* No. 9 at p. 6)

In response, to the extent that any technology option considered by DOE as the basis for achieving higher levels of efficiency could result in an increase in repair frequency or cost, DOE's rulemaking analysis incorporates such impacts into the life-cycle cost analysis, where supported by data. For example, in the life-cycle cost analysis conducted for the April 2024 Dishwashers Direct Final Rule, DOE accounted for slightly higher repair frequency for efficiency levels above baseline and doubled the estimated repair frequency for products at the maximum technologically feasible efficiency level due to the increased complexity and less mature technologies required at those levels, based on discussions with manufacturers. DOE also modeled repair costs as being proportional to the equipment cost, based on manufacturers' inputs. 89 FR 31398, 31424.

However, DOE has not found any evidence of average product lifetime being correlated with any specific higher-efficiency design options or efficiency levels and did not receive any comments on the NOPR preceding the April 2024 Dishwashers Direct Final Rule (88 FR 32514 (May 19, 2023)) regarding DOE's dishwasher lifetime assumptions. Among the dishwasher standards rulemakings conducted over the course of the last 30 years, the data sources that DOE uses to derive estimates of average product lifetime have not provided any indication of a substantial change in lifetime during this time period. In fact, the data suggest that current product lifetimes are actually longer than the lifetime estimates used in 1991. Specifically, DOE's estimates of average lifetime for dishwashers have been as follows: 12.6 years in the May 1991 Final Rule, 12.3 years in the 2007 Advance Notice of Proposed Rulemaking, 15.4 years in the May 2012 Direct Final Rule, 15.2 years in the December 2016 Final Determination, and 15.2 years in the April 2024 Dishwashers Direct Final Rule. 56 FR 22250, 22276 (May 14, 1991); 72 FR 64432, 64435 (Nov. 15, 2007); 77 FR 31918, 31933 (May 30, 2012); 81 FR 90072, 90088 (Dec. 13, 2016); 89 FR 31398, 31430.

Similarly, in the life-cycle cost analysis conducted for the March 2024 RCW Direct Final Rule, DOE accounted for slightly higher repair costs for ENERGY STAR-qualified RCWs due to the increased complexity and less mature technologies required at those levels, based on discussions with manufacturers.

However, DOE has not found any evidence of average product lifetime being correlated with any specific higher-efficiency design options or efficiency levels and did not receive any comments on the NOPR preceding the March 2024 RCW Direct Final Rule (''May 2023 RCW NOPR''; 88 FR 26511 (May 1, 2023)) objecting to DOE's RCW lifetime assumptions. Among the RCW standards rulemakings conducted over the course of the last 30 years, the data sources that DOE uses to derive estimates of average product lifetime have not provided any indication of a substantial change in lifetime during this time period. DOE's estimates of average lifetime for RCWs have been as follows: 14.1 years in the May 1991 and January 2001 Final Rules, 14.2 years in the December 2012 Direct Final Rule, and 13.4 years in the March 2024 RCW Direct Final Rule. 56 FR 22250, 22270 (May 14, 1991); 77 FR 32308, 32342 (May 31, 2012); 89 FR 19026, 19060.

Further, in the life-cycle cost analysis conducted for the March 2024 Dryers Direct Final Rule, DOE accounted for slightly higher repair frequency for ENERGY STAR-qualified consumer clothes dryers due to the increased complexity and less mature technologies required at those levels, based on discussions with manufacturers.

However, DOE has not found any evidence of average product lifetime being correlated with any specific higher-efficiency design options or efficiency levels and did not receive any comments on the NOPR preceding the March 2024 Dryers Direct Final Rule (87 FR 51734 (August 22, 2022)) objecting to DOE's consumer clothes dryer lifetime assumptions. Among the consumer clothes dryer standards rulemakings conducted over the course of the last 30 years, the data sources that DOE uses to derive estimates of average product lifetime have not provided any indication of a substantial change in lifetime during this time period. DOE's estimates of average lifetime for consumer clothes dryers have been as follows: 17.1 years in the May 1991 Final Rule, 16 years in the April 2011 Direct Final Rule, and 14 years in the March 2024 Dryers Direct Final Rule. 56 FR 22250, 22273 (May 14, 1991); 76 FR 22454, 22514 (April 21, 2011); 89 FR 18164, 18166.

In summary, the best available data—which have been vetted publicly through multiple rounds of standards rulemakings since 1991—indicate a very stable trend in dishwasher, RCW, and consumer clothes dryer lifetimes over the past 30 years even as improvements in energy and water efficiency have been achieved through those rulemakings over that time.

E. Other Topics Addressed by the Fifth Circuit

1. Water Authority

In its opinion, the Fifth Circuit stated that ''[n]o part of [EPCA] indicates Congress gave DOE power to regulate

water use for energy-using appliances (like dishwashers and [RCWs]),'' and stated that it is unclear that DOE has any statutory authority to regulate water use in dishwashers and RCWs. *See Louisiana,* 90 F.4th at 470–471.

In response, DOE notes, as did the Fifth Circuit, that EPCA prescribed energy conservation standards with both energy and water use requirements for RCWs and dishwashers. (42 U.S.C. 6295(g)(9)(A) and (10)(A)). In establishing energy conservation standards with both energy and water use performance standards for RCWs and dishwashers, Congress also directed DOE to ''determin[e] whether to amend'' those standards. (42 U.S.C. 6295(g)(9)(B) and (10)(B)) Congress's directive, in section 6295(g)(9)(B), to consider whether ''to amend the standards in effect for RCWs,'' and in section 6295(g)(10)(B), to consider whether ''to amend the standards for dishwashers,'' refers to ''the standards'' established in the immediately preceding paragraphs, where Congress established energy conservation standards with *both* energy and water use performance standards for RCWs and dishwashers. Indeed, the energy and water use performance standards for RCWs (both top-loading and front-loading) are each contained within a single subparagraph, as are the energy and water use performance standards for dishwashers (both standard-size and compact-size). (*See id.*) Accordingly, DOE's authority, under 42 U.S.C. 6295(g)(9)(B) and (10)(B), includes consideration of amended energy and water use performance standards for RCWs and dishwashers, respectively.

Similarly, DOE's authority under 42 U.S.C. 6295(m) to amend ''standards'' for covered products includes amending both the energy and water use performance standards for RCWs and dishwashers. Neither section 6295(g)(9)(B) or (10)(B) nor section 6295(m) limit their application to ''energy use standards.'' Rather, they direct DOE to consider amending ''the standards,'' 42 U.S.C. 6295(g)(9)(B) and (10)(B), or simply ''standards,'' 42 U.S.C. 6295(m)(1)(B), which may include both energy and water use performance standards.

Accordingly, in conducting the analyses in this proposed confirmation of withdrawal, DOE has considered (where appropriate) whether the relevant short-cycle features justify both different water and energy standards.

2. Test Procedure Authority

The Fifth Circuit noted that DOE tests only some of the settings on dishwashers and ''laundry machines'' (*i.e.,* RCWs and consumer clothes dryers) and stated that DOE concluded in the January 2022 Final Rule that ''manufacturers are free to deploy *other, non-tested* settings that use as much energy and water as necessary to actually clean consumers' things,'' indicating that this could create a loophole for manufacturers to deploy unregulated cycles. *Louisiana,* 90 F.4th at 474.

Under 42 U.S.C. 6293, EPCA sets forth the criteria and procedures DOE must follow when prescribing or amending test procedures for covered products. EPCA requires that any test procedures prescribed or amended under this section be reasonably designed to produce test results which measure energy efficiency, energy use or water use (in the case of showerheads, faucets, water closets and urinals), or estimated annual operating cost of a covered product during a representative average use cycle or period of use, as determined by the Secretary, and shall not be unduly burdensome to conduct. (42 U.S.C. 6293(b)(3))

DOE has established test procedures for dishwashers, RCWs, and consumer clothes dryers in 10 CFR part 430, subpart B, appendices C1 and C2, J and J2, and D1 and D2, respectively. For each test procedure, DOE has determined through its rulemaking process, which included ample manufacturer input, that the tested cycle(s)—*i.e.,* the normal cycle for dishwashers, RCWs, and consumer clothes dryers—produce representative measures of energy efficiency, energy use or water use, or estimated annual operating cost, as applicable for each product, without the undue burden that would be associated with requiring every available cycle to be tested.

To ensure that the normal cycle produces measures of energy use, efficiency, and estimated annual operating cost specifically for a representative average use cycle or period of use, DOE has developed definitions and testing instructions in each test procedure to guide the appropriate selection of cycles to be tested, which corresponds to a representative average use cycle of how such appliance are used by consumers in their households.

For dishwashers, the normal cycle is ''[t]he cycle type, including washing and drying temperature options, recommended in the manufacturer's instructions for daily, regular, or typical use to completely wash a full load of normally soiled dishes including the power-dry feature. If no cycle or more than one cycle is recommended in the manufacturer's instructions for daily, regular, or typical use to completely wash a full load of normally soiled dishes, the most energy intensive of these cycles shall be considered the normal cycle. In the absence of a manufacturer recommendation on washing and drying temperature options, the highest energy consumption options must be selected.'' Section 1 of 10 CFR part 430, subpart B, appendices C1 and C2.

In the January 2023 TP Final Rule, DOE noted that it was maintaining the dishwasher test cycle selections and cycle options to test on the normal cycle. DOE additionally added a cleaning performance requirement to validate that the tested cycle was representative of an average use cycle. 88 FR 3234, 3243. Prior to publishing this final rule, in a NOPR published on December 22, 2021, (''December 2021 TP NOPR'') DOE summarized and addressed stakeholder comments regarding the representative test cycle for dishwashers. Specifically, AHAM commented that consumers still most frequently select the normal cycle, and when consumers decide on a cycle selection, they typically use it for most of their cycles. Both GE Appliances and Whirlpool Corporation supported AHAM's comment that the normal cycle should remain the tested cycle. Both manufacturers submitted confidential data that supported the position that the manufacturer-designated normal cycle still represents consumer preference regarding cycle selection. These confidential data indicated, in the aggregate, that roughly 55 to 75 percent of all dishwasher cycles are conducted on the normal cycle. DOE further observed that among the other selected cycle types, some would be expected to be less energy-intensive than the normal cycle (*e.g.,* a glassware cycle type), while others would be expected to be more energy-intensive than the normal cycle (*e.g.,* a pots and pans cycle type). 86 FR 72738, 72757. The CA IOUs referenced PG&E's *2016 Home Energy Use Survey* to support their claim that the tested normal cycle including any power-dry feature, in the current test procedure, is still the cycle most representative of how consumers operate dishwashers. In this survey, PG&E found that 75 percent of households use the normal cycle. The CA IOUs further stated that consumers would be less likely to switch from using the normal cycle if DOE were to incorporate cleaning performance in the test procedure, and recommended DOE investigate incorporating a cleaning performance test. *Id.* at 86 FR 72747. In that NOPR, DOE noted that absent data

that reflects national use and frequency of use of other cycle types, DOE was not proposing changes to cycle selections for testing. Further, as noted in section II.A.3.c of this document, according to EIA's 2020 RECS, over 80 percent of consumers use normal cycles most of the time.

In the December 2021 TP NOPR, DOE noted that it was proposing a minimum cleaning index threshold for a test cycle to be considered valid. That is, if the normal cycle does not meet a specified threshold at any soil-load, DOE proposed that the most energy-intensive cycle be tested and used for certification purposes at that soil load. DOE noted that this alternative approach would better represent an average use cycle by capturing those consumers that may select other cycles for washing dishes if the cleaning performance of the normal cycle does not meet their expectations, because higher energy use provides increased thermal and mechanical action for removing soils, thus correlating generally with improved cleaning performance. *Id.* DOE adopted these proposals in the January 2023 TP Final Rule. 88 FR 3234, 3243.

Based on stakeholder comments, nationally representative survey data, and DOE's analyses, DOE concluded that the normal cycle is the representative average use cycle for dishwashers.

For RCWs, the normal cycle is ''the cycle recommended by the manufacturer (considering manufacturer instructions, control panel labeling and other markings on the clothes washer) for normal, regular, or typical use for washing up to a full load of normally soiled cotton clothing. For machines where multiple cycle settings are recommended by the manufacturer for normal, regular, or typical use for washing up to a full load of normally soiled cotton clothing, then the Normal cycle is the cycle selection that results in the lowest [energy efficiency] value.'' Section 1 of 10 CFR part 430, subpart B, appendices J and J2.

For the final rule that established appendix J1, which was a precursor to the current appendices J and J2, DOE reviewed Procter & Gamble data indicating that the normal cycle on a typical RCW is used approximately 75 percent of the time, and DOE noted that its test procedure uses the normal cycle to approximate typical use by consumers. 62 FR 45484, 45493 (Aug. 27, 1997). In a test procedure final rule published on August 5, 2015, DOE changed the draft language for the definition of the normal cycle from referencing ''the most common consumer cycle'' to referencing ''the cycle recommended by the manufacturer [. . .] for normal, regular, or typical use,'' noting that the updated phrasing represented the same intent. 80 FR 46730, 46742. In the most recently published test procedure for RCWs that established the current appendices J and J2 (''June 2022 TP Final Rule''), DOE noted that its test procedure identifies the ''normal cycle'' as the cycle representative of consumer use and requires testing using it. 87 FR 33316, 33351 (June 1, 2022).

For all consumer clothes dryers in the test procedure at 10 CFR part 430, subpart B, appendix D1 and for timer dryers in 10 CFR part 430, subpart B, appendix D2, the consumer clothes dryer is operated for the test cycle at the maximum temperature setting and, if equipped with a timer, at the maximum time setting. If the consumer clothes dryer does not have a separate temperature setting selection on the control panel, the maximum time settings is used for the drying test cycle. For automatic termination control dryers in the test procedure at 10 CFR part 430, subpart B, appendix D2, the ''normal'' program shall be selected for the test cycle. Automatic termination control dryers that do not have a ''normal'' program are tested using the cycle recommended by the manufacturer for drying cotton or linen clothes. Section 3.3 of 10 CFR part 430, subpart B, appendices D1 and D2.

In a NOPR published on January 2, 2013, DOE first proposed the use of the ''normal'' program for the drying test cycle in conjunction with test methods that would more accurately measure the energy use of automatic termination control dryers, which comprise the majority of consumer clothes dryer shipments. DOE determined this program to be most representative of consumer use based on data from NEEA's residential laundry field use study, which showed that the average household surveyed used the ''normal'' or an equivalent program cycle for nearly 60 percent of all drying. 78 FR 152, 170–171. DOE received comments from Samsung stating that the proposed test procedure would be representative of consumer use because it measures the energy use of the most commonly selected cycle (Normal/Cottons and Linens) for automatic termination control dryers. DOE adopted this proposal and established appendix D2 in a final rule published on August 14, 2013. 78 FR 49608, 49624.

DOE has thereby promulgated new and amended test procedures in accordance with EPCA's requirements to ensure that manufacturers are certifying dishwashers, RCWs, and clothes dryers that comply with the currently applicable energy conservation standards. As discussed in section II.E.3 of this document, DOE has also developed provisions within its test procedures for dishwashers, RCWs, and clothes dryers that ensure that the tested cycles maintain product utility that meets consumer expectations.

3. Preservation of Product Utility

In its opinion, the Fifth Circuit stated that ''Americans who want clean dishes or clothes may use more energy and more water to preclean, reclean, or handwash their stuff before, after, or in lieu of using DOE-regulated appliances,'' and that DOE did not adequately respond to this potential for more energy and water use in the January 2022 Final Rule. *Louisiana,* 90 F.4th at 472–473. In the following sections, DOE addresses stakeholder concerns regarding preservation of product utility for each product type.

a. Dishwashers

In addition to the Fifth Circuit's opinion on product utility, DOE also received stakeholder comments on this topic in response to the March 2024 RFI. The AGs of MT *et al.,* commented that, according to survey results presented by CEI in response to the July 2019 NOPR,[22] over 85 percent of consumers hand-wash dishes at least sometimes ''because the dishwasher takes too long''; roughly 33 percent of consumers reported that their dishwasher does not clean their dishes well; and 34 percent reported that they run their dishwasher multiple times to get their dishes clean. (AGs of MT *et al.,* No. 9 at p. 5)

DOE notes that the data and conclusions presented by the AGs of MT *et al.,* are contradicted by data and conclusions presented by other stakeholders in response to the March 2024 RFI.

With regard to handwashing dishes because the dishwasher takes too long, AHAM presented data[23] indicating that 81 percent of respondents were satisfied with the length of the normal cycle of their dishwashers. (AHAM, No. 5 at p. 3) AHAM also referenced a 2020 University of Michigan study[24] and

[22] CEI submitted results from a survey it conducted in late 2019 based on 1,062 respondents to understand consumers' dishwasher usage patterns as well as their opinions on dishwasher cycle length. Available as attachment B at *www.regulations.gov/comment/EERE-2021-BT-STD-0002-0239.*

[23] Appliance Impact Research—Regulatory Findings, conducted for AHAM by DIG Insights (February 2021).

[24] Gabriela Y Porras *et al.,* 2020. *A Guide to Household Manual and Machine Dishwashing*

Continued

commented that this study showed that recommended practices for dishwasher use are not always performed, with 67 percent of dishwasher owners typically prerinsing dishes before loading. However, AHAM stated that its member data do not indicate that consumers are choosing to wash their dishes by hand because of perceived longer cycle times. (*Id.,* at p. 5) AHAM further commented that consumers are satisfied with current cycle times, choosing to rely on their dishwashers regularly. (*Id.,* at p. 6)

In addition, DOE notes that the 2020 Michigan study cited by AHAM discussed the role of behavioral barriers in explaining why certain consumers may be reluctant to switch from handwashing to machine washing, as these consumers believe handwashing outperforms machine washing in terms of resource consumption and cleaning performance. Likewise, findings from the University of Bonn and the Impulse Reach national survey [25] [26] also suggest that the primary factor contributing to consumers hand-washing dishes is not the dishwasher cycle duration, but rather a misconception by consumers that dishwashers require more energy and water than handwashing.

With regard to the portion of consumers who report their dishwasher does not clean well or they run the dishwasher multiple times to get dishes clean, DOE noted in January 2023 TP Final Rule that the cleaning performance at the completion of a dishwasher cycle influences how a consumer uses the product. DOE acknowledged that if the cleanliness of the dishware after completion of a cleaning cycle does not meet consumer expectations, consumers may alter their use of the dishwasher by selecting a different cycle type that consumes more energy and water, operating the selected cycle type multiple times, or prewashing the dishware items. DOE recognized the need to ensure that the cycle type tested in the DOE test procedure is representative of consumer use as the dishwasher market continuously evolves to higher levels of efficiency. DOE therefore established a new cleaning performance threshold in the newly established appendix C2 test procedure that represents what constitutes ''completely washing'' a full load of normally soiled dishes (*i.e.,* a threshold below which the dishwasher would not meet consumer expectations of cleanability). 88 FR 3234, 3250–3267. Under appendix C2, a dishwasher must meet the cleaning performance threshold, and thus consumer expectations of cleanability. To the extent that any individual dishwashers on the market have not met consumer expectations for cleanability, such historical performance issues should be remedied moving forward, as the test procedure at appendix C2 ensures that any dishwasher tested for certification will have a valid energy and water representation only if the dishwasher also meets or exceeds a minimum level of cleaning performance.

Finally, as discussed previously, DOE's data demonstrate that dishwashers with a short-cycle feature can meet the current standards. That is, dishwasher cycles that achieve the cleaning performance requirements specified in appendix C2 and are 60 minutes or less in duration are technologically feasible. As noted by ASAP *et al.,* there are more than 400 dishwasher models on the current market that are certified to the current ENERGY STAR V. 7.0 specification—which DOE notes is more stringent than the current standards—and all ENERGY STAR-qualified products are required to meet a minimum cleaning index requirement. (See ASAP *et al.,* No. 8 at p. 6)

In response to the March 2024 RFI, ASAP *et al.,* commented that shorter cycle times would likely result in trade-offs with other aspects of dishwasher performance. ASAP *et al.,* asserted that there are many product attributes of dishwashers that are important to consumers, such as cleaning/drying performance, noise, efficiency, and cycle time, and that manufacturers have to balance these attributes. ASAP *et al.,* referenced DOE's dishwasher test data, noting that cycles with a cycle time of less than 60 minutes generally provided worse cleaning performance than the ''normal'' cycles on the same machines, in particular for the heavy and medium soil loads. ASAP *et al.,* further asserted that in addition to sacrificing cleaning performance, quick cycles would likely be noisier, because one way of reducing cycle time is to increase mechanical action, which in turn increases noise levels. (ASAP *et al.,* No. 8 at p. 6)

DOE recognizes that dishwasher manufacturers design dishwashers to achieve many different performance requirements (*e.g.,* cleaning performance, drying performance, noise, efficiency, cycle time). Manufacturers also provide multiple cycle types to meet different consumer needs (*e.g.,* normal, heavy, light, quick). However, DOE reiterates that 1 of the units in DOE's test sample meets the cleaning index threshold specified in appendix C2 while also having a cycle time of less than 60 minutes and meeting the current standards, demonstrating that current standards do not require manufacturers to trade off cleaning performance with cycle time.

Regarding ASAP *et al.,*s comment on the potential trade-off between cycle time and noise, DOE notes that it did not collect noise data in its previous testing. Accordingly, DOE cannot independently corroborate the extent to which there may be a trade-off between noise and cycle time.

In sum, DOE tentatively concludes that any consumer handwashing or pre-washing is unlikely to have been the result of past or current standards. Further, the amended test procedure at appendix C2 requires test samples to meet a cleaning index threshold consistent with consumer expectations. Accordingly, DOE does not expect increased handwashing or pre-washing (above levels resulting from consumer preferences or misunderstandings) in the future.

b. Residential Clothes Washers

In response to the March 2024 RFI, ASAP *et al.,* commented that shorter cycle times would likely result in trade-offs with other aspects of RCW performance. ASAP *et al.,* asserted that there are many product attributes of RCWs that are important to consumers, such as cleaning performance, noise, efficiency, and cycle time, and that manufacturers have to balance these attributes. ASAP *et al.,* referenced AHAM's petition for reconsideration of the December 2020 Final Rule,[27] wherein AHAM noted that in order to reduce cycle time, ''many manufacturers may elect to reduce clothes washer spin time.'' ASAP *et al.,* further noted that AHAM explained that reducing spin time would mean that clothes would come out of the clothes washer wetter, which would have the effect of increasing clothes dryer cycle time. (ASAP *et al.,* No. 8 at p. 6)

DOE recognizes that RCW manufacturers design RCWs to achieve many different performance requirements (*e.g.,* cleaning performance, rinsing performance, noise, efficiency, cycle time). Manufacturers also provide multiple

Through a Life Cycle Perspective. Environmental Research *Communications.* 2 021004.

[25] Berkholz, P., V. Kobersky, and R. Stamminger. 2011. ''Comparative analysis of global consumer behaviour in the context of different manual dishwashing methods.'' International Journal of Consumer Studies, 37(1), 46–58. *doi.org/10.1111/j.1470-6431.2011.01051.x.*

[26] Wolf, A. 2011. ''Consumers: Dishwashers Second to Kids in Noise.'' Twice: This Week in Consumer Electronics, 26(18), 64. *www.twice.com/product/consumers-dishwashers-second-kids-noise-37554.*

[27] Available at *www.regulations.gov/document/EERE-2021-BT-STD-0002-0002.*

cycle types to meet different consumer needs (*e.g.,* normal, heavy, light, quick, delicates). However, DOE reiterates that multiple top-loading RCW models currently on the market provide a cycle time of less than 30 minutes, and multiple front-loading RCW models provide a cycle time of less than 45 minutes, all of which meet the current standards—demonstrating that current standards do not require manufacturers to trade off cycle time with energy and water use.

Although DOE's current RCW test procedures do not include a measure of cleaning performance, DOE does consider multiple aspects of clothes washer performance as it evaluates potential energy and water conservation standards for RCWs to ensure that no lessening of the utility or performance of the product is likely to result from an amended standard. For example, in support of the May 2023 RCW NOPR, DOE conducted extensive testing to evaluate any potential impacts of amended standards on of several performance characteristics including cycle time, hot wash water temperature, soil and stain removal, and mechanical action.[28] 88 FR 26511.

Even though DOE's analyses conducted as part the standards rulemaking process have demonstrated that performance can be maintained under the current standards for RCWs, DOE has previously discussed, for example in the June 2022 TP Final Rule, that the cleaning performance at the completion of a wash cycle could influence how a consumer uses the product. If the cleanliness of the clothing after completion of a wash cycle were to not meet consumer expectations, consumers could be expected to alter their use of the clothes washer. For example, consumers could alter the use of the product by choosing cycle modifiers to enhance the performance of the selected cycle; selecting an alternate cycle that consumes more energy and water to provide a higher level of cleaning; operating the selected cycle multiple times; or pre-treating (*e.g.,* pre-soaking in water) clothing items before loading into the clothes washer to achieve an acceptable level of cleaning. 87 FR 33316, 33352.

As discussed, the dishwasher test procedure defines a cleaning performance threshold that represents what constitutes ''completely washing'' a full load of normally soiled dishes (*i.e.,* a threshold below which the dishwasher would not meet consumer expectations of cleanability). However, the current RCW test procedures do not define what constitutes ''washing'' up to a full load of normally soiled cotton clothing (*i.e.,* the cleaning performance). In the June 2022 TP Final Rule, DOE discussed its consideration of adding a cleaning performance metric to its RCW test procedures, but ultimately DOE was unable to make a determination whether existing test procedures for determining cleaning performance would produce results for DOE's purposes that are representative of an average use cycle, as required by EPCA. Furthermore, DOE was unable to assess whether the additional burden resulting from these additional tests would be outweighed by the benefits of incorporating these tests. Therefore, DOE did not include a measure of cleaning performance in the RCW test procedures in the June 2022 TP Final Rule. 87 FR 33316, 33352.

DOE continues, however, to evaluate the potential benefits and burdens of incorporating a measure of performance into its RCW test procedures, akin to the cleaning performance threshold incorporated into the appendix C2 test procedure for dishwashers. Any such amendments to the RCW test procedures would be considered in a separate rulemaking.

c. Consumer Clothes Dryers

In response to the March 2024 RFI, ASAP *et al.,* commented that shorter cycle times would likely result in trade-offs with other aspects of consumer clothes dryer performance. ASAP *et al.,* asserted that there are many product attributes of consumer clothes dryers that are important to consumers, such as drying performance, noise, efficiency, and cycle time, and that manufacturers have to balance these attributes. ASAP *et al.,* referenced AHAM's petition for reconsideration of the December 2020 Final Rule,[29] wherein AHAM noted that shorter cycle times than those available today would likely require higher heat levels and/or the use of high heat for longer periods of time, which could damage the clothes being dried. (ASAP *et al.,* No. 8 at p. 6)

DOE recognizes that consumer clothes dryer manufacturers design consumer clothes dryers to achieve many different performance requirements (*e.g.,* drying performance, noise, efficiency, cycle time). Manufacturers also provide multiple cycle types to meet different consumer needs (*e.g.,* normal, heavy, light, quick, delicates). However, DOE reiterates that multiple clothes dryer models currently on the market provide a cycle time of less than 30 minutes, all of which meet the current standards—demonstrating that current standards do not require manufacturers to trade off cycle time with energy use.

Similar to dishwashers, for consumer clothes dryers DOE noted in the test procedure final rule published on October 8, 2021, that drying performance at the completion of a clothes dryer cycle may influence how a consumer uses the product. 86 FR 56608. DOE acknowledged that if the dryness of the clothes after completion of a during cycle does not meet consumer expectations, consumers may alter their use of their consumer clothes dryer by selecting a different cycle type that consumers more energy, or operating the selected cycle type multiple times. DOE recognized the need to ensure that the cycle type tested in the DOE test procedure is representative of consumer use as the consumer clothes dryer market continuously evolves to higher levels of efficiency. DOE therefore established a 2-percent final moisture content dryness threshold in the appendix D2 test procedure that was shown to be representative of the consumer-acceptable dryness level after completion of a drying cycle. 86 FR 56608, 56627–56628. Under appendix D2, a consumer clothes dryer must achieve this dryness threshold in order for the tested cycle to be considered valid for certifying compliance with the applicable standard.

To the extent that any individual consumer clothes dryers on the market have not met consumer expectations for dryness, such historical performance issues should be remedied moving forward, as the test procedure at appendix D2 ensures that any consumer clothes dryer tested for certification will have a valid energy and water representation only if the consumer clothes dryer meets or exceeds this threshold of dryness performance.

III. Conclusion

In conclusion, and for the reasons discussed in the preceding sections of this document, DOE has tentatively determined that a short-cycle feature does not justify separate product classes with separate standards under 42 U.S.C. 6295(q) for dishwashers, RCWs, and consumer clothes dryers. As a result, there is no basis for remedying the Short-cycle Final Rules by establishing a different standard level for short-cycle products. Therefore, products with short-cycle features remain subject to the currently applicable standards as

[28] DOE published the results of this testing in a report available at *www.regulations.gov/document/EERE-2017-BT-STD-0014-0059.*

[29] Available at *www.regulations.gov/document/EERE-2021-BT-STD-0002-0002.*

specified in 10 CFR 430.32(f), (g), and (h), respectively.

IV. Procedural Issues and Regulatory Review

DOE has concluded that the determinations made pursuant to the various procedural requirements applicable to the January 2022 Final Rule remain unchanged for this proposed confirmation of that rule. These determinations are set forth in the January 2022 Final Rule. 87 FR 2673, 2686–2688.

V. Public Participation

DOE will accept comments, data, and information regarding this proposed confirmation of withdrawal before or after the public meeting, but no later than the date provided in the **DATES** section at the beginning of this document. Interested parties may submit comments, data, and other information using any of the methods described in the **ADDRESSES** section at the beginning of this document.

Submitting comments via www.regulations.gov. The *www.regulations.gov* web page will require you to provide your name and contact information. Your contact information will be viewable to DOE Building Technologies staff only. Your contact information will not be publicly viewable except for your first and last names, organization name (if any), and submitter representative name (if any). If your comment is not processed properly because of technical difficulties, DOE will use this information to contact you. If DOE cannot read your comment due to technical difficulties and cannot contact you for clarification, DOE may not be able to consider your comment.

However, your contact information will be publicly viewable if you include it in the comment itself or in any documents attached to your comment. Any information that you do not want to be publicly viewable should not be included in your comment, nor in any document attached to your comment. Otherwise, persons viewing comments will see only first and last names, organization names, correspondence containing comments, and any documents submitted with the comments.

Do not submit to *www.regulations.gov* information for which disclosure is restricted by statute, such as trade secrets and commercial or financial information (hereinafter referred to as Confidential Business Information (''CBI'')). Comments submitted through *www.regulations.gov* cannot be claimed as CBI. Comments received through the website will waive any CBI claims for the information submitted. For information on submitting CBI, see the Confidential Business Information section.

DOE processes submissions made through *www.regulations.gov* before posting. Normally, comments will be posted within a few days of being submitted. However, if large volumes of comments are being processed simultaneously, your comment may not be viewable for up to several weeks. Please keep the comment tracking number that *www.regulations.gov* provides after you have successfully uploaded your comment.

Submitting comments via email, hand delivery/courier, or postal mail. Comments and documents submitted via email, hand delivery/courier, or postal mail also will be posted to *www.regulations.gov.* If you do not want your personal contact information to be publicly viewable, do not include it in your comment or any accompanying documents. Instead, provide your contact information in a cover letter. Include your first and last names, email address, telephone number, and optional mailing address. The cover letter will not be publicly viewable as long as it does not include any comments.

Include contact information each time you submit comments, data, documents, and other information to DOE. If you submit via postal mail or hand delivery/courier, please provide all items on a CD, if feasible, in which case it is not necessary to submit printed copies. No telefacsimiles (''faxes'') will be accepted.

Comments, data, and other information submitted to DOE electronically should be provided in PDF (preferred), Microsoft Word or Excel, WordPerfect, or text (ASCII) file format. Provide documents that are not secured, that are written in English, and that are free of any defects or viruses. Documents should not contain special characters or any form of encryption and, if possible, they should carry the electronic signature of the author.

Campaign form letters. Please submit campaign form letters by the originating organization in batches of between 50 to 500 form letters per PDF or as one form letter with a list of supporters' names compiled into one or more PDFs. This reduces comment processing and posting time.

Confidential Business Information. Pursuant to 10 CFR 1004.11, any person submitting information that he or she believes to be confidential and exempt by law from public disclosure should submit via email two well-marked copies: one copy of the document marked ''confidential'' including all the information believed to be confidential, and one copy of the document marked ''non-confidential'' with the information believed to be confidential deleted. DOE will make its own determination about the confidential status of the information and treat it according to its determination.

It is DOE's policy that all comments may be included in the public docket, without change and as received, including any personal information provided in the comments (except information deemed to be exempt from public disclosure).

VI. Approval of the Office of the Secretary

The Secretary of Energy has approved publication of this proposed confirmation of withdrawal and request for comment.

Signing Authority

This document of the Department of Energy was signed on October 30, 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 30, 2024.

Jennifer Hartzell,

Alternate Federal Register Liaison Officer, U.S. Department of Energy.

[FR Doc. 2024–25617 Filed 11–7–24; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2024–2424; Project Identifier AD–2024–00416–E]

RIN 2120–AA64

Airworthiness Directives; CFM International, S.A. Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for certain CFM International, S.A. (CFM) Model LEAP–1A, LEAP–1B, and LEAP–1C engines. This proposed AD was prompted by a manufacturer investigation that revealed a quality escape for low-pressure turbine (LPT) disks made from forgings with nonconforming grain size. This proposed AD would require removal and replacement of the LPT stage 4 and stage 5 disks. The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by December 23, 2024.

ADDRESSES: You may send comments, using the procedures found in 14 CFR 11.43 and 11.45, by any of the following methods:

- *Federal eRulemaking Portal:* Go to *regulations.gov.* Follow the instructions for submitting comments.
- *Fax:* (202) 493–2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.
- *Hand Delivery:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

AD Docket: You may examine the AD docket at regulations.gov under Docket No. FAA–2024–2424; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, any comments received, and other information. The street address for Docket Operations is listed above.

Material Incorporated by Reference:

- For CFM material identified in this proposed AD, contact CFM International, S.A., GE Aviation Fleet Support, 1 Neumann Way, M/D Room 285, Cincinnati, OH 45215; phone: (877) 432–3272; email: *aviation.fleetsupport@ge.com.*
- You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 1200 District Avenue, Burlington, MA 01803. For information on the availability of this material at the FAA, call (817) 222–5110.

FOR FURTHER INFORMATION CONTACT: Mehdi Lamnyi, Aviation Safety Engineer, FAA, 2200 South 216th Street, Des Moines, WA 98198; phone: (781) 238–7743; email: *mehdi.lamnyi@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2024–2424; Project Identifier AD–2024–00416–E'' at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may revise this proposal because of those comments.

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

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Mehdi Lamnyi, Aviation Safety Engineer, FAA, 2200 South 216th Street, Des Moines, WA 98198. Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

The FAA received a report of a quality escape on LPT disks made from forgings with nonconforming material grain size on certain CFM Model LEAP–1A and LEAP–1B engines. The supplier assessed the duplex micro-structure using an arithmetic average grain size instead of considering the coarsest grain size. After a re-check of all forgings, the supplier has identified a number of parts with a coarse grain size that is below the drawing requirement.

This condition, if not addressed, could result in uncontained part release, damage to the engine, and damage to the airplane.

FAA's Determination

The FAA is issuing this NPRM after determining that the unsafe condition described previously is likely to exist or develop on other products of the same type design.

Material Incorporated by Reference Under 1 CFR Part 51

The FAA reviewed CFM Service Bulletin (SB) LEAP–1A–72–00–0519–01A–930A–D, Issue 001–00, dated September 18, 2024 (CFM SB LEAP–1A–72–00–0519–01A–930A–D); CFM SB LEAP–1B–72–00–0419–01A–930A–D, Issue 001–00, dated September 18, 2024 (CFM SB LEAP–1B–72–00–0419–01A–930A–D); and CFM SB LEAP–1C–72–00–0100–01A–930A–D, Issue 001–00, dated September 18, 2024. This material specifies the part numbers and serial numbers of affected LPT disks, and the cycles since new thresholds for the replacement of affected LPT disks. These documents are distinct because they apply to different engine models. This material is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Proposed AD Requirements in This NPRM

This proposed AD would require removal and replacement of the LPT stage 4 and stage 5 disks at the next piece-part exposure, or before exceeding between 2,400 and 19,000 cycles since new, depending on the applicable threshold identified in CFM SB LEAP–1A–72–00–0519–01A–930A–D or CFM SB LEAP–1B–72–00–0419–01A–930A–D.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 13 engines installed on airplanes of U.S. registry.

The FAA estimates the following costs to comply with this proposed AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Remove and replace LEAP–1A LPT stage 5 disk	150 work-hours × $85 per hour = $12,750	$225,500	$238,250	$476,500
Remove and replace LEAP–1B LPT stage 5 disk	150 work-hours × $85 per hour = $12,750	205,100	217,850	1,742,800
Remove and replace LEAP–1B LPT stage 4 disk	150.00 work-hours × $85 per hour = $12,750	442,800	455,550	1,366,650

Authority for This Rulemaking

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

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

Regulatory Findings

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

For the reasons discussed above, I certify this proposed regulation:

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

CFM International, S.A.: Docket No. FAA–2024–2424; Project Identifier AD–2024–00416–E.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by December 23, 2024.

(b) Affected ADs

None.

(c) Applicability

This AD applies to the following CFM International, S.A. (CFM) Model engines:

(1) LEAP–1A23, LEAP–1A24, LEAP–1A24E1, LEAP–1A26, LEAP–1A26CJ, LEAP–1A26E1, LEAP–1A29, LEAP–1A29CJ, LEAP–1A30, LEAP–1A32, LEAP–1A33, LEAP–1A33B2, LEAP–1A35A;

(2) LEAP–1B21, LEAP–1B23, LEAP–1B25, LEAP–1B27, LEAP–1B28, LEAP–1B28B1, LEAP–1B28B2, LEAP–1B28B2C, LEAP–1B28B3, LEAP–1B28BBJ1, LEAP–1B28BBJ2; and

(3) LEAP–1C28, LEAP–1C30, and LEAP–1C30B1.

(d) Subject

Joint Aircraft System Component (JASC) Code 7250, Turbine Section.

(e) Unsafe Condition

This AD was prompted by a manufacturer investigation that revealed a quality escape for certain low-pressure turbine (LPT) disks made from forgings with nonconforming grain size. The FAA is issuing this AD to prevent the fracture and uncontained failure of certain LPT stage 4 and stage 5 disks. The unsafe condition, if not addressed, could result in uncontained part release, damage to the engine, and damage to the airplane.

(f) Compliance

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

(g) Required Actions

(1) For LEAP–1A engines with an installed LPT stage 5 disk having a part number (P/N) and serial number (S/N) listed in Table 1, Table 2, or Table 3 of CFM Service Bulletin (SB) LEAP–1A–72–00–0519–01A–930A–D, Issue 001–00, dated September 18, 2024 (CFM SB LEAP–1A–72–00–0519–01A–930A–D): At the next piece-part exposure of the LPT stage 5 disk, or before exceeding the applicable cycles since new (CSN) threshold identified in Table 1, Table 2, or Table 3 of CFM SB LEAP–1A–72–00–0519–01A–930A–D, whichever occurs first after the effective date of this AD, remove the LPT stage 5 disk from service and replace with a part eligible for installation.

(2) For LEAP–1B engines with an installed LPT stage 4 disk having a P/N and S/N listed in Table 1 of CFM SB LEAP–1B–72–00–0419–01A–930A–D, Issue 001–00, dated September 18, 2024 (CFM SB LEAP–1B–72–00–0419–01A–930A–D): At the next piece-part exposure of the LPT stage 4 disk, or before exceeding the applicable CSN threshold identified in Table 1 of CFM SB LEAP–1B–72–00–0419–01A–930A–D, whichever occurs first after the effective date of this AD, remove the LPT stage 4 disk from service and replace with a part eligible for installation.

(3) For LEAP–1B engines with an installed LPT stage 5 disk having a P/N and S/N listed in Table 2 or Table 3 of CFM SB LEAP–1B–72–00–0419–01A–930A–D: At the next piece-part exposure of the LPT stage 5 disk, or before exceeding the applicable CSN threshold identified in Table 2 or Table 3 of CFM SB LEAP–1B–72–00–0419–01A–930A–D, whichever occurs first after the effective date of this AD, remove the LPT stage 5 disk from service and replace with a part eligible for installation.

(h) Installation Prohibition

(1) After the effective date of this AD, do not install an LPT stage 5 disk that has a P/N and S/N identified in Table 1, Table 2, or Table 3, of CFM SB LEAP–1A–72–00–0519–01A–930A–D, in any LEAP–1A engine.

(2) After the effective date of this AD, do not install an LPT stage 4 disk or LPT stage 5 disk that has a P/N and S/N identified in

Table 1, Table 2, or Table 3, of CFM SB LEAP–1B–72–00–0419–01A–930A–D in any LEAP–1B engine.

(3) After the effective date of this AD, do not install an LPT stage 5 disk that has a P/N and S/N identified in Table 1 of CFM SB LEAP–1C–72–00–0100–01A–930A–D, Issue 001–00, dated September 18, 2024, in any LEAP–1C engine.

(i) Definitions

For the purpose of this AD:

(1) ''LEAP–1A engines'' are CFM Model LEAP–1A23, LEAP–1A24, LEAP–1A24E1, LEAP–1A26, LEAP–1A26CJ, LEAP–1A26E1, LEAP–1A29, LEAP–1A29CJ, LEAP–1A30, LEAP–1A32, LEAP–1A33, LEAP–1A33B2, and LEAP–1A35A engines.

(2) ''LEAP–1B engines'' are CFM Model LEAP–1B21, LEAP–1B23, LEAP–1B25, LEAP–1B27, LEAP–1B28, LEAP–1B28B1, LEAP–1B28B2, LEAP–1B28B2C, LEAP–1B28B3, LEAP–1B28BBJ1, and LEAP–1B28BBJ2 engines.

(3) ''LEAP–1C engines'' are CFM Model LEAP–1C28, LEAP–1C30, and LEAP–1C30B1 engines.

(4) A ''part eligible for installation'' on a LEAP–1A engine is an LPT stage 5 disk that does not have a P/N and S/N identified in Table 1, Table 2, or Table 3 of CFM SB LEAP–1A–72–00–0519–01A–930A–D.

(5) A ''part eligible for installation'' on a LEAP–1B engine is an LPT stage 4 disk or LPT stage 5 disk that does not have a P/N and S/N identified in Table 1, Table 2, or Table 3 of CFM SB LEAP–1B–72–00–0419–01A–930A–D.

(j) Alternative Methods of Compliance (AMOCs)

(1) The Manager, AIR–520 Continued Operational Safety Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the AIR–520 Continued Operational Safety Branch, send it to the attention of the person identified in paragraph (l) of this AD and email to: *AMOC@faa.gov.*

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

(k) Additional Information

For more information about this AD, contact Mehdi Lamnyi, Aviation Safety Engineer, FAA, 2200 South 216th Street, Des Moines, WA 98198; phone: (781) 238–7743; email: *mehdi.lamnyi@faa.gov.*

(l) Material Incorporated by Reference

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

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

(i) CFM Service Bulletin (SB) LEAP–1A–72–00–0519–01A–930A–D, Issue 001–00, dated September 18, 2024.

(ii) CFM SB LEAP–1B–72–00–0419–01A–930A–D, Issue 001–00, dated September 18, 2024.

(iii) CFM SB LEAP–1C–72–00–0100–01A–930A–D, Issue 001–00, dated September 18, 2024.

(3) For CFM material identified in this AD, contact CFM International, S.A., GE Aviation Fleet Support, 1 Neumann Way, M/D Room 285, Cincinnati, OH 45215; phone: (877) 432–3272; email: *aviation.fleetsupport@ge.com.*

(4) You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 1200 District Avenue, Burlington, MA 01803. For information on the availability of this material at the FAA, call (817) 222–5110.

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

Issued on November 4, 2024.

Peter A. White,

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

[FR Doc. 2024–25869 Filed 11–7–24; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2024–1980; Airspace Docket No. 24–ASO–21]

RIN 2120–AA66

Amendment of Class E Airspace; Tarboro, NC

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to amend Class E airspace extending upward from 700 feet above the surface for Tarboro, NC, by adding the ECU Health Edgecombe Heliport, Tarboro, NC. This action would increase the existing radius to accommodate a new instrument approach procedure for ECU Health Edgecombe Heliport, Tarboro, NC. It also incorporates updated coordinates for Tarboro Edgecombe Airport, Tarboro, NC. Controlled airspace is necessary for the safety and management of instrument flight rule (IFR) operations at this airport.

DATES: Comments must be received on or before December 23, 2024.

ADDRESSES: Send comments identified by FAA Docket No. FAA–2024–1980 and Airspace Docket No. 24–ASO–21 using any of the following methods:

* *Federal eRulemaking Portal:* Go to *www.regulations.gov* and follow the online instructions for sending your comments electronically.

* *Mail:* Docket Operations, M–30; U.S. Department of Transportation, 1200 New Jersey Avenue SE, Room W12–140, West Building Ground Floor, Washington, DC 20590–0001.

* *Hand Delivery or Courier:* Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except for Federal holidays.

* *Fax:* Fax comments to Docket Operations at (202) 493–2251.

Docket: Background documents or comments received may be read at *www.regulations.gov* at any time. Follow the online instructions for accessing the docket or go to the Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except for Federal holidays.

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

FOR FURTHER INFORMATION CONTACT: 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 would amend Class E airspace in Tarboro, NC.

Comments Invited

The FAA invites interested persons to participate in this rulemaking by submitting written comments, data, or views. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. To ensure the docket does not contain duplicate comments, commenters should submit only one time if comments are filed electronically, or commenters should send only one copy of written comments if comments are filed in writing.

The FAA will file in the docket all comments it receives, as well as a report summarizing each substantive public contact with FAA personnel concerning this proposed rulemaking. Before acting on this proposal, the FAA will consider all comments it receives on or before the closing date for comments. The FAA will consider comments filed after the comment period has closed if it is possible to do so without incurring expense or delay. The FAA may change this proposal in light of the comments it receives.

Privacy: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edits, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.dot.gov/privacy.*

Availability of Rulemaking Documents

An electronic copy of this document may be downloaded through the internet at *www.regulations.gov.* Recently published rulemaking documents can also be accessed through the FAA's web page at *www.faa.gov/air_traffic/publications/airspace_amendments/.*

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Operations office (see **ADDRESSES** section for address, phone number, and hours of operations). An informal docket may also be examined during regular business hours at the office of the Eastern Service Center, Federal Aviation Administration, Room 210, 1701 Columbia Ave., College Park, GA 30337.

Incorporation by Reference

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

The Proposal

The FAA proposes an amendment to 14 CFR part 71 to amend Class E airspace extending upward from 700 feet above the surface for Tarboro-Edgecombe Airport, Tarboro, NC, by increasing the radius to 7 miles (previously 6.5 miles) to encompass ECU Health Edgecombe Heliport, Tarboro, NC. Additionally, this action would update the coordinates for Tarboro-Edgecombe Airport, Tarboro, NC. Controlled airspace is necessary for the safety and management of instrument flight rules (IFR) operations in the area.

Regulatory Notices and Analyses

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

Environmental Review

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1F, ''Environmental Impacts: Policies and Procedures,'' prior to any final regulatory action by the FAA.

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

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

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

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

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

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order JO 7400.11J, 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 Tarboro, NC [Amended]

Tarboro-Edgecombe Airport, NC
(Lat. 35°56′14″ N, long. 77°32′47″ W)
ECU Health Edgecombe Heliport, NC
(Lat. 35°55′20″ N, long. 77°33′17″ W)

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Tarboro-Edgecombe Airport, serving Tarboro-Edgecombe Airport and ECU Health Edgecombe Heliport.

* * * * *

Issued in College Park, Georgia, on November 1, 2024.

Patrick Young,

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

[FR Doc. 2024–25864 Filed 11–7–24; 8:45 am]

BILLING CODE 4910–13–P

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Part 1250

[CPSC Docket No. CPSC–2024–0027]

Notice of Proposed Rulemaking: Safety Standard for Toys: Requirements for Water Beads; Extension of Comment Period

AGENCY: Consumer Product Safety Commission.

ACTION: Extension of comment period.

SUMMARY: On September 9, 2024, the Consumer Product Safety Commission (CPSC) published in the **Federal Register** a notice of proposed rulemaking (NPR) to address the risk of death and injury associated with children ingesting or inserting in the nose or ear water bead toys by adding performance and labeling requirements for water bead toys or toys containing water beads. The Commission also made public incident data relied upon and referenced in the NPR. The NPR invited the public to submit written comments by November 8, 2024. On October 21, 2024, CPSC received a request to extend the comment period to provide stakeholders with time to review additional testing data. The Commission is extending the comment period for the NPR by 30 days.

DATES: The comment period for the proposed rule published on September 9, 2024, at 89 FR 73024, is extended. Submit comments by December 8, 2024.

ADDRESSES: Submit comments, identified by Docket No. CPSC–2024–0027, by any of the following methods:

Electronic Submissions: Submit electronic comments to the Federal eRulemaking Portal at: *https://www.regulations.gov.* Follow the instructions for submitting comments. CPSC typically does not accept comments submitted by email, except through *www.regulations.gov.* CPSC encourages you to submit electronic comments by using the Federal eRulemaking Portal, as described above.

Mail/Hand Delivery/Courier/Confidential Written Submissions: Submit comments by mail, hand delivery, or courier to: Office of the Secretary, Consumer Product Safety Commission, 4330 East-West Highway, Bethesda, MD 20814; (301) 504–7479. If you wish to submit confidential business information, trade secret information, or other sensitive or protected information that you do not want to be available to the public, you may submit such comments by mail, hand delivery, or courier, or you may email them to: *cpsc-os@cpsc.gov.*

Instructions: All submissions must include the agency name and docket number. CPSC may post all comments without change, including any personal identifiers, contact information, or other personal information provided, to *https://www.regulations.gov.* Do not submit through this website: Confidential business information, trade secret information, or other sensitive or protected information that you do not want to be available to the public. If you wish to submit such information, please submit it according to the instructions for mail/hand delivery/courier/confidential written submissions.

Docket: For access to the docket to read background documents or comments received, go to: *https://www.regulations.gov,* and insert the docket number, CPSC–2024–0027, into the ''Search'' box, and follow the prompts.

FOR FURTHER INFORMATION CONTACT: Matthew Kresse, Division of Mechanical Engineering, Directorate for Laboratory Sciences, Consumer Product Safety Commission, 5 Research Place, Rockville, MD 20850; Telephone 301–987–2222; email: *mkresse@cpsc.gov.*

SUPPLEMENTARY INFORMATION:

A. Background

Pursuant to section 106 of the Consumer Product Safety Improvement Act of 2008 (CPSIA; 15 U.S.C. 2056b(a)), the Commission is required to promulgate toy safety standards that are more stringent than the applicable voluntary standard—ASTM F963, *Standard Consumer Safety Specification for Toy Safety*—if the Commission determines that more stringent requirements would further reduce the risk of injury associated with the product, as well as to periodically review and revise the rules set forth under section 106 to ensure that such rules provide the highest level of safety for such products that is feasible. 15 U.S.C. 2056b(c) and (d).

Accordingly, on September 9, 2024, the Commission published an NPR in the **Federal Register** proposing to establish a safety standard for water bead toys and toys that contain water beads by adding requirements in part 1250. 89 FR 73024. In the September 9 notice, the Commission provided a 60-day comment period closing on November 8, 2024.

B. Request for Comment Period Extension

On April 11, 2024, The Toy Association submitted a Freedom of Information Act (FIOA) request seeking acrylamide testing data related to water beads. CPSC's FOIA office anticipated that the acrylamide testing data could be made public as part of the water bead rulemaking process in a Notice of Availability (NOA) and informed The Toy Association that it should wait until the Commission began its rulemaking. On September 9, 2024, CPSC published the NPR (not an NOA), which did not cite the requested data. The FOIA office then amended its response to The Toy Association's FOIA request and published the testing data on CPSC's website, alerting The Toy Association on October 7, 2024.

On October 21, 2024, Joan Lawrence, Senior Vice President, Standards and Regulatory Affairs of The Toy Association, submitted a request for a 60-day extension of the NPR comment period.[1] [2] The Toy Association's request asserts that the provided 60-day comment period is insufficient for stakeholders to provide meaningful feedback on the NPR and that stakeholders need time to review the acrylamide testing data on CPSC's website.

C. Assessment of the JPMA Request

Section III.D of the NPR states that CPSC would make available for review and comment the incident data relied upon and discussed in the NPR, which CPSC did when the NPR was published in the **Federal Register**. Nevertheless, CPSC's FOIA office stated that the acrylamide testing data would be released at the same time as the NPR data, when it was not shared with The Toy Association until October 7, 2024. A 30-day extension of the comment period will be granted to address this unusual circumstance.

D. Conclusion

The Commission has considered The Toy Association request to extend the comment period and staff's assessment of the request, and is granting a 30-day extension of the comment period, until December 8, 2024. The acrylamide testing data is currently available on CPSC's FOIA website at: *https://www.cpsc.gov/Newsroom/FOIA/ReportList/all/all?month=all&year=all&nfr_type=All&title=24-f-00409*, and is available with the incident data referenced in the NPR upon submitting a request to: *https://forms.office.com/g/gSZi1gHic8.*

Alberta E. Mills,

Secretary, Consumer Product Safety Commission.

[FR Doc. 2024–25876 Filed 11–7–24; 8:45 am]

BILLING CODE 6355–01–P

[1] The Toy Association's request has been placed on the docket for this rulemaking.

[2] On November 1, 2024, the Commission voted (4–1) to publish this notice.

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Parts 1 and 301

[REG–105128–23]

RIN 1545–BQ72

Rules Regarding Dual Consolidated Losses and the Treatment of Certain Disregarded Payments; Hearing

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of proposed rulemaking; public hearing.

SUMMARY: This document provides a notice of public hearing on the proposed rule (REG–105128–23) that was published in the **Federal Register** on Wednesday, August 7, 2024. The proposed regulations relate to certain issues arising under the dual consolidated loss rules, including the effect of intercompany transactions and items arising from stock ownership in calculating a dual consolidated loss. The proposed regulations also address the application of the dual consolidated loss rules to certain foreign taxes that are intended to ensure that multinational enterprises pay a minimum level of tax, including exceptions to the application of the dual consolidated loss rules with respect to such foreign taxes. Finally, the proposed regulations include rules regarding certain disregarded payments that give rise to losses for foreign tax purposes.

DATES: The public hearing is scheduled to be held on November 22, 2024, at 10:00 a.m. Eastern Time (ET). The IRS must receive speakers' outlines of topics to be discussed at the public hearing by November 14, 2024. If no outlines are received by November 14, 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–105128–23). Send paper submissions to CC:PA:01:PR (REG–105128–23), Room 5205, Internal Revenue Service, P.O. Box 7604, Ben Franklin Station, Washington, DC 20044.

FOR FURTHER INFORMATION CONTACT: Concerning the proposed regulations, Andrew L. Wigmore at (202) 317–5443; 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–105128–23) that was published in the **Federal Register** on Wednesday, August 7, 2024 (89 FR 64750).

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 14, 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 14, 2024, the public hearing will be cancelled. If the public hearing is cancelled, a notice 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–105128–23 and the language ''TESTIFY In Person.'' For example, the subject line may say: Request to TESTIFY In Person at Hearing for REG–105128–23.

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–105128–23 and the language ''TESTIFY Telephonically.'' For example, the subject line may say: Request to TESTIFY Telephonically at Hearing for REG–105128–23.

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–105128–23 and the language ''ATTEND In Person.'' For example, the subject line may say: Request to ATTEND In Person for REG–105128–23. Requests to attend the public hearing must be received by 5:00 p.m. ET on November 19, 2024. The hearing will be made accessible to people with disabilities. Requests for special assistance during the hearing must be received by 5:00 p.m. ET on November 18, 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–105128–23 and the language ''ATTEND Hearing Telephonically.'' For example, the subject line may say: Request to ATTEND Hearing Telephonically for REG–105128–23. Requests to attend the public hearing must be received by 5:00 p.m. ET on November 19, 2024.

Any questions regarding speaking at or attending the public hearing may also be emailed to *publichearings@irs.gov.*

Oluwafunmilayo Taylor,

Section Chief, Publications and Regulations Section, Associate Chief Counsel (Procedure and Administration).

[FR Doc. 2024–26030 Filed 11–7–24; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 1

RIN 2900–AS18

Extending Deadline for Debtor To Request a Waiver

AGENCY: Department of Veterans Affairs.

ACTION: Proposed rule.

SUMMARY: The Department of Veterans Affairs proposes to amend the time period that a debtor has to request a waiver from 180 days to one year. This action is necessary because the Cleland Dole Act, which was signed into law December of 2022, gives a debtor up to one year to request a waiver. This rulemaking would go into effect December 2024 in accordance with section 254 of the Cleland Dole Act.

DATES: Comments must be received on or before January 7, 2025.

ADDRESSES: Comments must be submitted through *www.regulations.gov.* Except as provided below, comments received before the close of the comment period will be available at *www.regulations.gov* for public viewing, inspection, or copying, including any personally identifiable or confidential business information that is included in a comment. We post the comments received before the close of the comment period on *www.regulations.gov* as soon as possible after they have been received. VA will not post on *Regulations.gov* public comments that make threats to individuals or institutions or suggest that the commenter will take actions to harm an individual. VA encourages individuals not to submit duplicative comments; however, we will post comments from multiple unique commenters even if the content is identical or nearly identical to other comments. Any public comment received after the comment period's closing date is considered late and will not be considered in the final rulemaking. In accordance with the Providing Accountability Through Transparency Act of 2023, a 100 word Plain-Language Summary of this proposed rule is available at *Regulations.gov*, under RIN 2900–AS18.

FOR FURTHER INFORMATION CONTACT: Jonathan Lambert, ADAS Office of Financial Policy, 047G, 810 Vermont Avenue NW, Washington, DC 20420 (202) 461–6173. (This is not a toll-free telephone number.)

SUPPLEMENTARY INFORMATION: Section 5302(a)(1) of title 38 of the U.S. Code, authorizes VA to not recover debts related to benefits payments or overpayments where recovery would be against equity and good conscience, and an application for waiver relief is made within 180 days. In 2022, Congress changed the deadline by which to file a waiver request from 180 days to one year. VA proposes to amend its regulations in 38 CFR 1.963 to reflect the expanded deadline by which to file a waiver. To implement this change, we propose to revise the text in paragraph (b)(2) of 38 CFR 1.963.

Executive Orders 12866, 13563 and 14094

Executive Order 12866 (Regulatory Planning and Review) directs agencies to assess the costs and benefits of available regulatory alternatives and, when regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, and other advantages; distributive impacts; and equity). Executive Order 13563 (Improving Regulation and Regulatory Review) emphasizes the importance of quantifying both costs and benefits, reducing costs, harmonizing rules, and promoting flexibility. Executive Order 14094 (Executive Order on Modernizing Regulatory Review) supplements and reaffirms the principles, structures, and definitions governing contemporary regulatory review established in Executive Order 12866 of September 30, 1993 (Regulatory Planning and Review), and Executive Order 13563 of January 18, 2011 (Improving Regulation and Regulatory Review). The Office of Information and Regulatory Affairs has determined that this rulemaking is a significant regulatory action under Executive Order 12866, section 3(f)(1), as amended by Executive Order 14094. The Regulatory Impact Analysis associated with this rulemaking can be found as a supporting document at *www.regulations.gov.*

Regulatory Flexibility Act (RFA)

The Secretary hereby certifies that this proposed rule will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (5 U.S.C. 601–612). The factual basis for this certification is based on the fact that the proposed rule only effects individual Veteran debtors, not small entities. In addition, the proposed rule gives debtors more time to request a waiver which will not have a negative economic impact on the debtors. Therefore, pursuant to 5 U.S.C. 605(b), the initial and final regulatory flexibility analysis requirements of 5 U.S.C. 603 and 604 do not apply.

Unfunded Mandates

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

Paperwork Reduction Act (PRA)

This proposed rule contains no provisions constituting a collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3521).

List of Subjects in 38 CFR Part 1

Administrative practice and procedure, Disability benefits, Penalties, Pensions, Wages.

Signing Authority

Denis McDonough, Secretary of Veterans Affairs, approved and signed this document on October 22, 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.

For the reasons stated in the preamble, the Department of Veterans Affairs proposes to amend 38 CFR part 1 as set forth below:

PART 1—GENERAL PROVISIONS

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

Authority: 38 U.S.C. 5101, and as noted in specific sections.

■ 2. Amend § 1.963 by revising paragraph (b)(2) and the section authority citation to read as follows:

§ 1.963 Waiver; other than loan guaranty.

* * * * *

(b) * * *

(2) Except as otherwise provided herein, if made within one year following the date of a notice of indebtedness issued on or after April 1, 1983, by the Department of Veterans Affairs to the debtor. The one year period may be extended if the individual requesting waiver demonstrated to the Chairperson of the Committee on Waivers and Compromises that, as a result of an error by either the Department of Veterans Affairs or the postal authorities, or due to other circumstances beyond the debtor's control, there was a delay in such individual's receipt of the notification of indebtedness beyond the time customarily required for mailing (including forwarding). If the requester does substantiate that there was such a delay in the receipt of the notice of indebtedness, the Chairperson shall direct that the one year period be computed from the date of the requester's actual receipt of the notice of indebtedness.

(38 U.S.C. 5302; Pub. L. 117–328, Title II, Subtitle E, sec. 254 (Dec. 29, 2022), unless otherwise noted.)

[FR Doc. 2024–25965 Filed 11–7–24; 8:45 am]

BILLING CODE 8320–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R06–OAR–2019–0212; FRL–10997–03–R6]

Air Plan Disapproval; Louisiana; Removal of Excess Emissions Provisions; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed action; correction.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to determine that a portion of a December 7, 2023, final disapproval action of a state implementation plan (SIP) revision submitted by the State of Louisiana was in error and to make a correction pursuant to the Clean Air Act (CAA).

DATES: Comments must be received on or before December 9, 2024.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R06–OAR–2019–0212 at *www.regulations.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *https://www.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: General questions concerning this publication should be addressed to Michael Feldman, Regional Haze and SO_2 Section, Air & Radiation Division, U.S. Environmental Protection Agency, Region VI, 1201 Elm Street, Dallas, Texas 75270; by telephone (214) 665–9793 or by email at *feldman.michael@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. How is the preamble organized?

The information presented in this preamble is organized as follows:

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I. General Information
A. How is the preamble organized?
II. Background
III. What is the EPA's authority to correct errors in SIP rulemakings?
IV. What is the EPA proposing to correct?
V. What action is the EPA taking?
VI. Statutory and Executive Order Reviews

II. Background

This proposed action is to correct an error in an earlier EPA action, using the authority of section 110(k)(6) of the CAA. Section 110(k)(6) provides the EPA with explicit authority to correct errors in prior rulemaking actions:

Whenever the Administrator determines that the Administrator's action approving, disapproving, or promulgating any plan or plan revision (or part thereof), area designation, redesignation, classification, or reclassification was in error, the Administrator may in the same manner as the approval, disapproval, or promulgation revise such action as appropriate without requiring any further submission from the State. Such determination and the basis thereof shall be provided to the State and the public.

Section 110(k)(6) of the CAA has been interpreted by courts as a ''broad provision [that] was enacted to provide the EPA with an avenue to correct its own erroneous actions and grant the EPA the discretion to decide when to act pursuant to the provision.'' *Miss. Comm'n on Envtl. Quality* v. *EPA,* 790 F.3d 138, 150 (D.C. Cir. 2015).

The EPA notes that this statutory provision provides the EPA with authority to make corrections to actions on SIP submissions that are subsequently found to be in error. While CAA section 110(k)(6) provides the EPA with the authority to correct its own ''error,'' nowhere does this provision or any other provision in the CAA define what qualifies as ''error,'' and the EPA has used this explicit statutory authority on multiple occasions to correct various types of errors.[1]

The error at issue here occurred in a December 7, 2023, EPA action[2] disapproving revisions to the SIP for the State of Louisiana submitted in response to the 2015 SSM SIP Action.[3] On June 12, 2015, the EPA finalized the 2015 SSM SIP Action, which clarified, restated, and updated the EPA's national policy regarding SIP provisions applying to excess emissions during periods of startup, shutdown, and malfunction (SSM). As part of the 2015 SSM SIP Action, the EPA issued a finding that certain SIP provisions for 36 states that were applicable in 45 statewide and local jurisdictions were substantially inadequate to meet CAA requirements due to how those SIP provisions treated excess emissions during SSM periods. Further, the EPA issued a ''SIP call'' to each of those 45 air agencies, including the State of Louisiana on the basis that Louisiana's SIP contained impermissible automatic and discretionary exemptions that were substantially inadequate to meet CAA requirements.[4] To respond to the EPA's SIP call in the 2015 SSM SIP Action, each affected state was required to submit its corrective SIP revision by November 22, 2016. On December 7, 2023, the EPA took final action[5] to disapprove certain portions of a SIP revision submitted by the State of Louisiana on November 20, 2016, and supplemented on June 9, 2017, because the EPA found that Louisiana's SIP revision did not correct the deficiency identified in Louisiana's SIP in the 2015 SSM SIP Action.[6]

On March 1, 2024, the United States Court of Appeals for the District of Columbia Circuit issued a decision in *Environ. Comm. Fl. Elec. Power* v. *EPA,* 94 F.4th 77 (D.C. Cir. 2024). The case was a consolidated set of petitions for review of the 2015 SSM SIP Action. The Court granted the petitions in part, vacating the SIP calls that were based on SIP provisions that included automatic exemptions, director's discretion provisions, and ''complete affirmative

[1] *See, e.g.,* 89 FR 76737 (September 19, 2024); 85 FR 57733 (September 16, 2020); 82 FR 14461 (March 21, 2017).

[2] 88 FR 85112 (December 7, 2023).

[3] State Implementation Plans: Response to Petition for Rulemaking; Restatement and Update of EPA's SSM Policy Applicable to SIPs; Findings of Substantial Inadequacy; and SIP Calls To Amend Provisions Applying to Excess Emissions During Periods of Startup, Shutdown and Malfunction, 80 FR 33840 (June 12, 2015).

[4] *See* 78 FR 12460, 12521–12522 (February 22, 2013) and 80 FR 33840 at 33967 (June 12, 2015).

[5] *See* 88 FR 85112 (December 7, 2023).

[6] On October 5, 2022, EPA Region 6 finalized approval of a portion of Louisiana's SIP revision that corrected six of Louisiana's seven deficient SIP provisions originally identified in EPA's 2015 SSM SIP Call. *See* 87 FR 60292. On December 7, 2023 (88 FR 85112), the EPA Region 6 finalized disapproval of Louisiana's SIP revision that sought to correct the remaining deficient provision.

defenses'' (*i.e.,* affirmative defenses that are functionally exemptions); and denied the petitions in part, affirming the SIP calls based on SIP provisions that included overbroad enforcement discretion provisions and affirmative defenses against specific relief. As a result of the D.C. Circuit's decision in *Environ. Comm. Fl. Elec. Power* v. *EPA,* certain portions of the EPA's SIP call in the 2015 SSM SIP Action were vacated by the D.C. Circuit and therefore have no legal effect. Thus, certain states subject to the 2015 SSM SIP Action no longer have a legal obligation to submit the revisions that the EPA had originally determined were required to correct the deficiencies identified in the SIP call.[7] In other words, by partially vacating the EPA's 2015 SSM SIP Action, the D.C. Circuit's decision rendered Louisiana's SIP submission in response to the 2015 SSM SIP Action voluntary rather than mandatory. As a result, the EPA is proposing to correct the EPA's December 7, 2023, disapproval action with respect to the consequences of that disapproval.

III. What is the EPA's authority to correct errors in SIP rulemakings?

Section 110(k)(6) of the CAA provides the EPA with the authority to make corrections to actions on CAA implementation plans that are subsequently found to be in error. *Ass'n of Irritated Residents* v. *EPA,* 790 F.3d 934, 948 (9th Cir. 2015) (110(k)(6) is a ''broad provision [that] was enacted to provide the EPA with an avenue to correct its own erroneous actions''). The key provisions of section 110(k)(6) are that the Administrator has the authority to ''determine'' that an action approving, disapproving, or promulgating a plan was ''in error,'' and when the Administrator does so, may then revise the action ''as appropriate,'' in the same manner as the prior action.[8] Moreover, CAA section 110(k)(6) ''confers discretion on the EPA to decide if and when it will invoke the statute to revise a prior action.'' *Ass'n of Irritated Residents* v. *EPA,* 790 F.3d at 948 (section 110(k)(6) grants the ''EPA the discretion to decide when to act pursuant to that provision''). While CAA section 110(k)(6) provides the EPA with the authority to correct its own ''error,'' nowhere does this provision or any other provision in the CAA define what qualifies as ''error.'' Thus, the EPA believes that the term should be given its plain language, everyday meaning, which includes all unintentional, incorrect, or wrong actions or mistakes.[9] Under CAA section 110(k)(6), the EPA must make an error determination and provide the ''the basis thereof.'' There is no indication that this is a substantial burden for the EPA to meet. To the contrary, the requirement is met if the EPA clearly articulates the error and basis thereof. 790 F.3d at 948; *see also* 85 FR 73636, 73638. The EPA's error in the prior rulemaking disapproving Louisiana's SIP revision is discussed below.

IV. What is the EPA proposing to correct?

In this action, the EPA is proposing to correct the erroneous triggering of mandatory sanctions under CAA section 179 and 40 CFR 52.31 for the state of Louisiana following its December 7, 2023, disapproval of Louisiana's SIP revision submitted in response to the 2015 SSM SIP Call. The EPA is also proposing to correct the erroneous triggering of the EPA's obligation to issue a Federal Implementation Plan (FIP) under CAA section 110(c)(1)(B). As discussed in Section II of this document, the D.C. Circuit's decision in *Environ. Comm. Fl. Elec. Power* v. *EPA* vacated several portions of the 2015 SSM SIP Call, rendering those portions as no longer having a legal effect. The states with provisions to which those vacated portions of the SIP call previously applied, including Louisiana, no longer have a legal obligation to submit the revisions that the EPA had originally determined were required to correct the identified deficiency. As such, the SIP revision submitted by Louisiana on November 20, 2016, and supplemented on June 9, 2017, is no longer considered a mandatory submission; EPA is therefore proposing to find that the EPA's December 7, 2023, disapproval action should not trigger imposition of mandatory sanctions under CAA section 179 and 40 CFR 52.31 or a FIP obligation under CAA 110(c)(1)(B). The EPA notes that it is not proposing to correct the merits of the December 7, 2023 disapproval nor is it withdrawing its disapproval action—the EPA does not believe that the substantive basis for the disapproval as explained in that final action was erroneous; rather, the EPA is proposing to find that because the SIP submittal itself is no longer mandatory following the D.C. Circuit's partial vacatur, the triggering of sanctions under section 179 and 40 CFR 52.31, and the triggering of the EPA's FIP obligation under 110(c)(1)(B), was in error. Therefore, if the EPA finalizes this error correction action as proposed, the imposition of sanctions for the State of Louisiana and the FIP obligation for the EPA that were triggered as a result of the December 7, 2023 final disapproval action would no longer be in effect.

V. What action is the EPA taking?

As a result of the D.C. Circuit's decision in *Environ. Comm. Fl. Elec. Power* v. *EPA,* the EPA is proposing to determine that, pursuant to section 110(k)(6) of the CAA, a portion of the EPA's December 7, 2023, final disapproval action of Louisiana's SIP revision was in error with respect to the consequences of that disapproval. By partially vacating the EPA's 2015 SSM SIP Action, the D.C. Circuit's decision rendered Louisiana's SIP submission in response to the 2015 SSM SIP Action voluntary rather than mandatory. Thus, the EPA is proposing to find that the triggering of mandatory sanctions and FIP obligation following the December 7, 2023, final disapproval was erroneous and, through this action, is proposing to terminate the imposition of sanctions for the State and the FIP obligation for the EPA triggered by that disapproval as they are no longer legally valid.

VI. Statutory and Executive Order Reviews

Additional information about these statutes and Executive Orders (E.O.) can be found at *www.epa.gov/laws-regulations/laws-and-executive-orders.* Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the CAA and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. However, this action, which seeks to correct an error in a prior SIP disapproval action under section 110(k)(6) of the CAA, is neither an approval nor a disapproval. This action merely corrects an error in EPA's prior action and does not impose additional requirements beyond those imposed by state law.

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993), and 14094 (88 FR 21879, April 11, 2023);
- Does not impose an information collection burden under the provisions

[7] In vacating certain portions of the 2015 SSM SIP Action, the D.C. Circuit's decision did not determine whether the SIP-called provisions were otherwise lawful under the CAA. *See e.g.,* 94 F.4th at 110 (''We thus do not reach the question whether the called SIPs' relevant emission restrictions in fact amount to (or must amount to) ''emission limitations'' per the statutory definition.'').

[8] See 85 FR 73636, 73637 (November 19, 2020).

[9] See 85 FR at 73637–38 (November 19, 2020).

of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);

• Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);

• Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);

• Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);

• Is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997) because it because it is an error correction taken under section 110(k)(6) of the CAA and does not directly or disproportionately affect children.

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

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

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

Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations

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

The air agency did not evaluate environmental justice considerations as part of its SIP submittal; the CAA and applicable implementing regulations neither prohibit nor require such an evaluation. Although not a basis for that action, the EPA performed an EJ analysis for informational purposes only in its June 13, 2023, proposed disapproval of Louisiana's SIP revision. See 88 FR 38448, 38453–38455 (June 13, 2023) and 88 FR 85112, 85123–85124 (December 7, 2023) for more information. The EPA did not perform an EJ analysis and did not consider EJ in this action as the EPA views this action as a necessary procedural step following the D.C. Circuit decision and vacatur of portions of the 2015 SIP call. Consideration of EJ is not required as part of this action, and there is no information in the record inconsistent with the stated goal of E.O. 12898 of achieving environmental justice for communities with EJ concerns.

List of Subjects in 40 CFR Part 52

Environmental protection, Administrative practice and procedures, Air pollution control, Incorporation by reference, Approval and promulgation of implementation plans, Intergovernmental relations, and Reporting and recordkeeping requirements.

Dated: October 31, 2024.

Earthea Nance,

Regional Administrator, EPA Region 6.

[FR Doc. 2024–25816 Filed 11–7–24; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2024–0349; FRL–12130–01–R9]

Air Plan Revisions; Arizona; Maricopa County Air Quality Department

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing a limited approval and limited disapproval of revisions to the Maricopa County Air Quality Department (MCAQD or ''County'') portion of the Arizona State Implementation Plan (SIP). These revisions concern emissions of volatile organic compounds (VOC) from loading of organic liquids and gasoline. We are proposing action on local rules to regulate these emission sources under the Clean Air Act (CAA or ''Act''). We are also proposing to disapprove the MCAQD's reasonably available control technology (RACT) demonstration for the source categories associated with these rules for the 2008 8-hour ozone national ambient air quality standards (NAAQS) in the Phoenix-Mesa ozone nonattainment area. We are taking comments on this proposal and plan to follow with a final action.

DATES: Comments must be received on or before December 9, 2024.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R09–OAR–2024–0349 at *https://www.regulations.gov.* For comments submitted at *Regulations.gov*, follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *https://www.epa.gov/dockets/commenting-epa-dockets.* If you need assistance in a language other than English or if you are a person with a disability who needs a reasonable accommodation at no cost to you, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section.

FOR FURTHER INFORMATION CONTACT: Donnique Sherman, EPA Region IX, 75 Hawthorne St., San Francisco, CA 94105. By phone: (415) 947–4129; email at *sherman.donnique@epa.gov.*

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

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I. The State's Submittal

A. What rules did the State submit?

Table 1 lists the rules addressed by this proposal with the dates that they were adopted by the MCAQD and submitted to the EPA by the Arizona Department of Environmental Quality (ADEQ or ''State'').

TABLE 1—SUBMITTED RULES

Local agency	Rule No.	Rule title	Revised	Submitted
MCAQD	352	Gasoline Cargo Tank Testing and Use	11/18/2020	12/03/2020
MCAQD	353	Storage and Loading of Gasoline at a Gasoline Dispensing Facility (GDF).	11/18/2020	12/03/2020

On June 3, 2021, the SIP submittal containing the documents listed in Table 1 was deemed complete by operation of law.

B. Are there other versions of these rules?

We conditionally approved earlier versions of Rule 352 and Rule 353 into the SIP on February 26, 2020 (85 FR 10986), based on a commitment made by the MCAQD to remedy the deficiencies identified in that action. In order to fulfill that commitment, the MCAQD adopted revisions to the SIP-approved versions of these rules on November 18, 2020, and ADEQ submitted them to the EPA on December 3, 2020. The February 26, 2020 conditional approval, and an explanation of how the SIP submittal proposed for approval here addresses the deficiencies identified in the conditional approval, are discussed in more detail below. If we finalize this proposal for a limited approval and limited disapproval of the November 18, 2020 versions of these rules, then these versions will replace the conditionally approved versions of these rules in the SIP.

C. What is the purpose of the submitted rule revisions?

Emissions of VOC contribute to the formation of ground-level ozone which harms human health and the environment. Section 110(a) of the CAA requires states to submit plans that provide for implementation, maintenance, and enforcement of the NAAQS. In addition, CAA section 182(b)(2) requires that SIPs for ozone nonattainment areas classified as ''Moderate'' or higher implement RACT for sources covered by a control techniques guidelines (CTG) document. The MCAQD regulates a portion of the Phoenix-Mesa area designated as nonattainment for ozone and classified as Moderate nonattainment for the 2008 ozone NAAQS.[1] Therefore, the MCAQD is required to submit SIP revisions that implement RACT-level controls for all sources covered by a CTG. The MCAQD submitted Rule 352 and Rule 353 to establish RACT-level controls for VOC emissions from sources covered by the CTGs listed in Table 2. Rule 352 limits VOC emissions from gasoline cargo tanks that are used to load or unload gasoline within Maricopa County. Rule 353 limits VOC emissions from storage and loading of gasoline at gasoline dispensing facilities (GDFs).

TABLE 2—RULES AND ASSOCIATED CTGS

Rule No.	Associated CTGs
Rule 352	Control of Volatile Organic Compound Leaks from Gasoline Tank Trucks and Vapor Collection Systems (EPA–450/2–78–051).
Rule 353	Design Criteria for Stage I Vapor Control Systems—Gasoline Service Stations (EPA–450/R–75–102).

Section III.D of the preamble to the EPA's final rule to implement the 2008 8-hour ozone NAAQS (80 FR 12264, March 6, 2015) discusses RACT requirements. It states in part that RACT SIPs must contain adopted RACT regulations, certifications where appropriate that existing provisions are RACT, and/or negative declarations that there are no sources in the nonattainment areas subject to a specific CTG. The County's RACT SIP[2] provides MCAQD's analysis of its compliance with the CAA section 182 RACT requirements for the 2008 8-hour ozone NAAQS. On February 26, 2020, the EPA conditionally approved MCAQD Rule 352, Rule 353, and the County's RACT demonstration for the CTGs associated with these rules, into the Arizona SIP. The rules contained deficiencies which precluded full SIP approval and were conditionally approved based on a commitment by the MCAQD and the ADEQ to provide, within one year, a SIP submission that would address those deficiencies. The MCAQD subsequently revised these rules to address the identified deficiencies and the ADEQ submitted the revised rules on December 3, 2020. The EPA's technical support document (TSD) has more information about these rules.

[1] On November 12, 2019 (84 FR 60920), the EPA issued a determination that the Phoenix-Mesa ozone nonattainment area attained the 2008 ozone National Ambient Air Quality Standard (NAAQS) by the Moderate area attainment date of July 20, 2018. That determination did not constitute a redesignation of the area to attainment for the 2008 ozone standard. The designation status of the Phoenix-Mesa area will remain Moderate nonattainment for the 2008 ozone NAAQS until such time as the EPA determines that the area meets Clean Air Act requirements for redesignation to attainment.

[2] ''Analysis of Reasonably Available Control Technology for the 2008 8-Hour Ozone National Ambient Air Quality Standard (NAAQS) State Implementation Plan (RACT SIP)'' submitted June 22, 2017.

II. The EPA's Evaluation and Action

A. How is the EPA evaluating the rules?

Rules in the SIP must be enforceable (see CAA section 110(a)(2)) and must not interfere with applicable requirements concerning attainment and reasonable further progress or other CAA requirements (see CAA section 110(l)). In addition, because these rules were submitted to satisfy the RACT requirement for sources covered by the CTGs listed in Table 2, these rules must establish RACT level controls for such sources.

Guidance and policy documents that the EPA used to evaluate enforceability, revision/relaxation, and rule stringency requirements for the applicable criteria pollutants include the following:

1. ''State Implementation Plans; General Preamble for the Implementation of Title I of the Clean Air Act Amendments of 1990,'' 57 FR 13498 (April 16, 1992); 57 FR 18070 (April 28, 1992).

2. ''Issues Relating to VOC Regulation Cutpoints, Deficiencies, and Deviations,'' EPA, May 25, 1988 (the Bluebook, revised January 11, 1990).

3. ''Guidance Document for Correcting Common VOC & Other Rule Deficiencies,'' EPA Region 9, August 21, 2001 (the Little Bluebook).

4. ''Control of Volatile Organic Compound Leaks from Gasoline Tank Trucks and Vapor Collection Systems,'' EPA–450/2–78–051, December 1978.

5. ''Design Criteria for Stage I Vapor Control Systems-Gasoline Service Stations,'' EPA–450/R–75–102, November 1975.

B. Do the rules meet the evaluation criteria?

The EPA is proposing to conclude that the State met its commitment and that these revised rules have corrected the deficiencies previously identified in the earlier versions of the rules that were conditionally approved into the SIP. The TSD has more information on our evaluation, including descriptions of the individual deficiencies and the way that each was addressed in the current submitted version of the rules.

As described in the TSD, the submitted rules strengthen the SIP and generally establish RACT level controls. However, as discussed in the subsequent section, EPA is proposing to conclude that the submitted rules contain newly identified deficiencies that prevent full approval of the rules.

C. Were there any newly identified deficiencies with the December 3, 2020, submitted rules?

EPA is proposing to conclude that the following provisions in Rule 352 do not satisfy the requirements of section 110 and part D of title I of the Act and therefore prevent full approval of the SIP revision.

1. In addition to the annual certification test required by Section 301.1, Sections 502 and 503 of Rule 352 outline ongoing monitoring tests to perform to detect potential leaks. However, the rule does not identify any enforceable requirements to monitor using these tests on a periodic basis or any recordkeeping and reporting associated with this requirement. EPA is proposing to find that this undermines the enforceability of the rule, constitutes a SIP deficiency, and is inconsistent with the requirements of CAA Section 110.

2. Section 103.3(a) requires that an ''owner or operator of a gasoline cargo tank provides documentation from the gasoline cargo tank testing company to the Control Officer that certifies that the gasoline cargo tank was tested and verified vapor tight using test methods at least as stringent as those in Section 501.1 (Maricopa County Vapor Tightness Test).'' This provision allows the Control Officer authority to approve another test method, and without further specificity regarding how this authority will be exercised, could functionally allow for a revision of the SIP without complying with the process for SIP revisions required by the CAA. As a result, EPA is proposing to determine that this undermines the enforceability of the submission, constitutes a SIP deficiency, and is inconsistent with the requirements of CAA Section 110.

The EPA is proposing to conclude that the following provisions in Rule 353 do not satisfy the requirements of section 110 and part D of title I of the Act and prevent full approval of the SIP revision.

1. Rule 353 requires that control equipment or spill containment equipment at a stationary GDF or on a gasoline cargo tank be leak free and vapor tight, requiring weekly inspections. Rule 353 generally requires a facility to determine if there is a ''potential vapor leak'' prior to being required to conduct a more stringent vapor tightness determination. Section 501 of Rule 353 allows for four different options to identify potential vapor leaks. Section 501.1 allows for the ''use of sight, sound, or smell'' as an acceptable method for identifying potential vapor leaks. Although using sight, sound, or smell can play a role in identifying potential vapor leaks, allowing for that to potentially be the only method used could functionally allow for potential leak identification to be left solely left to the operator's discretion and sensory inputs. Therefore, without a provision to periodically utilize methods beyond sight, sound, or smell, EPA is proposing to determine that this provision undermines the enforceability of the rule's requirement for vapor tight compliance.

2. Section 500 of Rule 353 contains ongoing monitoring and recordkeeping requirements but does not specifically contain any requirements to report compliance information. However, reporting requirements are contained within Section 301 of the rule because it incorporates the applicable requirements from the National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Dispensing Facilities at 40 CFR part 63, subpart CCCCCC (''Subpart CCCCCC''), which includes reporting requirements.[3] However, Subpart CCCCCC is not applicable to the loading of aviation gasoline into storage tanks at airports, and the subsequent transfer of aviation gasoline within the airport.[4] Rule 353 does apply to loading of aviation gasoline at airports, but does not elsewhere require periodic reporting for these facilities. Given this framework, EPA is proposing to find that Rule 353 has a reporting gap, because there is no periodic compliance reporting required for loading of aviation gasoline at airports. Due to the lack of adequate reporting requirements (or some alternative means of ensuring enforceability) during loading of aviation gasoline into storage tanks, EPA is proposing to find that this provision undermines the enforceability of the rule's requirement for vapor tight compliance, constitutes a SIP deficiency, and is inconsistent with the requirements of CAA Section 110.

D. The EPA's Recommendations To Further Improve the Rules

The TSDs include recommendations for the next time the MCAQD modifies these rules.

[3] See 40 CFR 63.11126 and Table 3 to Subpart CCCCCC. For example, Subpart CCCCCC requires annual reporting related to malfunctions (malfunction of process equipment and air pollution control equipment), requires all performance tests reports to be submitted, and requires advanced notification of performance tests.

[4] See 40 CFR part 63.11111(g).

E. Proposed Action and Public Comment

The EPA is proposing a limited approval and limited disapproval of the submitted rules. The EPA is proposing a limited approval because the EPA's analysis demonstrates that Rule 352 and Rule 353 would strengthen the SIP. The rules generally establish RACT level controls, and the MCAQD has fixed the deficiencies that were previously identified with the rules in the February 26, 2020, conditional approval. The EPA is proposing a simultaneous limited disapproval for Rule 352 and Rule 353 based on the enforceability issues identified in section II.C. of this notice and described in detail in their respective TSDs.

In addition, as authorized in section 110(k)(3) of the Act, the EPA is proposing a disapproval of the RACT demonstrations for the 2008 ozone National Ambient Air Quality Standards (NAAQS) for the sources covered by the CTGs associated with these rules, because the deficiencies for certain source categories as identified in the proposed limited disapproval preclude the EPA from proposing to approve this RACT demonstration as a whole. The EPA is also proposing to find that the State has met its commitment under the previous conditional approval of Rules 352 and 353 and the associated CTG source categories. If we finalize this limited approval and limited disapproval as proposed, we would replace the conditionally approved versions of the rules with the newly submitted versions in the SIP, and also remove the text associated with the conditional approval from 40 CFR 52.119(c)(1). We will accept comments from the public on this proposal until December 9, 2024. If finalized, this action would incorporate the submitted rules into the SIP, including those provisions identified as deficient. This approval is limited because the EPA is simultaneously proposing a limited disapproval. If we finalize this disapproval as proposed, CAA section 110(c) would require the EPA to promulgate a federal implementation plan within 24 months unless we approve subsequent SIP revisions that correct the deficiencies identified in our final action.

In addition, final disapproval would trigger the offset sanction in CAA section 179(b)(2) 18 months after the effective date of a final disapproval, and the highway funding sanction in CAA section 179(b)(1) six months after the offset sanction is imposed. A sanction would not be imposed if the EPA determines that a subsequent SIP submission corrects the deficiencies identified in our final action before the applicable deadline. The EPA intends to work with MCAQD to correct the deficiencies in a timely manner.

Note that the submitted rules have been adopted by MCAQD, and the EPA's final limited disapproval would not prevent the State from enforcing them. The limited disapproval also would not prevent any portion of the rules from being incorporated by reference into the federally enforceable SIP as discussed in a July 9, 1992 EPA memo found at: *https://www.epa.gov/sites/production/files/2015-07/documents/procsip.pdf.*

III. Incorporation by Reference

In this rule, the EPA is proposing to include in a final EPA rule regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is proposing to incorporate by reference MCAQD Rule 352, ''Gasoline Cargo Tank Testing and Use,'' revised on November 18, 2020, which regulates VOC emissions during loading and unloading of gasoline to any gasoline cargo tank within Maricopa County. The EPA is also proposing to incorporate by reference MCAQD Rule 353, ''Storage and Loading of Gasoline at a Gasoline Dispensing Facility,'' revised on November 18, 2020, which regulates VOC emissions during storage and loading of gasoline at a gasoline dispensing facility. The EPA has made, and will continue to make, these materials available through *www.regulations.gov* and at the EPA Region IX Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

IV. Statutory and Executive Order Reviews

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

Additional information about these statutes and Executive Orders can be found at *https://www.epa.gov/laws-regulations/laws-and-executive-orders.*

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

This action is not a significant regulatory action and was therefore not submitted to the Office of Management and Budget (OMB) for review.

B. Paperwork Reduction Act (PRA)

This action does not impose an information collection burden under the PRA because this action does not impose additional requirements beyond those imposed by state law.

C. Regulatory Flexibility Act (RFA)

I certify that this action will not have a significant economic impact on a substantial number of small entities under the RFA. This action will not impose any requirements on small entities beyond those imposed by state law.

D. Unfunded Mandates Reform Act (UMRA)

This action does not contain any unfunded mandate as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. This action does not impose additional requirements beyond those imposed by state law. Accordingly, no additional costs to state, local, or tribal governments, or to the private sector, will result from this action.

E. Executive Order 13132: Federalism

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

F. Executive Order 13175: Coordination With Indian Tribal Governments

This action does not have tribal implications, as specified in Executive Order 13175, because the SIP is not approved to apply on any Indian reservation land or in any other area where the EPA or an Indian tribe has demonstrated that a tribe has jurisdiction, and will not impose substantial direct costs on tribal governments or preempt tribal law. Thus, Executive Order 13175 does not apply to this action.

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

The EPA interprets Executive Order 13045 as applying only to those

regulatory actions that concern environmental health or safety risks that the EPA has reason to believe may disproportionately affect children, per the definition of ''covered regulatory action'' in section 2–202 of the Executive Order. Therefore, this action is not subject to Executive Order 13045 because it is merely proposing a limited approval and limited disapproval of state law as meeting federal requirements. Furthermore, the EPA's Policy on Children's Health does not apply to this action.

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

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

I. National Technology Transfer and Advancement Act (NTTAA)

Section 12(d) of the NTTAA directs the EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. The EPA believes that this action is not subject to the requirements of section 12(d) of the NTTAA because application of those requirements would be inconsistent with the CAA.

J. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Population

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

The State did not evaluate environmental justice considerations as part of its SIP submittal; the CAA and applicable implementing regulations neither prohibit nor require such an evaluation. EPA did not perform an EJ analysis and did not consider EJ in this action. Due to the nature of the action being taken here, this action is expected to have a neutral to positive impact on the air quality of the affected area. Consideration of EJ is not required as part of this action, and there is no information in the record inconsistent with the stated goal of Executive Order 12898 of achieving EJ for communities with EJ concerns.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: November 2, 2024.

Martha Guzman Aceves,

Regional Administrator, Region IX.

[FR Doc. 2024–25947 Filed 11–7–24; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 257

[EPA–HQ–OLEM–2020–0107; FRL–7814.1–01–OLEM]

RIN 2050–AH34

Hazardous and Solid Waste Management System: Disposal of Coal Combustion Residuals From Electric Utilities; Legacy CCR Surface Impoundments; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA or the Agency) is proposing to correct three errors published in the **Federal Register** on May 8, 2024. This May 8, 2024 rule (Legacy Final Rule) established regulatory requirements for legacy coal combustion residuals (CCR) surface impoundments and CCR management units, among other things, under the Resource Conservation and Recovery Act (RCRA). This proposal seeks comment on issues discussed in the direct final rule to correct three errors in the Legacy Final Rule.

DATES: Comments must be received on or before December 9, 2024.

ADDRESSES: You may send comments, identified by Docket ID No. EPA–HQ–OLEM–2020–0107, by any of the following methods:

- *Federal eRulemaking Portal: https://www.regulations.gov/* (our preferred method). Follow the online instructions for submitting comments.
- *Mail:* U.S. Environmental Protection Agency, EPA Docket Center, Office of Land and Emergency Management (OLEM) Docket, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460.
- *Hand Delivery or Courier* (*by scheduled appointment only*): EPA Docket Center, WJC West Building, Room 3334, 1301 Constitution Avenue NW, Washington, DC 20004. The Docket Center's hours of operations are 8:30 a.m.–4:30 p.m., Monday–Friday (except Federal Holidays).

Instructions: All submissions received must include the Docket ID No. for this rulemaking. Comments received may be posted without change to *https://www.regulations.gov/,* including any personal information provided. For detailed instructions on sending comments and additional information on the rulemaking process, see the ''Public Participation'' heading of the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: For questions concerning this proposal, contact Taylor Holt, Office of Resource Conservation and Recovery, Materials Recovery and Waste Management Division, Environmental Protection Agency, 1200 Pennsylvania Avenue NW, MC: 5304T, Washington, DC 20460; telephone number: (202) 566–1439; email address: *Holt.Taylor@epa.gov,* or Frank Behan, Office of Resource Conservation and Recovery, Materials Recovery and Waste Management Division, Environmental Protection Agency, 1200 Pennsylvania Avenue NW, MC: 5304T, Washington, DC 20460; telephone number: (202) 566–0531; email address: *Behan.Frank@epa.gov.* For more information on this rulemaking please visit *https://www.epa.gov/coalash.*

SUPPLEMENTARY INFORMATION:

I. Public Participation—Written Comments

Submit your comments, identified by Docket ID No. EPA–HQ–OLEM–2020–0107, at *https://www.regulations.gov* (our preferred method), or the other methods identified in the **ADDRESSES** section. Once submitted, comments cannot be edited or removed from the docket. EPA may publish any comment received to its public docket. Do not submit to EPA's docket at *https://www.regulations.gov* any information

you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *https://www.epa.gov/dockets/commenting-epa-dockets.*

II. General Information

A. Does this action apply to me?

This rule may be of interest to electric utilities and independent power producers that fall within the North American Industry Classification System (NAICS) code 221112. The reference to NAICS code 221112 is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be regulated by this action. This discussion lists the types of entities that EPA is now aware could potentially be regulated by this action. Other types of entities not described here could also be regulated. To determine whether your entity is regulated by this action, you should carefully examine the applicability criteria found in 40 CFR 257.50 of title 40 of the Code of Federal Regulations. If you have questions regarding the applicability of this action to a particular entity, consult the persons listed in the **FOR FURTHER INFORMATION CONTACT** section.

B. What action is the Agency taking?

EPA is proposing to correct errors in the Legacy Final Rule published in the **Federal Register** on May 8, 2024, which established regulatory requirements for legacy CCR surface impoundments and CCR management units (CCRMU).

In the ''Rules and Regulations'' section of this **Federal Register**, EPA has also published a direct final rule for this same action because the Agency views this as a noncontroversial action and anticipates no adverse comment. EPA has explained the reasons for this in the preamble to the direct final rule. This proposed rule provides an opportunity for the public to comment on the issues discussed in the preamble to the direct final rule.

In light of the narrow purpose of this rule to conform the regulatory text to the final actions described in the Legacy Final Rule, EPA is only soliciting comment on whether the changes in the direct final rule conform the text to EPA's stated intent in the Legacy Final Rule preamble. EPA is not reconsidering, proposing to reopen, or otherwise soliciting comment on any provisions of the Legacy Final Rule itself. For the reader's convenience, EPA has provided a background description of individual provisions in the Legacy Final Rule in several places throughout the direct final rule preamble. These descriptions do not reopen the underlying described provisions, but merely explain the context to inform the public of the basis for this action's technical corrections. EPA will not respond to comments submitted on any issues other than those specifically identified in the direct final rule, and such comments will not be considered part of the rulemaking record.

If EPA receives no adverse comment on the corrections in the direct final rule, the Agency will not take further action on this proposed rule and the direct final rule will become effective as provided in that action. If EPA does receive adverse comment, EPA will publish a timely withdrawal in the **Federal Register** informing the public about the specific regulatory paragraph(s) or amendment(s) in the direct final rule that will not take effect. The corrections in the direct final rule that are not withdrawn will become effective on the date set out above. EPA will address all public comments in any subsequent final rule based on this proposed rule.

EPA does not intend to institute a second comment period on this action. Any parties interested in commenting must do so at this time. For further information about commenting on this proposed rule see the **ADDRESSES** section of this document.

C. What is the Agency's authority for taking this action?

EPA is publishing this rulemaking under the authority of sections 1008(a)(3), 2002(a), 4004, and 4005(a), (d) of the Solid Waste Disposal Act of 1970, as amended by the Resource Conservation and Recovery Act of 1976 (RCRA), as amended by the Hazardous and Solid Waste Amendments of 1984 (HSWA) and the Water Infrastructure Improvements for the Nation (WIIN) Act of 2016, 42 U.S.C. 6907(a), 6912(a), 6944, 6945(a) and (d).

D. Where is the location of regulatory text for this proposal?

The regulatory text for this proposal is identical to that for the direct final rule published in the Rules and Regulations section of this **Federal Register**. For further supplemental information, the detailed rationale for the proposal, and the regulatory revisions, see the information provided in the direct final rule published in the Rules and Regulations section of this **Federal Register**.

III. Statutory and Executive Order (E.O.) Reviews

For a complete discussion of all of the administrative requirements applicable to this action, see the direct final rule in the Rules and Regulations section of this **Federal Register**.

List of Subjects in 40 CFR Part 257

Environmental protection, Beneficial use, Coal combustion products, Coal combustion residuals, Coal combustion waste, Disposal, Hazardous waste, Landfill, Surface impoundment.

Michael S. Regan,

Administrator.

[FR Doc. 2024–25751 Filed 11–7–24; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 14 and 64

[WC Docket Nos. 23–62, 12–375; Report No. 3221; FR ID 258977]

Incarcerated People's Communication Services; Implementation of the Martha Wright-Reed Act; Rates for Interstate Inmate Calling Services

AGENCY: Federal Communications Commission.

ACTION: Notice of Petitions for Reconsideration of Action in Rulemaking Proceeding.

SUMMARY: Petitions for Reconsideration (Petitions) have been filed in the Commission's proceeding by Stephen A. Raher; Zainab Alkebsi on behalf of Deaf Equality and AnnMarie Killian on behalf of TDIAccess; Glenn S. Richards and Lee G. Petro on behalf of Network Communications International Corporation d/b/a NCIC Correctional Services; and Michal J. Nowicki on behalf of HomeWAV, LLC.

DATES: Oppositions to the Petitions must be filed on or before November 25, 2024. Replies to oppositions to the Petitions must be filed on or before December 5, 2024.

ADDRESSES: You may submit oppositions and replies, identified by WC Docket Nos. 23–62, 12–375, by any of the following methods:

- *Electronic Filers:* Comments may be filed electronically using the internet by accessing the ECFS: *https://www.fcc.gov/ecfs.*
- *Paper Filers:* Parties who choose to file by paper must file an original and one copy of each filing.
- Filings can be sent by hand or messenger delivery, by commercial courier, or by the U.S. Postal Service. All filings must be addressed to the Secretary, Federal Communications Commission.
- Hand-delivered or messenger-delivered paper filings for the Commission's Secretary are accepted between 8 a.m. and 4 p.m. by the FCC's mailing contractor at 9050 Junction Drive, Annapolis Junction, MD 20701. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of before entering the building.
- Commercial courier deliveries (any deliveries not by the U.S. Postal Service) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701.
- Filings sent by U.S. Postal Service First-Class Mail, Priority Mail, and Priority Mail Express must be sent to 45 L Street NE, Washington, DC 20554.
- *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.

FOR FURTHER INFORMATION CONTACT: Ahuva Battams, Attorney Advisor, Pricing Policy Division of the Wireline Competition Bureau, 202–418–1565, or *ahuva.battams@fcc.gov.*

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's document, Report No. 3221, released October 28, 2024. The full text of the document is available at: *https://docs.fcc.gov/public/attachments/DOC-406953A1.pdf.* The full text of Stephen A. Raher Petition for Reconsideration is available at: *https://www.fcc.gov/ecfs/document/1015670416887/1* and *https://www.fcc.gov/ecfs/document/102160472621/1.* The full text of the Deaf Equality and TDIAccess Petition for Reconsideration is available at: *https://www.fcc.gov/ecfs/document/101865289500/1.*

The full text of the NCIC Petition for Reconsideration is available at: *https://www.fcc.gov/ecfs/document/1021017208822/1.*

The full text of the HomeWAV Petition for Reconsideration is available at: *https://www.fcc.gov/ecfs/document/1021739312979/1.* The Commission will not send a Congressional Review Act (CRA) submission to Congress or the Government Accountability Office pursuant to the CRA, 5 U.S.C. 801(a)(1)(A), because no rules are being adopted by the Commission.

Subject: Incarcerated People's Communications Services, FCC 24–75, published at 89 FR 77244, September 20, 2024, in WC Docket Nos. 23–62, 12–375.

Number of Petitions Filed: 4.

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2024–25913 Filed 11–7–24; 8:45 am]

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Notices

Federal Register

Vol. 89, No. 217

Friday, November 8, 2024

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2023–0058]

Veterinary Services User Fees

AGENCY: Animal and Plant Health Inspection Service, U.S. Department of Agriculture (USDA).

ACTION: Notice.

SUMMARY: The Animal and Plant Health Inspection Service (APHIS) is announcing its proposed adjusted user fee rates for the costs of providing certain goods and services, including veterinary diagnostic goods and services and veterinary services for imports and exports of live animals and animal products. This includes the basis for any proposed adjusted fee change. This action is necessary because the regulations provide that APHIS will issue such a notice. This action would ensure that the fees charged more closely align with the costs of providing the goods or services.

DATES: We will consider all comments we receive on or before December 9, 2024.

ADDRESSES: You may submit comments by either of the following methods:

- *Federal eRulemaking Portal:* Go to *www.regulations.gov.* Enter APHIS–2023–0058 in the Search field. Select the Documents tab, then select the Comment button in the list of documents.
- *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS–2023–0058, Regulatory Analysis and Development, PPD, APHIS, Station 2C–10.16, Unit 25, 4700 River Road, Riverdale, MD 20737–1238.

Any comments we receive on this docket may be viewed at *regulations.gov* or in our reading room which is located in room 1620 of the USDA South Building, 14th Street and Independence Avenue SW, Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 799–7039 before coming.

FOR FURTHER INFORMATION CONTACT: For information on the user fee activities covered by this notice, contact Ms. Lisa Slimmer, User Fee Financial Team Manager, Veterinary Services Money Management, 920 Main Campus Drive, Raleigh, NC 27606; (919) 414–7205.

SUPPLEMENTARY INFORMATION:

Background

The regulations in 9 CFR part 130 (referred to below as the regulations or the user fee regulations), cover user fees to reimburse the U.S. Department of Agriculture's (USDA's) Animal and Plant Health Inspection Service (APHIS) for the costs of providing veterinary diagnostic services and import/export related services for live animals, animal products and byproducts, poultry, birds, germplasm, organisms, and vectors. These user fees are authorized by section 2509(c) of the Food, Agriculture, Conservation, and Trade Act (FACT Act) of 1990, as amended (21 U.S.C. 136a(c)), which provides that the Secretary of Agriculture may, among other things, prescribe regulations and collect fees to recover the costs of providing import/export related services for animals, animal products and byproducts, birds, germplasm, organisms, and vectors, and for veterinary diagnostics relating to the control and eradication of communicable diseases of livestock or poultry within the United States.

Since fiscal year 1992, APHIS has received no directly appropriated funds to cover the cost of certain veterinary diagnostics or to provide import/export related services for animals, animal products and byproducts, birds, germplasm, organisms, and vectors. Our ability to provide these services depends on user fees. User fees are associated with providing services for live animal, animal product, bird, and germplasm imports and exports and the user fees fund, among other things, quarantine services, the processing of import permit applications, port of entry inspections, inspections and approvals of import/export facilities and establishments, endorsements of export certificates, and services related to emergency situations that arise during the export or import process.

On August 1, 2023, APHIS published a final rule [1] in the **Federal Register** that revised the regulations (88 FR 49994–50002, Docket No. APHIS–2021–0052). This rule removed tables providing the individual fees from the regulations and instead indicated that they are posted on the following website: *www.aphis.usda.gov/business-services/vs-fees.* It also provided that, on an annual basis, APHIS would propose changes to the fee rates through publication of a notice in the **Federal Register**.

This is the first such notice. Below, we provide a general overview of the factors that led most of our proposed adjusted fees to increase, then provide a summary of the cost components for our fees, as set forth in the revised regulations. In this discussion, we provide three examples to demonstrate the fee calculations. Then, we proceed table by table, sequentially, for each table set forth in the previous regulations. In each table, the first column sets forth the current fee and the second column sets forth the proposed adjusted fee.

Overview of Factors Leading to Proposed Adjusted Fee Increases

As we forecasted in the proposed rule (see footnote 1) on which the August 2023 final rule was based, most rates will change and increase. The increase in fees within the tables throughout this notice are based on several factors including: Time, inflation, increase in subject matter expert workload, a shift in the level of work complexity, and trade and the general economy. As we stated in that same proposed rule, this is primarily because the current fees were established in 2011 and 2012 using the best available 2009 data. The actual costs of providing the services have increased in the intervening decade. This increase in costs pertains not only to direct costs, but also to indirect costs associated with the services. As noted in our proposed rule, the 2011 and 2012 fees did not anticipate the high level of information technology investment needed to meet customer demand to conduct business with APHIS' Veterinary Services (VS). Additionally,

[1] To view the proposed rule, final rule, and the comments we received, go to *www.regulations.gov.* Enter APHIS–2021–0052 in the Search field.

the capital required to keep our facilities operational is subject to the same inflationary pressures as the general economy.

Another factor impacting fee classes is an increased level of effort and expertise associated with providing certain services. Changing trade requirements in the intervening years have resulted in additional complexities in the work in this field, such as the issuance of export health certificates. For example, many trading partners (importing countries) have historically accepted VS forms with minimal health information. These VS forms contained all health information on one page. Also, the use of forms allowed information to be presented in a standardized way, making review of certificates a more consistent process across importing countries and species. Over the past years, many countries have changed their import requirements and now require country- and species-specific health certificates for the export of live animals from the United States. These health certificates vary widely in terms of information they contain, the requirements they cite, and the type of certificate that can be used. Most are two or more pages long, and all information must be reviewed and verified for each animal or shipment being exported. This has increased the level of effort needed to complete the work. It also means that the subject matter expertise needed to complete the work is much greater now than previously as a result of these growing complexities.

Finally, as we also noted in the proposed rule, on which the August 2023 final rule was based, the Office of Management and Budget circular A–25 requires user fees to be sufficient to recover the full cost to the Federal Government of providing the service. Calculations include imputed costs; these imputed costs are outside of APHIS' control. Imputed costs are the costs incurred by the U.S. Department of Labor, U.S. Office of Personnel Management, the U.S. Department of State (State Department), and the Department of Justice in order to provide retirement, health, life insurance, worker's compensation, judgment fund, and other related benefits to the Agency and employees who provide the services covered by the fees. These costs have gone up, and, as noted above, must be factored into the fee setting.

Fee Amount Calculations

We have summarized the fee amount calculation formulas below. In addition to the formulas, we have provided three examples to demonstrate application of the formulas.

Paragraph (a) of § 130.2 of the revised regulations provides that, with limited exceptions, APHIS will calculate user fees as follows:

- APHIS will prorate the total inspection, certification, or laboratory service program personnel direct pay (on board and in hiring process including benefits) for the previous fiscal year to each fee based upon the direct time factor percentage of employee's average time to perform and complete each fee code process and then multiply by the next year's percentage of cost-of-living increase.
- APHIS will prorate total direct operating costs for the previous fiscal year based upon the direct time factor percentage of employee's average time to perform and complete each fee code process to each fee and then multiply by the anticipated percentage of inflation for the next year.
- APHIS will add estimates for Program, Agency, and Department support costs, imputed costs, and reserves by applying a percentage based on most recent information to the sum of the direct pay plus direct operating costs.
- APHIS will round calculated fees up to the next $0.25 for all fees less than $10 or round up to the nearest dollar for all fees greater than $10.

Additional discussion on APHIS' calculations of the proposed adjusted fees in this notice is below:

The prior year (2023) costs are obtained from the official financial systems of record. As part of our accounting procedures, we maintain separate accounting hierarchies to record costs that can be charged to each program (*e.g.,* Import Export and Veterinary Diagnostics). Costs are those things on which an organization spends its budget, such as salaries and benefits for employees, rent, equipment, travel, and so on. We are required to capture the full cost of the services that we provide.

As discussed in our August 1, 2023, final rule, Import Export and Veterinary Diagnostics projected program costs will include:

- *Direct pay (including benefits).* The wage labor costs (on board and in the hiring process), including benefits, for employees who specifically support and provide the required service.
- *Direct operating costs.* Costs attributed to travel and transportation for personnel; materials, supplies, and other necessary items; training; general office supplies; rent; facility maintenance; equipment purchase and maintenance; utilities; contractual services; and information system operations, maintenance, and development.
- *Consumer price index.* The measure of the average change over time in prices paid by urban consumers for a market basket of consumer goods and services, as determined by the Bureau of Labor Statistics annually.
- *Cost of living.* The adjusted annual rate used to determine the cost of maintaining a certain standard of living based on the economic assumptions in the Office of Management and Budget's Presidential Economic Assumptions.
- *Imputed costs.* Office of Workers' Compensation costs from the Department of Labor; costs of employee leave earned in a prior fiscal year and used in the current fiscal year; Office of Personnel Management and Department of State (State Department) costs to provide retirement, health, and life insurance benefits to employees; unemployment compensation costs; and Department of Justice judgment fund costs.
- *Program, Agency, and Department support.* Indirect or direct costs of the program, including supporting services provided to the industry.
- *Reserve.* Funds above expected obligations that are required to effectively manage uncertainties in demand and timing to ensure sufficient operating funds in cases of bad debt, customer insolvency, fluctuations in activity volumes, information technology development costs, cash flow, facilities capital needs, or fluctuations in activity volumes caused by unforeseen global and national events.

Reserve

As discussed in our October 3, 2022, proposed rule, and reiterated in the August 1, 2023, final rule, the reserve would be calculated each year based on the forecasted needs identified during the annual fee setting session by estimating 25 percent or 90 days of annual expenditures adding a prorated component of forecasted IT and facilities capital needs and investments, and offsetting that sum by the existing amount in the reserve.

Therefore, we estimate the reserve component costs annually as follows:

At the time each year that we calculate our proposed user fee rates, we estimate cash flow needs by estimating 25 percent or 90 days of annual expenditures, whichever is greater.

We forecast information technology and facilities capital needs and investments, including any major purchases or improvement of equipment or systems, for the next 5 fiscal years,

and assign an estimated date by year at which we anticipate these costs to be actualized. Based on the expected time of cost actualization within that 5-year forecast, we will add a component of that cost to the above cash flow needs. Finally, this sum of expenses calculated will be offset by the existing amount in the reserve, and the difference to be collected is calculated for each user fee.

Reserve levels will be set at a level meant to reflect the forecasted needs, as articulated above, but are monitored and adjusted annually as needs or costs change. We intend to closely monitor the operations and operating environment including demand, costs changes, administrative policies, investment needs, and the economic environment closely and propose adjustments, as needed, in our fees annually to ensure an adequate reserve balance to ensure cash flow and capital planning needs are met.

Capital costs included in the reserve calculation are items such as facility design, development and maintenance costs, equipment, and other items as needed to ensure facilities and equipment are kept at acceptable standards for both Import Export and Veterinary Diagnostics. Plans are reviewed annually and forecasted for 5 years as costs are gathered for our annual update. Facilities, equipment, and other shared items that may house or support both user fee and non-user fee functions are shared proportionately. The cost model only includes those costs attributable to the user fee services. The total capital costs included in this update are $2,228,707.50 for Import Export and $1,350,000.00 for Veterinary Diagnostics to ensure funding is available as costs are actualized.

Information technology costs included in the reserve calculation are also projected for the following 5 years and include items such as systems modernization, particularly for trade modernization systems, billing system replacement and other user fee related operational systems enhancements or maintenance. Technology costs that may support both user fee and non-user fee functions are shared proportionately based upon the most appropriate driver of the costs. The total information technology costs included in this update is $6,461,071.38 for Import Export to ensure funding is available as costs are actualized. There are no planned information technology development or maintenance user fee expenses for Veterinary Diagnostics at this time.

The reserve percentage to be applied to recover the costs derived is expressed as a percentage (total reserve target divided by the total of prior year expenses including vacancies plus cost of living and consumer price index costs). To allocate the identified reserve costs per service, a rate of 25.69 percent and 18.32 percent was derived for Import Export and Veterinary Diagnostics respectively.

Then, to ensure full cost recovery, we identified and added an appropriate amount of imputed costs. These are costs borne by other Federal agencies (such as the U.S. Treasury and the Office of Personnel Management) in support of the user fee programs. We used percentage of full time equivalent as the basis to identify the portion of these costs to attribute to the Import Export and Veterinary Diagnostics programs.

General Formula

The Veterinary Services User Fee cost model structure is developed in Microsoft Excel using cost allocation by direct time factors to each service provided. To determine the current costs for the general formula, of Import Export and Veterinary Diagnostic services, we first calculated the actual and projected costs of the current programs using the models. Tables A through D below set out examples of the calculations for certain fees. The costs for the general formula model are shown in table A.

TABLE A—GENERAL FORMULA MODEL PROJECTED COSTS

Cost category	Import export	Veterinary diagnostics
Fiscal Year 2023 Actual Costs by Category With Future Projected Costs by Program for General Fee Formula (rounded to two decimal points)		
Salary and Benefits Prior Year (PY) 2023	$28,624,842.48	$4,214,611.00
Operating Costs PY 2023	6,476,340.71	2,525,556.00
Future projected costs:		
Staffing and benefits full year	5,183,454.49	604,664.81
Cost of Living adjustment (COLA) (5.2% multiplied by the sum of 2023 salary and benefits and future salary and benefits)	1,758,031.44	250,602.37
Consumer price index (CPI) (3.7% multiplied by the sum of 2023 operating costs)	239,624.61	93,445.58
Reserve shared costs (estimated target to collect expressed as a percentage of prior year expenses, COLA and CPI is 25.69% and 18.32% for import export and veterinary diagnostics respectively)	10,862,184.92	1,408,757.00
Imputed Costs (estimated target to collect expressed as a percentage of prior year expenses salary and benefits, future staffing and COLA is 25.69% and 18.32% per activity for import export and veterinary diagnostics respectively)	3,427,788.13	580,751.96
Sub-total Expenses	56,572,266.78	9,678,388.72
Program, Agency, Department Support (19% of sub-total expenses)	10,748,730.69	1,838,893.86
Total Projected Program Costs	67,320,997.47	11,517,282.58

The differing proposed adjusted fees are the result of the average level of effort identified to complete each service, for which a user fee is assessed, referred to as the direct time factor in minutes. To determine the direct time factor in minutes for each service, we conducted labor surveys for each of the organizations providing the services. The level of effort is a good indicator of resources consumed. Two examples of the general formula are shown in table B.

TABLE B—GENERAL FORMULA FEE CALCULATION

Step	Import export	Veterinary diagnostics
Example: Service provided	Slaughter Animals (except poultry and including ruminants) moving to Canada Or Mexico.	Complement Fixation Test.[1]
1. Direct Time Factor per service (in minutes)	35.75	9.50.
2. Total Prior Year Volume for service	1,727.00	55,555.00.
3. Annual Direct minutes for service (total prior year volume, step 2, multiplied by direct time factor per service step 1).	61,740.25	527,768.00.
4. Total Direct Time Factor minutes per program	34,491,538.00	2,143,306.00.
5. Percent of Direct Labor Minutes (Annual Direct Minutes, step 3, for service divided by total direct time factor minutes, step 4).	0.18%	24.62%.
6. Total Direct Labor Costs (includes salary and benefits and future staffing and benefits) for service (Percent of direct labor minutes, step 5, multiplied by total labor costs of salary and benefits PY 2023 plus Future staffing and benefits (Import Export is $28,624,842,48 plus 5,183,454.49 and Veterinary Diagnostics is 4,214,611 plus $604,664.81).	$60,517.24	$1,186,698.48.
7. Per share labor for service (total direct labor costs step 7, divided by the prior year volume for the service, step 2).	$35.04	$21.36.
8. Cost of living adjustment (5.2% multiplied by the Per Share Labor for service, step 7).	$1.82	$1.11.
9. Total Direct Labor costs per service (step 7 plus step 8)	$36.86	$22.47.
10. Total Direct Operating Costs (percent of direct labor costs step 5 multiplied by total operating costs for Import Export of $6,476,340.71 and for Veterinary Diagnostics of $2,525,556.00).	$11,592.72	$621,892.91.
11. Per share operating costs for service (total direct operating costs step 10 divided by prior year volume step 2).	$6.71	$11.19.
12. Per Share consumer price index (CPI) for service (2023 CPI of 3.7% multiplied by the Per Share Operating Costs for service, step 11).	$0.25	$0.41.
13. Total Operating costs per service (Total operating costs per service, step 11 plus Per share CPI for service, step 12).	$6.96	$11.61.
14. Sub-Total of total operating and labor costs per service, step 9, plus step 13	$43.83	$34.08.
15. Reserve shared costs (25.69% and 18.32% multiplied by the Sub-Total in step 14 for Import Export and Veterinary Diagnostics respectively).	$11.26	$6.24.
16. Imputed shared costs (9.638% and 11.45% multiplied by the Sub-Total in step 9 for Import Export and Veterinary Diagnostics respectively).	$3.55	$2.57.
17. Sub-Total of Direct Labor, Direct Op Costs with imputed and reserve shared costs (step 9 plus step 13 plus step 15 plus step 16).	$58.64	$42.89.
18. Program, Agency & Departmental support shared costs (19% of Sub-total of Direct Labor, Direct Op Costs with imputed and reserve shared costs step 17).	$11.14	$8.15.
19. Total of Direct Labor, Operating Costs with imputed, reserve and program, agency & department support shared costs (step 17 plus step 18).	$69.78	$51.04.
20. New fee calculated is above $10 so it is rounded to the next whole dollar	$70.00	$52.00.[2]

[1] The complement fixation test (CFT) is a classical immunological assay used to detect the presence of specific antibodies or antigens in a serum.
[2] The table is rounded to two decimal or percentage places.

Alternate Fee Structure

Paragraph (b) of § 130.2 provides an alternate fee structure in instances when there is no identifiable volume in the previous year, when the fee is rarely charged, or when APHIS cannot readily identify level of effort. In such instances, we will calculate the fee based on the last available historic data, including inflation, program, agency, department and support costs, imputed costs, and reserve.

Examples of this calculation are the fee for the housing, care, feed, and handling of miniature horses while in import-related quarantine and for Latex Agglutination.

There was no identifiable volume for the prior year and no identifiable level of effort upon which to base salary and benefits expenses for future years. As table C indicates below, we begin with the current fee. To that we add the intervening inflation of 36 percent representing inflation from 2012 to 2023 to arrive at a new base fee. To ensure full costs, imputed, reserve, and program, agency and department support costs are added as a percentage of the new base fee. The components are summed to arrive at a final fee. The final fee is then rounded to the next whole dollar if it is greater than $10. This is demonstrated in table C.

TABLE C—IMPORT EXPORT AND VETERINARY DIAGNOSTICS ALTERNATE FEE STRUCTURE CALCULATION

Service description	Import export	Veterinary diagnostics
	Miniature horses/head/day	Latex agglutination
Current Fee	$97.00	$18.00

TABLE C—IMPORT EXPORT AND VETERINARY DIAGNOSTICS ALTERNATE FEE STRUCTURE CALCULATION—Continued

Service description	Import export	Veterinary diagnostics
	Miniature horses/head/day	Latex agglutination
Inflation 2012–2023 (36% of current fee)	34.92	6.48
New base fee (current fee plus inflation adjustment)	131.92	24.48
Total Imputed costs shared per service (9.64% & 11.45% percent multiplied by the new base fee respectively for Import Export and Veterinary Diagnostics)	12.71	2.80
Reserve costs shared per service (25.69% & 18.32% percent multiplied by the new base fee respectively for Import Export and Veterinary Diagnostics)	33.89	4.48
Program, Agency & Department support costs shared per service (19% of new base fee)	25.06	4.65
Sub-Total new base fee plus imputed, plus reserve and plus program, agency & departmental costs shared per service	203.59	36.42
New fee is above $10 so it is rounded to the next whole dollar	204.00	37.00

Animal Import Center Space

Paragraph (c) of § 130.2 provides that APHIS will calculate fees for exclusive use of space in animal import centers, as follows:

- APHIS will calculate fees by using direct employee average time (with benefits) and adding a prorated portion of currently identifiable expenses (facilities, rent, support cost, and admin support costs), program, agency, department and support expenses, imputed costs, and reserve.
- APHIS will combine the costs to determine the monthly cost of providing the service at a single location within the animal import center.
- APHIS will calculate the costs of the other locations within the animal import center based on the square footage of the location.

The typical staffing for barn services includes maintenance workers, facility supervisor, animal health technicians (AHT), supervisory AHT, and Veterinary Medical Officers (VMO). Time surveys and follow up discussions quantified level of effort providing services at the barn from which direct labor costs were calculated. Administrative personnel costs supporting all animal import center services (such as Veterinarian in charge, administrative office, program assistant and other AHT) were allocated to the barn costs based upon the percentage full time equivalent for the animal import center. The administrative personnel provide oversight and support to the animal import center including the barn needs. Operating costs required for barn operation and support were analyzed over a 2-year period of time to ensure all costs were gathered as some costs may be biennial. Costs such as rent, utilities, travel, equipment, and supplies or other such costs which may support both user fee and non-user fee functions are shared proportionately by percentage of full time equivalent or square footage as appropriate. The cost model barn rate calculation only includes those costs attributable to the user fee services provided. Reserve, imputed, and program, agency and departmental shared costs were added to the base.

Once all monthly costs are derived for Newburg (barn A), they are further broken down to cost per square foot for the square footage of barn A. This cost per square foot of barn A is then applied to the appropriate square footage of barns B and C to arrive at their monthly fee. An example of Newburg Barn A costs is shown in table D below.

TABLE D—NEWBURG BARN A RATES

Service description	Barn A rates per month
Direct labor costs	$30,032.23
Operating costs	33,792.31
Total Direct Costs	63,824.54
Total Imputed costs shared per activity (9.637% of direct labor costs)	2,894.21
Total Reserve cost shared (25.69% percent of total direct costs)	16,396.52
Total Program, Agency & Department support costs shared (19% of total direct costs)	12,126.66
Allocated Administrative support costs	9,126.72
Total Monthly costs for Barn A, Newburg (total direct costs plus imputed, plus reserve, plus program, agency and department and plus allocated administrative costs)	104,368.67
New fee calculated is above 10 so it is rounded to the next whole dollar	104,369.00

Hourly Rate and Minimum User Fees (Import Export)

Finally, paragraph (d) of § 130.2 indicates that APHIS will charge an hourly rate-based user fee for services listed in § 130.4 of the revised regulations. Examples of services charged the hourly rate include obtaining samples required to be tested, either to obtain import permits or to ensure compliance with import permits, and inspecting means of conveyance used to export animals or birds.

As noted above, APHIS charges an hourly rate-based user fee for certain import- or export-related veterinary services. These services are currently listed in § 130.4(a)(1) through (18) of the regulations, except those services covered by flat rate user fees elsewhere in part 130. Prior to the August 2023 final rule, these fees were set forth in § 130.30 of the regulations. Tables 1 through 25 below set out the current and proposed adjusted fees for hourly rates and services provided. The current hourly fee as of October 1, 2012, and proposed hourly fee rates are listed in table 1 below.

TABLE 1—HOURLY RATE AND MINIMUM USER FEES IMPORT EXPORT

Hourly rate	Current	Proposed adjusted fees
Per hour	$132.00	$166.00
Per quarter hour	33.00	42.00
Per service minimum fee	40.00	51.00

Overtime Hourly Rate

Paragraph (b) of § 130.4 currently provides there is an additional amount charged hourly to perform the services listed in the section on a Sunday, on a holiday, or at any time outside the normal tour of duty for the employee providing the service. Prior to the August 2023 final rule, this overtime hourly rate had been set forth in § 130.30 of the regulations. The current hourly fee as of October 1, 2012, and proposed overtime hourly rates are listed in table 2 below.

TABLE 2—OVERTIME HOURLY RATE

Overtime rates (outside the employee's normal tour of duty)	Current	Proposed fee
Premium hourly rate Monday through Saturday and holidays		
Per hour	$156.00	$196.00
Per quarter hour	39.00	49.00
Premium hourly rate for Sundays		
Per hour	176.00	221.00
Per quarter hour	44.00	56.00

User Fees

APHIS charges user fees for services rendered by an APHIS representative for each animal or bird receiving standard housing, care, feed, and handling while quarantined in an APHIS-owned or operated animal import center or quarantine facility. Prior to the August 2023 final rule, these fees were set forth in § 130.2 of the regulations. The current fee as of October 1, 2012, and proposed fee rates are listed in table 3 below. Each user fee listed in the table is assessed per animal or bird quarantined by APHIS.

TABLE 3—ANIMAL OR BIRD DAILY USER FEE

Animal or bird	Current fee	Proposed adjusted fee
Birds (excluding ratites and pet birds imported in accordance with part 93 of this subchapter)		
0–250 grams	$3.00	$5.00
251–1,000 grams	9.25	10.00
Over 1,000 grams	21.00	30.00
Domestic or zoo animals (except equines, birds, and poultry)		
Bison, bulls, camels, cattle, or zoo animals	162.00	341.00
All others, including, but not limited to, alpacas, llamas, goats, sheep, and swine	43.00	69.00
Equines (including zoo equines, but excluding miniature horses)		
1st through 3rd day (fee per day)	429.00	586.00
4th through 7th day (fee per day)	310.00	196.00
8th and subsequent days (fee per day)	264.00	196.00
Miniature horses	97.00	204.00
Poultry (including zoo poultry)		
Doves, pigeons, quail	5.75	9.25
Chickens, ducks, grouse, guinea fowl, partridge, pea fowl, pheasants	10.00	16.00
Large poultry and large waterfowl, including, but not limited to, gamecocks, geese, swans, and turkeys	24.00	51.00
Ratites		
Chicks (less than 3 months old)	15.00	32.00
Juveniles (3 months through 10 months old)	22.00	47.00
Adults (11 months old or older)	43.00	91.00

APHIS also charges user fees for birds or poultry, including zoo birds or poultry, receiving nonstandard housing, care, or handling to meet special requirements while quarantined in an APHIS-owned or operated Animal Import Center or quarantine facility. Prior to the August 2023 final rule, these fees were also set forth in § 130.2 of the regulations. The current fee as of October 1, 2012, and proposed adjusted fees are listed in table 4 below. The user fees listed in table 4 are assessed for each bird or poultry quarantined by APHIS. Special requirements may be requested by the importer or required by an APHIS representative. Certain conditions or traits, such as pregnancy or aggression, may necessitate special requirements for certain birds or poultry.

TABLE 4—BIRD OR POULTRY (NONSTANDARD HOUSING, CARE, OR HANDLING) DAILY USER FEE

Bird weight	Current fee	Proposed adjusted fee
Birds 0–250 grams and doves, pigeons and quail	$9.25	$14.00
Birds 251–1,000 grams and poultry such as chickens, ducks, grouse, guinea fowl, partridge, pea fowl, and pheasants	21.00	28.00
Birds over 1,000 grams and large poultry and large waterfowl, including, but not limited to gamecocks, geese, swans, and turkeys	40.00	51.00

User Fees for Exclusive Use of Space at APHIS Animal Import Centers

An importer may request to exclusively occupy a space at an APHIS animal import center. If this occurs, APHIS charges for the use of the space. Prior to the August 2023 final rule, these fees were set forth in § 130.3 of the regulations. The current fee as of October 1, 2012, and proposed user fee for spaces at APHIS animal import centers are listed in table 5 below.

TABLE 5—ANIMAL IMPORT CENTER MONTHLY USER FEE

Newburgh, NY [1]	Current fee	Proposed adjusted fee
Space A 5,396 ft^2 (503.1 m^2)	$94,249.00	$104,369.00
Space B 8,903 ft^2 (827.1 m^2)	155,504.00	172,201.00
Space C 905 ft^2 (84.1 m^2)	15,807.00	17,504.00

[1] Square foot (f^2); square meter (m^2).

User Fees for Processing Import Permit Applications

APHIS charges user fees for any service rendered by an APHIS representative for processing applications for permits to import certain animals and animal products (using VS forms 16–3 and 17–129). Prior to the August 2023 final rule, these fees were set forth in § 130.4 of the regulations. The current fees as of October 1, 2012, and proposed adjusted fees are listed in table 6 below.

TABLE 6—USER FEES FOR PROCESSING IMPORT PERMIT APPLICATIONS

Service	Unit	Current fee	Proposed adjusted fee
Import compliance assistance			
Simple (4 hours or less)	Per shipment	$111.00	$249.00
Complicated (more than 4 hours)	Per shipment	565.00	762.00
Processing an application for a permit to import live animals, animal products or by products, organisms, vectors, or germ plasm (embryos or semen) or to transport organisms or vectors [1]			
Initial permit	Per application	150.00	303.00
Amended permit	Per amended application	75.00	176.00
Renewed permit [2]	Per application	97.00	176.00
Processing an application for a permit to import fetal bovine serum when facility inspection is required.	Per application	512.00	1,075.00

[1] Using Veterinary Services Form 16–3, ''Application for Permit to Import or Transport Controlled Material or Organisms or Vectors,'' or Veterinary Services Form 17–129, ''Application for Import or In Transit Permit (Animals, Animal Semen, Animal Embryos, Birds, Poultry, or Hatching Eggs).''

[2] Permits to import germ plasm and live animals are not renewable.

User Fees for Inspection of Live Animals at Land Border Ports Along the United States-Mexico Border

APHIS charges user fees for any service rendered by an APHIS representative for live animals presented for importation into or entry into the United States through a land border port along the United States-Mexico border. Prior to the August 2023 final rule, these fees were set forth in § 130.6 of the regulations. The current fees as of October 1, 2012, and proposed adjusted fees are listed in table 7 below.

TABLE 7—USER FEES FOR INSPECTION OF LIVE ANIMALS AT LAND BORDER PORTS ALONG THE UNITED STATES-MEXICO BORDER

Type of live animal	Current per head user fee	Proposed adjusted per head user fee
Any ruminants (including breeder ruminants) not covered below	$14.00	$11.00
Feeder	4.00	8.25
Horses, other than slaughter	70.00	288.00
In-bond or in-transit	9.25	20.00
Slaughter	6.00	13.00

User Fees for Import or Entry Services for Live Animals at Land Border Ports Along the United States-Canada Border

APHIS charges user fees for any service rendered by an APHIS representative for live animals presented for importation into or entry into the United States through a land border port along the United States-Canada border. Prior to the August 2023 final rule, these fees were set forth in § 130.7 of the regulations. The current fees as of October 1, 2012, and proposed adjusted fees are listed in table 8 below.

TABLE 8—USER FEES FOR IMPORT OR ENTRY SERVICES FOR LIVE ANIMALS AT LAND BORDER PORTS ALONG THE UNITED STATES-CANADA BORDER

Type of live animal	Unit	Current fee	Proposed adjusted fee
Animals being imported into the United States: Breeding animals (Grade animals, except horses)			
Sheep and goats	Per head	$1.00	$2.25
Swine	Per head	1.25	2.00
All others	Per head	5.25	17.00
Feeder animals			
Cattle (not including calves)	Per head	2.50	2.75
Sheep and calves	Per head	1.00	2.25
Swine	Per head	0.50	0.50
Horses (including registered horses) other than slaughter and in-transit	Per head	46.00	49.00
Poultry (including eggs), imported for any purpose	Per load	80.00	88.00
Registered animals, all types (except horses)	Per head	9.75	11.00
Slaughter animals, all types (except poultry)	Per load	40.00	79.00
Animals transiting [1] the United States			
Cattle	Per head	2.50	11.00
Sheep and goats	Per head	0.50	1.25
Swine	Per head	0.50	1.75
Horses and all other animals	Per head	11.00	118.00

[1] The user fee in this section will be charged for in-transit authorizations at the port where the authorization services are performed.

User Fees for Other Services

APHIS charges user fees for services rendered by an APHIS representative for certain other services that are not specifically addressed elsewhere in the regulations. Prior to the August 2023 final rule, these fees were set forth in § 130.8 of the regulations. The current user fees as of October 1, 2012, and proposed adjusted fees are listed in in table 9 below.

TABLE 9—USER FEES FOR OTHER SERVICES

Service	Unit	Current fee	Proposed adjusted fee
Germ plasm being exported, Embryo [1]			
Up to 5 donor pairs	Per certificate	$132.00	$163.00
Each additional group of donor pairs, up to 5 pairs per group on the same certificate.	Per group of donor pairs	59.00	100.00
Germ plasm being exported, Semen [1]			
Semen	Per certificate	81.00	171.00

TABLE 9—USER FEES FOR OTHER SERVICES—Continued

Service	Unit	Current fee	Proposed adjusted fee
Release from export agricultural hold			
Simple (2 hours or less)	Per release	111.00	118.00
Complicated (more than 2 hours)	Per release	286.00	601.00

[1] This user fee includes a single inspection and resealing of the container at the APHIS employee's regular tour of duty station or at a limited port. For each subsequent inspection and resealing required, the hourly user fee in § 130.4 will apply.

User Fees for Pet Birds

APHIS charges user fees for pet birds of U.S. origin returning to the United States, except pet birds of U.S. origin returning from Canada to home quarantine. Prior to the August 2023 final rule, these fees were set forth in § 130.10 of the regulations. The current fees as of October 1, 2012, and proposed adjusted fees are listed in table 10 below.

TABLE 10—USER FEES FOR PET BIRDS

Service	Current per lot fee	Proposed adjusted fee
Pet birds which have been out of the United States 60 days or less	$172.00	$362.00
Pet birds which have been out of the United States more than 60 days	409.00	938.00

Pet Birds Quarantined in an Animal Import Center or Other APHIS-Owned or Supervised Quarantine Facility (Fee Includes Standard Care, Feed, and Handling)

APHIS charges user fees for each pet bird quarantined in an animal import center or other APHIS-owned or supervised quarantine facility. The current user fees as of October 1, 2012, and proposed adjusted fees are listed in table 11 below. These user fees include standard care, feed, and handling. Based on the information provided to APHIS personnel, APHIS personnel at the Animal Import Center or other APHIS-owned or -supervised quarantine facility will determine the appropriate number of birds that should be housed per isolette. Additionally, if the importer requests additional services, then the user fees for those services will be calculated at the hourly rate user fee listed pursuant to § 130.4, for each employee required to perform the service.

TABLE 11—PET BIRDS QUARANTINED IN AN ANIMAL IMPORT CENTER OR OTHER APHIS-OWNED OR SUPERVISED QUARANTINE FACILITY

Number of birds in isolette	Current fee	Proposed adjusted fee
1	$15.00	$22.00
2	18.00	24.00
3	21.00	26.00
4	24.00	30.00
5 or more	29.00	32.00

User Fees for Inspecting and Approving Import/Export Facilities and Establishments

APHIS charges user fees for the inspection of various import and export facilities and establishments. Prior to the August 2023 final rule, these fees were set forth in § 130.11 of the regulations. The current user fees as of October 1, 2012, and proposed adjusted fees are listed in table 12 below. These user fees do not apply to inspection activities covered in § 130.3. They also do not apply to biosecurity level two laboratories, which are charged the hourly rate, in § 130.4.

TABLE 12—USER FEES FOR INSPECTING AND APPROVING IMPORT/EXPORT FACILITIES AND ESTABLISHMENTS

Service	Unit	Current fee	Proposed adjusted fee
Embryo collection center inspection and approval (all inspections required during the year for facility approval).	Per year	$604.00	767.00
Inspection for approval of biosecurity level three labs (all inspections related to approving the laboratory for handling one defined set of organisms or vectors).	Per inspection	1,554.00	3262.00
Inspection for approval of slaughter establishment			
Initial approval (all inspections)	Per year	593.00	938.00
Renewal (all inspections)	Per year	514.00	703.00

TABLE 12—USER FEES FOR INSPECTING AND APPROVING IMPORT/EXPORT FACILITIES AND ESTABLISHMENTS—Continued

Service	Unit	Current fee	Proposed adjusted fee
Inspection of approved establishments, warehouses, and facilities under 9 CFR parts 94 through 96			
Approval (compliance agreement) (all inspections for first year of 3-year approval)	Per year	633.00	747.00
Renewal (all inspections for second and third years of 3-year approval)	Per year	366.00	513.00

User Fees for Foreign Animal Disease Diagnostics Laboratory (FADDL) Veterinary Diagnostics

APHIS charges user fees for diagnostic reagents provided by FADDL. Prior to the August 2023 final rule, these fees were set forth in § 130.14 of the regulations. The current fees as of October 1, 2006, and proposed adjusted fees are listed in table 13 below.

TABLE 13—USER FEES FOR FOREIGN ANIMAL DISEASE DIAGNOSTICS LABORATORY (FADDL) VETERINARY DIAGNOSTICS

Reagent	Unit	Current fee	Proposed adjusted fee
Bovine antiserum, any agent	1 mL	$165.00	$334.00
Caprine antiserum, any agent	1 mL	202.00	409.00
Cell culture antigen/microorganism	1 mL	111.00	225.00
Equine antiserum, any agent	1 mL	204.00	413.00
Fluorescent antibody conjugate	1 mL	179.00	363.00
Guinea pig antiserum, any agent	1 mL	200.00	405.00
Monoclonal antibody	1 mL	243.00	492.00
Ovine antiserum, any agent	1 mL	193.00	391.00
Porcine antiserum, any agent	1 mL	167.00	338.00
Rabbit antiserum, any agent	1 mL	196.00	397.00

APHIS charges user fees for veterinary diagnostic tests performed at FADDL. Prior to the August 2023 final rule, these fees were set forth in paragraph (b) of § 130.14. The current fees as of October 1, 2006, and proposed adjusted fees are listed in table 14 below.

TABLE 14—USER FEES FOR CERTAIN VETERINARY DIAGNOSTIC TESTS PERFORMED AT FADDL

Test	Unit	Current fee	Proposed adjusted fee
Agar gel immunodiffusion	Test	$33.00	67.00
Card	Test	18.00	37.00
Complement fixation	Test	40.00	81.00
Direct immunofluorescent antibody	Test	25.00	51.00
Enzyme linked immunosorbent assay	Test	29.00	60.00
Fluorescent antibody neutralization (classical swine fever)	Test	215.00	436.00
Hemagglutination inhibition	Test	63.00	128.00
Immunoperoxidase	Test	32.00	65.00
Indirect fluorescent antibody	Test	39.00	79.00
In-vitro safety	Test	630.00	618.00
In-vivo safety	Test	5,509.00	11,147.00
Latex agglutination	Test	26.00	53.00
Tube agglutination	Test	30.00	61.00
Virus isolation (oesophageal/pharyngeal)	Test	199.00	403.00
Virus isolation in embryonated eggs	Test	383.00	775.00
Virus isolation, other	Test	171.00	178.00
Virus neutralization	Test	58.00	118.00

APHIS charges user fees for other veterinary diagnostic tests performed at FADDL. Prior to the August 2023 final rule, these fees were set forth in paragraph (c) of § 130.14. The current fees as of October 1, 2006, and proposed adjusted fees are listed in table 15 below.

TABLE 15—USER FEES FOR OTHER VETERINARY DIAGNOSTIC SERVICES PERFORMED AT FADDL

Veterinary diagnostic service	Unit	Current fee	Proposed adjusted fee
Bacterial isolation	Test	$123.00	$249.00

TABLE 15—USER FEES FOR OTHER VETERINARY DIAGNOSTIC SERVICES PERFORMED AT FADDL—Continued

Veterinary diagnostic service	Unit	Current fee	Proposed adjusted fee
Hourly user fee services [1]	Hour	492.00	996.00
Hourly user fee services—Quarter hour	Quarter hour	123.00	249.00
Infected cells on chamber slides or plates	Slide	53.00	108.00
Reference animal tissues for immunohistochemistry	Set	187.00	379.00
Sterilization by gamma radiation	Can	1,923.00	3,891.00
Training (school or technical assistance)	Per person per day	1,006.00	2036.00
Virus titration	Test	123.00	249.00

[1] For all veterinary diagnostic services for which there is no flat rate user fee, the hourly rate user fee will be calculated for the actual time required to provide the service.

User Fees for Veterinary Diagnostic Isolation and Identification Tests Performed at the National Veterinary Services Laboratories (NVSL) (Excluding FADDL) or Other Authorized Site

APHIS charges user fees for veterinary diagnostic isolation and identification tests performed at NVSL (excluding FADDL) or other authorized sites. Prior to the August 2023 final rule, these fees were set forth in § 130.15 of the regulations. The current fees as of October 1, 2011, and proposed fee rates are listed in table 16 below.

TABLE 16—USER FEES FOR VETERINARY DIAGNOSTIC ISOLATION AND IDENTIFICATION TESTS PERFORMED AT NVSL (EXCLUDING FADDL) OR OTHER AUTHORIZED SITE

Test	Unit	Current fee	Proposed adjusted fee
Bacterial identification, automated	Isolate	$58.00	$124.00
Bacterial identification, non-automated	Isolate	98.00	199.00
Bacterial isolation	Sample	40.00	81.00
Bacterial serotyping, all other	Isolate	58.00	118.00
Bacterial serotyping, Pasteurella multocida	Isolate	20.00	42.00
Bacterial serotyping, Salmonella	Isolate	40.00	97.00
Bacterial toxin typing	Isolate	131.00	404.00
Bacteriology requiring special characterization	Test	101.00	215.00
DNA fingerprinting	Test	64.00	430.00
DNA probe	Test	89.00	181.00
Fluorescent antibody	Test	20.00	42.00
Mycobacterium identification (biochemical)	Isolate	125.00	253.00
Mycobacterium identification (gas chromatography)	Procedure	105.00	213.00
Mycobacterium isolation, animal inoculations	Submission	900.00	1,822.00
Mycobacterium isolation, all other	Submission	165.00	334.00
Mycobacterium paratuberculosis isolation	Submission	79.00	160.00
Phage typing, all other	Isolate	46.00	94.00
Phage typing, Salmonella enteritidis	Isolate	26.00	53.00

APHIS charges user fees for virology identification tests performed at NVSL (excluding FADDL) or other authorized sites. Prior to the August 2023 final rule, these fees were also set forth in § 130.15 of the regulations. The current fees as of October 1, 2011, and proposed fee rates are listed in table 17 below.

TABLE 17—USER FEES FOR VIROLOGY IDENTIFICATION TESTS PERFORMED AT NVSL (EXCLUDING FADDL) OR OTHER AUTHORIZED SITE

Test	Unit	Current fee	Proposed adjusted fee
Fluorescent antibody tissue section	Test	$31.00	$63.00
Virus isolation	Test	52.00	108.00

User Fees for Veterinary Diagnostic Serology Tests Performed at NVSL or at Authorized Sites

APHIS charges user fees for veterinary diagnostic serology tests performed at NVSL or at authorized sites. Prior to the August 2023 final rule, these fees were set forth in § 130.16 of the regulations. The current fees as of October 1, 2011, and proposed fee rates are listed in table 18 below.

TABLE 18—USER FEES FOR VETERINARY DIAGNOSTIC SEROLOGY TESTS PERFORMED AT NVSL OR AT AUTHORIZED SITES

Test	Unit	Current fee	Proposed adjusted fee
Brucella ring (BRT)	Test	$40.00	$84.00
Brucella ring, heat inactivated (HIRT)	Test	40.00	81.00
Brucella ring, serial (Serial BRT)	Test	59.00	120.00
Buffered acidified plate antigen presumptive	Test	8.00	17.00
Card	Test	4.50	8.75
Complement fixation	Test	18.00	52.00
Enzyme linked immunosorbent assay	Test	18.00	49.00
Indirect fluorescent antibody	Test	16.00	52.00
Microscopic agglutination—includes up to 5 serovars	Sample	26.00	60.00
Microscopic agglutination—each serovar in excess of 5 serovars	Sample	4.75	9.75
Particle concentration fluorescent immunoassay (PCFIA)	Test	39.00	79.00
Plate	Test	7.75	17.00
Rapid automated presumptive	Test	7.25	15.00
Rivanol	Test	7.75	16.00
Tube agglutination	Test	7.75	17.00

APHIS charges user fees for virology serology tests performed at NVSL (excluding FADDL) or at authorized sites. Prior to the August 2023 final rule, these fees were also set forth in § 130.16 of the regulations. The current fees as of October 1, 2011, and proposed fee rates are listed in table 19 below.

TABLE 19—USER FEES FOR VIROLOGY SEROLOGY TESTS PERFORMED AT NVSL (EXCLUDING FADDL) OR AT AUTHORIZED SITES

Test	Unit	Current fee	Proposed adjusted fee
Agar gel immunodiffusion	Test	$18.00	$33.00
Complement fixation	Test	18.00	52.00
Enzyme linked immunosorbent assay	Test	18.00	49.00
Hemagglutination inhibition	Test	16.00	52.00
Indirect fluorescent antibody	Test	16.00	52.00
Latex agglutination	Test	18.00	37.00
Peroxidase linked antibody	Test	17.00	35.00
Plaque reduction neutralization	Test	19.00	54.00
Rabies fluorescent antibody neutralization	Test	50.00	102.00
Virus neutralization	Test	14.00	52.00

User Fees for Other Veterinary Diagnostic Laboratory Tests Performed at NVSL or at Authorized Sites

APHIS charges user fees for veterinary diagnostics tests performed at the Pathobiology Laboratory at NVSL (excluding FADDL) or at authorized sites. Prior to the August 2023 final rule, these fees were set forth in § 130.17 of the regulations. The current fees as of October 1, 2011, and proposed fee rates are listed in table 20 below.

TABLE 20—USER FEES FOR VETERINARY DIAGNOSTICS TESTS PERFORMED AT THE PATHOBIOLOGY LABORATORY AT NVSL (EXCLUDING FADDL) OR AT AUTHORIZED SITES

Test	Unit	Current fee	Proposed adjusted fee
Aflatoxin quantitation	Test	$33.00	$67.00
Aflatoxin screen	Test	31.00	63.00
Agar gel immunodiffusion spp. identification	Test	14.00	29.00
Antibiotic (bioautography) quantitation	Test	72.00	146.00
Antibiotic (bioautography) screen	Test	130.00	264.00
Antibiotic inhibition	Test	72.00	146.00
Arsenic	Test	19.00	39.00
Ergot alkaloid screen	Test	72.00	146.00
Ergot alkaloid confirmation	Test	94.00	191.00
Feed microscopy	Test	72.00	146.00
Fumonisin only	Test	40.00	81.00
Gossypol	Test	107.00	217.00
Mercury	Test	158.00	320.00
Metals screen	Test	48.00	98.00
Metals single element confirmation	Test	14.00	29.00
Mycotoxin: aflatoxin-liver	Test	130.00	264.00

TABLE 20—USER FEES FOR VETERINARY DIAGNOSTICS TESTS PERFORMED AT THE PATHOBIOLOGY LABORATORY AT NVSL (EXCLUDING FADDL) OR AT AUTHORIZED SITES—Continued

Test	Unit	Current fee	Proposed adjusted fee
Mycotoxin screen	Test	52.00	106.00
Nitrate/nitrite	Test	72.00	146.00
Organic compound confirmation	Test	96.00	195.00
Organic compound screen	Test	165.00	334.00
Parasitology	Test	31.00	60.00
Pesticide quantitation	Test	144.00	292.00
Pesticide screen	Test	66.00	134.00
pH	Test	29.00	59.00
Plate cylinder	Test	107.00	217.00
Selenium	Test	48.00	98.00
Silicate/carbonate disinfectant	Test	72.00	146.00
Temperature disks	Test	142.00	288.00
Toxicant quantitation, other	Test	120.00	243.00
Toxicant screen, other	Test	36.00	73.00
Vomitoxin only	Test	58.00	118.00
Water activity	Test	36.00	73.00
Zearaleone quantitation	Test	58.00	118.00
Zearaleone screen	Test	31.00	63.00

User Fees for Veterinary Diagnostic Reagents Produced at NVSL or Other Authorized Sites

APHIS charges user fees for bacteriology reagents produced by the Diagnostic Bacteriology Laboratory at NVSL (excluding FADDL) or other authorized sites. Prior to the August 2023 final rule, these fees were set forth in § 130.18 of the regulations. The current fees as of October 1, 2011, and proposed fee rates are listed in table 21 below.

TABLE 21—USER FEES FOR VETERINARY DIAGNOSTIC REAGENTS PRODUCED AT NVSL OR OTHER AUTHORIZED SITES

Reagent	Unit	Current fee	Proposed adjusted fee
Anaplasma card test antigen	2 mL	$103.00	$209.00
Anaplasma card test kit without antigen	Kit	139.00	282.00
Anaplasma CF antigen	2 mL	47.00	96.00
Anaplasma stabilate	4.5 mL	188.00	404.00
Avian origin bacterial antiserums	1 mL	52.00	215.00
Bacterial agglutinating antigens other than brucella and salmonella pullorum.	5 mL	59.00	140.00
Bacterial conjugates	1 mL	105.00	108.00
Bacterial ELISA antigens	1 mL	32.00	65.00
Bacterial or protozoal antiserums, all other	1 mL	66.00	146.00
Bacterial reagent culture [1]	Culture	79.00	242.00
Bacterial reference culture [2]	Culture	249.00	645.00
Bacteriophage reference culture	Culture	188.00	381.00
Bovine serum factor	1 mL	19.00	39.00
Brucella abortus CF antigen	60 mL	165.00	350.00
Brucella agglutination antigens, all other	60 mL	165.00	334.00
Brucella buffered plate antigen	60 mL	188.00	404.00
Brucella canis tube antigen	25 mL	124.00	264.00
Brucella card test antigen (packaged)	Package	98.00	199.00
Brucella card test kit without antigen	Kit	119.00	$248.00
Brucella cells	Gram	20.00	41.00
Brucella cells, dried	Pellet	6.25	13.00
Brucella ring test antigen	60 mL	263.00	527.00
Brucella rivanol solution	60 mL	32.00	65.00
Dourine CF antigen	1 mL	97.00	597.00
Dourine stabilate	4.5 mL	116.00	235.00
Equine and bovine origin babesia species antiserums	1 mL	139.00	334.00
Equine negative control CF antigen	1 mL	293.00	593.00
Flazo-orange	3 mL	14.00	29.00
Glanders CF antigen	1 mL	84.00	170.00
Hemoparasitic disease CF antigens, all other	1 mL	590.00	1,194.00
Leptospira transport medium	10 mL	4.75	9.75
Monoclonal antibody	1 mL	103.00	209.00
Mycobacterium spp. old tuberculin	1 mL	26.00	53.00
Mycobacterium spp. PPD	1 mL	20.00	41.00
Mycoplasma hemagglutination antigens	5 mL	197.00	430.00
Negative control serums	1 mL	20.00	43.00

TABLE 21—USER FEES FOR VETERINARY DIAGNOSTIC REAGENTS PRODUCED AT NVSL OR OTHER AUTHORIZED SITES—Continued

Reagent	Unit	Current fee	Proposed adjusted fee
Rabbit origin bacterial antiserum	1 mL	56.00	114.00
Salmonella pullorum microagglutination antigen	5 mL	17.00	35.00
Stabilates, all other	4.5 mL	730.00	1,478.00

[1] A reagent culture is a bacterial culture that has been subcultured one or more times after being tested for purity and identity. It is intended for use as a reagent with a diagnostic test such as the leptospiral agglutination test.
[2] A reference culture is a bacterial culture that has been thoroughly tested for purity and identity. It should be suitable as a master seed for future cultures.

APHIS charges user fees for virology reagents produced by the Diagnostic Virology Laboratory at NVSL (excluding FADDL) or at authorized sites. Prior to the August 2023 final rule, these fees were set forth in § 130.18 of the regulations. The current user fees as of October 1, 2011, and proposed fee rates are listed in table 22 below.

TABLE 22—USER FEES FOR VIROLOGY REAGENTS

Reagent	Unit	Current fee	Proposed adjusted fee
Antigen, except avian influenza and chlamydia psittaci antigens, any	2 mL	$67.00	$140.00
Avian antiserum except avian influenza antiserum, any	2 mL	53.00	135.00
Avian influenza antigen, any	2 mL	36.00	76.00
Avian influenza antiserum, any	6 mL	113.00	242.00
Bovine or ovine serum, any	2 mL	139.00	280.00
Cell culture	Flask	165.00	683.00
Chlamydia psittaci spp. of origin monoclonal antibody panel	Panel	101.00	205.00
Conjugate, any	1 ml	80.00	167.00
Diluted positive control serum, any	2 mL	27.00	57.00
Equine antiserum, any	2 mL	49.00	103.00
Monoclonal antibody	1 mL	110.00	242.00
Other spp. antiserum, any	1 mL	53.00	108.00
Porcine antiserum, any	2 mL	115.00	242.00
Porcine tissue sets	Tissue set	161.00	326.00
Positive control tissues, all	2 cm^2 section	66.00	134.00
Rabbit origin antiserum	1 mL	56.00	114.00
Reference virus, any	0.6 mL	197.00	645.00
Viruses (except reference viruses), chlamydia psittaci agent or chlamydia psittaci antigen, any.	0.6 mL	33.00	70.00

User Fees for Other Veterinary Diagnostic Services or Materials Provided at NVSL (Excluding FADDL)

APHIS charges user fees for other veterinary diagnostic services or materials available from NVSL (excluding FADDL). Prior to the August 2023 final rule, these fees were set forth in § 130.19 of the regulations. The current fees as of October 1, 2011, and proposed fee rates are listed in table 23 below.

TABLE 23—USER FEES FOR OTHER VETERINARY DIAGNOSTIC SERVICES OR MATERIALS PROVIDED AT NVSL (EXCLUDING FADDL)

Service	Unit	Current fee	Proposed adjusted fee
Antimicrobial susceptibility test	Isolate	$114.00	$242.00
Avian safety test	Test	4,180.00	8,636.00
Check tests, culture	Kit [1]	189.00	774.00
Check tests, serology	Kit [1]	394.00	774.00
Fetal bovine serum safety test	Verification	1,160.00	2,419.00
Hourly user fees [2]			
Hour	Hour	112.00	143.00
Quarter hour	Quarter Hour	28.00	36.00
Minimum		33.00	43.00
Manual, brucellosis culture	1 copy	125.00	253.00
Manual, tuberculosis Culture (English or Spanish)	1 copy	188.00	381.00
Manual, Veterinary mycology	1 copy	188.00	381.00
Manuals or standard operating procedure (SOP), all other	1 copy	37.00	75.00
Manuals or SOP, per page	1 page	2.75	5.75

TABLE 23—USER FEES FOR OTHER VETERINARY DIAGNOSTIC SERVICES OR MATERIALS PROVIDED AT NVSL (EXCLUDING FADDL)—Continued

Service	Unit	Current fee	Proposed adjusted fee
Training (school or technical assistance)	Per person per day	362.00	753.00

[1] Any reagents required for the check test will be charged separately.
[2] For veterinary diagnostic services for which there is no flat user fee the Hourly rate user fee will be calculated for the actual time required to provide the service.

User Fees for Endorsing Export Certificates

APHIS charges user fees for the services provided for the review and endorsement of export documents or health certificates that do not require the verification of tests or vaccinations (other than rabies vaccination). Prior to the August 2023 final rule, these fees were set forth in § 130.20 of the regulations. The current fees as of October 1, 2012, and proposed fee rates are listed in table 24 below. The user fees apply to each export document or health certificate endorsed for the following types of animals, birds, or animal products, regardless of the number of animals, birds, or animal products covered by the certificate.

TABLE 24—USER FEES FOR ENDORSING EXPORT HEALTH CERTIFICATES

Certificate categories	Current fee	Proposed adjusted fee
Animal and nonanimal products	$51.00	$101.00
Hatching eggs	48.00	113.00
Poultry, including slaughter poultry	48.00	113.00
Ruminants, except slaughter ruminants moving to Canada or Mexico	52.00	67.00
Slaughter animals (except poultry but including ruminants) moving to Canada or Mexico	56.00	70.00
Other endorsements or certifications	38.00	101.00

APHIS charges user fees for the endorsement of export health certificates that require the verification of tests or vaccinations. Prior to the August 2023 final rule, these fees were set forth in § 130.20 of the regulations. The current fees as of October 1, 2012, and proposed fee rates are listed in table 25 below. The user fees apply to each export health certificate endorsed for animals and birds, depending on the number of animals or birds covered by the certificate and the number of tests or vaccinations required. However, as noted in § 130.3 there will be a maximum user fee of 12 times the hourly rate user fee.

TABLE 25—USER FEES FOR THE ENDORSEMENT OF EXPORT HEALTH CERTIFICATES THAT REQUIRE THE VERIFICATION OF TESTS OR VACCINATIONS

Number [1] of tests or vaccinations and number of animals or birds on the certificate	Current fee	Proposed adjusted fee
1–2 tests or vaccinations		
Nonslaughter horses to Canada, first horse	$60.00	$100.00
Nonslaughter horses to Canada, each additional horse	7.00	58.00
Other animals or birds, first animal	121.00	160.00
Other animals or birds, each additional animal	7.00	10.00
3–6 tests or vaccinations		
First animal	150.00	206.00
Each additional animal	12.00	18.00
7 or more tests or vaccinations		
First animal	173.00	275.00
Each additional animal	14.00	21.00

[1] Rabies vaccinations are not included in this number.

Authority: 5 U.S.C. 5542; 7 U.S.C. 1622 and 8301–8317; 21 U.S.C. 136 and 136a; 31 U.S.C. 3701, 3716, 3717, 3719, and 3720A; 7 CFR 2.22, 2.80, and 371.4.

Done in Washington, DC, this 1st day of November 2024.

Michael Watson,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2024–25826 Filed 11–7–24; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2024–0014]

Decision To Authorize the Importation of Fresh Hass Avocado From Guatemala Into the United States

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: We are advising the public of our decision to authorize the importation of fresh Hass avocado (*Persea americana* var. Hass) fruit from Guatemala into the United States. Based on the findings of a pest risk analysis, which we made available to the public for review and comment, we have determined that the application of one or more designated phytosanitary measures will be sufficient to mitigate the risks of introducing or disseminating plant pests or noxious weeds via the importation of fresh Hass avocado fruit from Guatemala.

DATES: The commodity covered by this notice may be authorized for importation after November 8, 2024.

FOR FURTHER INFORMATION CONTACT: Dr. Esther Serrano, Regulatory Policy Specialist, Regulatory Coordination and Compliance, PPQ, APHIS, 4700 River Road, Unit 133, Riverdale, MD 20737; (954) 699–4504.

SUPPLEMENTARY INFORMATION:

Background

Under the regulations in ''Subpart L—Fruits and Vegetables'' (7 CFR 319.56–1 through 319.56–12, referred to below as the regulations), the Animal and Plant Health Inspection Service (APHIS) of the United States Department of Agriculture (USDA) prohibits or restricts the importation of fruits and vegetables into the United States from certain parts of the world to prevent the introduction and dissemination of plant pests.

Section 319.56–4 contains a performance-based process for approving the importation of fruits and vegetables that, based on the findings of a pest risk analysis (PRA), can be safely imported subject to one or more of the five designated phytosanitary measures listed in paragraph (b) of that section. Under that process, APHIS proposes to authorize the importation of a fruit or vegetable into the United States if, based on findings of a PRA, we determine that the measures can mitigate the plant pest risk associated with the importation of that fruit or vegetable. APHIS then publishes a notice in the **Federal Register** announcing the availability of the PRA that evaluates the risks associated with the importation of a particular fruit or vegetable. Following the close of the 60-day comment period, APHIS will issue a subsequent **Federal Register** notice announcing whether or not we will authorize the importation of the fruit or vegetable subject to the phytosanitary measures specified in the notice.

In accordance with that process, on March 27, 2024, APHIS published a notice [1] in the **Federal Register** (89 FR 21233–21234, Docket No. APHIS–2024–0014) in which we announced the availability, for review and comment, of a PRA that evaluated the risks associated with the importation of fresh Hass avocado (*Persea americana* var. Hass) fruit from Guatemala into the United States. We also made available an economic effects assessment, or EEA, which contextualized the possible economic impacts associated with the notice.

We solicited comments on the notice for 60 days, ending on May 28, 2024. We received 50 comments by that date. The comments were from growers, domestic and Guatemalan grower associations, importers, exporters, a business in the restaurant industry, a restaurant industry association, the national plant protection organization (NPPO) of Guatemala, and private individuals.

The issues raised by the commenters are addressed below.

Multiple comments expressed general concern about pest risk. Commenters were particularly concerned about the risk of introducing *Heilipus lauri* and *Stenoma catenifer.*

Our PRA evaluated the risks associated with the importation of fresh Hass avocado fruit from Guatemala into the United States. We determined that the phytosanitary measures of the systems approach outlined in the risk management document (RMD) are sufficient to mitigate the associated pest risks, including *Heilipus lauri* and *Stenoma catenifer.* These measures include pest-free places of production, orchard sanitation, packinghouse measures, and commercial consignments, in conjunction with inspection and the issuance of a phytosanitary certificate by the NPPO of Guatemala. The commenters provided no scientific evidence contradicting the conclusions of our pest risk analysis.

Several commenters requested that we conduct an updated physical survey of potential pests in Guatemala.

A physical, biological census (a survey whose intent is to discover a diverse range of taxa in a given geographic area) is not part of our methodology of writing pest risk assessments. The pest risk assessment is based on port-of-entry pest interception data, information from the government of Guatemala, and current scientific literature relevant to pests that are known to feed on Hass avocado and that occur in Guatemala. APHIS is unaware of, and the commenter does not mention, any scientific literature documenting any new pests in Guatemala since the pest risk assessment was developed in 2022. We therefore believe that the pest risk assessment accounts for all known pests relevant to the pathway of avocados from Guatemala.

Multiple comments suggested that we require mandatory quarantine or fumigation for avocados from Guatemala imported into the United States.

APHIS has determined that the systems approach outlined in the RMD, which is based on pest-free places of production, orchard sanitation, packinghouse measures, and commercial consignments, in conjunction with inspection and the issuance of a phytosanitary certificate by the NPPO of Guatemala, will effectively mitigate the pests associated with fresh Hass avocado fruit imports from Guatemala into the United States. The commenters provided no scientifically based evidence contradicting our determinations of the efficacy of the systems approach. Therefore, we disagree that mandatory quarantine or fumigation are necessary for avocados from Guatemala imported under the systems approach.

Multiple comments questioned the efficacy of a systems approach by claiming that, in the past, pests, including those unknown at the time, such as persea mite and avocado thrips, have come to California from Mexico and South America despite the

[1] To view the notice, supporting documents, and comments we received, go to *https://www.regulations.gov/document/APHIS-2024-0014-0001.*

mitigation measures of similar systems approaches being in place.

APHIS has found no evidence to support the contention that persea mite and avocado thrips were introduced to California via the commercial fruit pathway. APHIS has had no recorded interceptions of these pests in commercial shipments at U.S. ports of entry from Central and South America in the past 30 years. We are not aware of any scientific evidence linking persea mite, avocado thrips, or other established avocado pests entering the United States via the commercial avocado pathway from Mexico or other trading partners. The commenters provided no scientifically based evidence to the contrary.

As a signatory to the World Trade Organization's Agreement on Sanitary and Phytosanitary Measures (SPS Agreement), the United States has agreed that any prohibitions it places on the importation of fruits and vegetables will be based on scientific evidence. The purpose of the pest risk assessment is to identify, based on scientific evidence, those pests that are known to feed on Hass avocado and that occur in Guatemala; we cannot address unknown pest risk in the pest risk assessment. That being said, all consignments of avocado fruit from Guatemala will be subject to inspection by U.S. Customs and Border Protection (CBP) at the United States port of entry. If consignments are determined to be infested by quarantine pests, even if the quarantine pest was previously unknown, the consignments will be subject to appropriate remedial measures to address the plant pest risk, and APHIS will evaluate whether remedial measures are warranted for the export program itself. APHIS also continuously monitors foreign countries for quarantine pests. If a previously unknown quarantine pest relevant to the importation of avocados from Guatemala arises in the future, APHIS will reassess the associated pest risk and, if we determine that phytosanitary measures outlined in the RMD would not provide an adequate level of phytosanitary protection, revise the import restrictions accordingly.

One commenter requested that we limit the importation of avocados from Guatemala to the east coast and Midwest regions of the United States.

The pest risk assessment analyzed the pest risk associated with the importation of avocados from Guatemala into the entire United States. We have determined that the systems approach outlined in the RMD will effectively mitigate the quarantine pests associated with fresh Hass avocado fruit imports from Guatemala to the entire United States. Due to this determination, we do not believe that restricting imports to certain parts of the United States is warranted.

Multiple comments expressed concern regarding the ability to trust the NPPO of Guatemala to fulfil its obligations under the RMD. Many of these comments suggested that APHIS provide inspection oversight.

Like the United States, Guatemala is a signatory to the SPS Agreement. As such, it has agreed to respect the phytosanitary measures the United States imposes on the importation of plants and plant products from Guatemala when the United States demonstrates the need to impose these measures in order to protect plant health within the United States. APHIS and the NPPO of Guatemala have previously developed and executed successful bilateral programs for the importation of fruits and vegetables into the United States, such as programs for the importation of mango and tomato fruits. The success of these programs indicates that the NPPO of Guatemala is capable of fulfilling its obligations under such programs.

The systems approach outlined in the RMD will, however, use a ''trust but verify'' approach to ensure compliance. While the NPPO of Guatemala will be principally responsible for providing oversight, APHIS may monitor activities at critical control points, such as places of production, packinghouses, as well as recordkeeping, as needed. Additionally, all consignments of avocado fruit from Guatemala will be subject to inspection by CBP at the United States port of entry.

If APHIS or the NPPO identify evidence of failure to adhere to the systems approach, corrective action will immediately occur, which includes the possibility of suspending the importation of further avocados under the systems approach until remedial measures acceptable to APHIS are taken. We consider this potential consequence sufficient incentive for the NPPO to monitor the systems approach program in Guatemala.

A commenter stated that the NPPO of Guatemala should explain how it will monitor and audit avocado groves.

The commenter appeared to assume that the NPPO of Guatemala would be solely responsible for establishing the monitoring and auditing protocols for registered avocado groves under the terms of the systems approach. This is incorrect. The RMD requires APHIS and the NPPO of Guatemala to jointly develop an operational workplan (OWP) that further details the activities and responsibilities that the NPPO of Guatemala will carry out to meet the requirements of the systems approach. This OWP will include details of the NPPO's responsibilities regarding monitoring and auditing groves. Moreover, as stated in the RMD, APHIS will also be involved in the implementation, monitoring, and supervising of the systems approach, and may monitor places of production if we deem it necessary.

Several commenters asked for more details about what will be required of pest-free places of production, such as the nature of the surveys required. The commenters noted that our initial RMD indicated that contiguous orchards and properties around registered places of production must be surveyed semiannually for a period of at least 5 years and found to be free of certain listed moth and weevil avocado pests. The commenters stated that ''survey semiannually'' should be more defined as no less than every 6 months, and that at least one survey should be required within a specified time relative to harvest, such as 1 month prior to harvest, to help understand the pest presence.

While the semiannual surveys will, by definition, be conducted twice yearly, the interval between surveys, as well as the details regarding the surveys, will be contained in the OWP. Reserving such details for the OWP allows APHIS to adapt to operational realities by, *e.g.,* lengthening or shortening the duration between surveys, within the parameters and strictures set forth by the RMD. Thus, APHIS determined that a change to the initial RMD was not warranted to address these comments.

Several commenters asked us to add more detail in the packinghouse inspection requirements in the RMD. The commenters stated that we should define the portion of avocados to be inspected as a specific number of fruit or a percentage of fruit per a clearly defined unit.

The commenters appear to assume an inspection protocol in which a set number per unit is inspected. APHIS will, instead, require biometric sampling of the lots at the packinghouse. Biometric sampling is a statistically validated approach that allows varying rates per unit to be inspected from unit to unit, provided that the overall rate of inspection is sufficient to support pest freedom of the entire lot with a specified confidence level. APHIS frequently uses biometric sampling for inspection protocols within systems approaches. Packinghouse inspection details will be contained in the OWP. Reserving such

details for the OWP allows APHIS to adapt to operational realities within the parameters and strictures set forth by the RMD. Thus, APHIS determined that a change to the initial RMD was not warranted to address these comments.

In the initial RMD, we stated that, if the NPPO of Guatemala finds that a place of production or packinghouse is not complying with the requirements of the systems approach, no avocado fruit from the place of production or packinghouse will be eligible for export into the United States until APHIS and the NPPO of Guatemala investigate and implement remedial measures. Several commenters asked us to specifically define these ''remedial measures.''

Remedial measures can include cultural, chemical, and mechanical means, such as preharvest application of pesticide or additional sanitation requirements. The measures will depend on the pest in question and the specific instance of noncompliance. More details about possible remedial measures will be included in the OWP, thus, APHIS determined that a change to the initial RMD was not warranted to address this comment.

Our initial RMD proposed that all Hass avocado fruit must be dry-brushed and/or washed and waxed at packinghouse, as this measure was taken into consideration as part of the pathway to determine the pest list and pest ratings described in the pest risk assessment.

One commenter stated that the RMD was unclear as to whether waxing was a mandatory or optional postharvest treatment. Another commenter stated that waxing should not be mandatory, as washing and brushing should be sufficient to mitigate risk.

We agree that waxing should not be mandatory. As noted in the RMD, our intent was to require production practices that were considered in the pest risk assessment as part of the pathway to determine the pest list and pest ratings. However, while the pest risk assessment considered the pathway to include the condition that fresh fruit will be culled and brushed or washed during post-harvest processing, it did not consider the pathway to include the condition of waxing. Because waxing was not considered as part of the pathway in the pest risk assessment, it does not need to be required within the RMD. The revised RMD, which we are publishing alongside this notice, states that all Hass avocado fruit must be dry-brushed and/or washed at the packinghouse.

One commenter asked us whether flowers and leaves were considered ''plant debris'' that must be removed from places of production, as per requirement #10 in the RMD. The commenter stated that, in a previous OWP, plant debris was limited to fallen fruits and branches eliminated during the pruning process.

The RMD states that all plant litter and fallen Hass avocado fruit must be removed from all places of production to remove potential pest host material. The definition of plant litter and debris in 7 CFR 319.56–2 is ''discarded or decaying organic matter; detached leaves, twigs, or stems that do not add commercial value to the product.'' APHIS is unsure of what country's OWP the commenter is referencing, but, for the Guatemala Hass avocado program, the intent of requirement #10 is the removal of any discarded or decaying plant material that could harbor target pests, which may include flowers and leaves.

A commenter stated that we should not require culling of fruit with aesthetic defects caused by nutritional and environmental conditions or by physical means.

In the initial RMD, requirement #12 stated that all damaged or blemished Hass avocado fruit must be culled. We agree with the commenter that aesthetic defects do not necessarily constitute a phytosanitary risk. We have therefore revised the RMD to remove the phrase ''or blemished'' from requirement #12. The revised RMD states that all damaged Hass avocado fruit must be culled. Culling damaged avocado fruit is a mainstay of commercial crop production, and helps ensure pest-free avocado fruit. The RMD uses the word ''damage'' to describe damage to the fruit caused by the pest species referenced in the pest risk assessment.

Several comments expressed concern about and requested that we address the prospect of illegal deforestation connected with imports of avocados from Guatemala. One of these comments cited a letter signed by several Senators regarding purported problems with avocado production in Mexico. Two comments suggested that the RMD include provisions for Guatemalan orchards to follow Guatemalan environmental and labor law.

As a signatory to the SPS Agreement, the United States has agreed that any prohibitions it places on the importation of fruits and vegetables will be based on scientific evidence. The provisions of the RMD are therefore limited to restrictions based on the pest risks identified in the pest risk assessment.

The letter cited by a commenter discusses concerns with avocados produced on illegally deforested land in Mexico. The commenter does not provide evidence indicating that avocados are produced on illegally deforested land in Guatemala.

Two comments expressed discontent with the Hass Avocado Board, with one of these comments suggesting specific reforms.

The Hass Avocado Board is under the oversight of the USDA's Agricultural Marketing Service; APHIS is not involved in this oversight role. We are unable to respond to the commenter's concerns regarding the Hass Avocado Board, as they are not within APHIS' purview and outside of the scope of this notice.

One commenter stated that APHIS did not review the economic ramifications of allowing imports of avocados from Guatemala.

The commenter is incorrect that APHIS did not assess the potential economic impacts on domestic producers and consumers of allowing imports from Guatemala into the United States. The initial notice included an EEA, which explained that this action is not expected to significantly impact the U.S. avocado market or U.S. entities, as the importation of avocado from Guatemala will be in relatively small quantities. APHIS received no comments that warranted a change to the EEA.

Multiple comments expressed concern that increased foreign imports will force domestic growers out of business.

We disagree with the commenters. Assuming that Guatemala imports the entire anticipated 15,552.8 metric tons of avocados into the United States (which is not anticipated until 2030), this would represent only 1.1 percent of the domestic supply of avocados in the United States in 2021/2022. Both the results of our economic models, as well as the fact that this would be a small portion of total domestic avocado supply, suggest that this action would not have a major effect on domestic producers.

One commenter asked us to cap foreign imports of avocados at current levels to mitigate oversupply. Conversely, two commenters stated they supported our proposal because domestic producers alone are unable to meet increasing consumer demand for avocado.

APHIS only has authority to deny market access on the basis of pest and disease risk and not on the basis of competition for domestic suppliers. However, we did do an economic analysis of the likely price effects and found that this action will likely not have a major impact on avocado prices. The quantity is anticipated to account

for 1.1 percent of domestic supply, some of which may offset other imports.

While the impacts will likely be small in both directions, we agree that this notice will have an impact on consumers by increasing the supply of avocados.

Therefore, in accordance with the regulations in § 319.56–4(c), we are announcing our decision to authorize the importation into the United States of Hass avocados from Guatemala subject to the conditions listed in the revised RMD that accompanies this final notice.

These conditions will be listed in the ACIR database (available at *https://acir.aphis.usda.gov/s/*). In addition to these specific measures, Hass avocados from Guatemala will be subject to the general requirements listed in § 319.56–3 that are applicable to the importation of all fruits and vegetables.

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the recordkeeping and burden requirements associated with this action are included under the Office of Management and Budget control number 0579–0049.

E-Government Act Compliance

The Animal and Plant Health Inspection Service is committed to compliance with the E- Government Act to promote the use of the internet and other information technologies, to provide increased opportunities for citizen access to Government information and services, and for other purposes. For information pertinent to E-Government Act compliance related to this notice, please contact Mr. Joseph Moxey, APHIS' Paperwork Reduction Act Coordinator, at (301) 851–2533.

Authority: 7 U.S.C. 1633, 7701–7772, and 7781–7786; 21 U.S.C. 136 and 136a; 7 CFR 2.22, 2.80, and 371.3.

Done in Washington, DC, this 30th day of October 2024.

Michael Watson,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2024–25667 Filed 11–7–24; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Forest Service

Olympic Peninsula Resource Advisory Committee

AGENCY: Forest Service, Agriculture (USDA).

ACTION: Notice of meeting.

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

DATES: An in-person and virtual meeting will be held on November 25, 2024, 8:30 a.m. to 5 p.m. Pacific Standard Time.

Written and Oral Comments: Anyone wishing to provide in-person or virtual oral comments must pre-register by 11:59 p.m. Pacific Standard Time on November 20, 2024. Written public comments will be accepted by 11:59 p.m. Pacific Standard Time on November 20, 2024. Comments submitted after this date will be provided by the Forest Service to the committee, but the committee may not have adequate time to consider those comments prior to the meeting.

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

ADDRESSES: This meeting will be held in-person at the Olympic Forest Service HQ located 1835 Black Lake Blvd. SW, Olympia, WA 98512. The public may also join the meeting virtually via webcast, teleconference, videoconference, or Homeland Security Information Network virtual meeting online at: Teams Meeting, Meeting ID: 211 449 578 067, Passcode: ZL4BLG. Dial in by phone +1 202–650–0123/ 127880262# United States, Washington. RAC information and meeting details can be found at the following website: *https://www.fs.usda.gov/main/olympic/workingtogether/advisorycommittees* or by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**.

Written Comments: Written comments must be sent by email to *jennifer.garciasantiago@usda.gov or* via mail (postmarked) to *Jennifer Garcia Santiago, 1835 Black Lake Blvd. South West, Olympia, Washington 98512.* The Forest Service strongly prefers comments be submitted electronically.

Oral Comments: Persons or organizations wishing to make oral comments must pre-register by 11:59 p.m. Pacific Standard Time, November 20, 2024, and speakers can only register for one speaking slot. Oral comments must be sent by email to *jennifer.garciasantiago@usda.gov* or via mail (postmarked) to Jennifer Garcia Santiago, 1835 Black Lake Blvd. South West, Olympia, Washington 98512.

FOR FURTHER INFORMATION CONTACT: Kelly Lawrence, Designated Federal Officer, by phone at 360–956–2301 or email at *kelly.lawrence2@usda.gov;* or Jennifer Garcia Santiago, RAC Coordinator, by phone at 564–669–9623 or email at *Jennifer.garciasantiago@usda.gov.*

SUPPLEMENTARY INFORMATION: The purpose of the meeting is to:

1. Review meeting agenda and FACA requirements;
2. Elect a Chairperson;
3. Hear from Title II project proponents and discuss Title II project proposals;
4. Provide opportunity for public comment;
5. Discussion, prioritization, and recommendations on Title II projects by the RAC;
6. Approve meeting minutes;
7. Close out the meeting

The agenda will include time for individuals to make oral statements of three minutes or less. Individuals wishing to make an oral statement should make a request in writing at least three days prior to the meeting date to be scheduled on the agenda. Written comments may be submitted to the Forest Service up to 10 days after the meeting date listed under **DATES**.

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

Meeting Accommodations: The meeting location is compliant with the Americans with Disabilities Act, and the USDA provides reasonable accommodation to individuals with disabilities where appropriate. If you are a person requiring reasonable accommodation, please make requests in advance for sign language interpretation, assistive listening devices, or other reasonable accommodation to the person listed under the **FOR FURTHER INFORMATION CONTACT** section or contact USDA's TARGET Center at 202–720–2600 (voice

and TTY) or USDA through the Federal Relay Service at 800–877–8339. Additionally, program information may be made available in languages other than English.

USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

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

Dated: October 16, 2024.

Cikena Reid,

USDA Committee Management Officer.

[FR Doc. 2024–24411 Filed 11–7–24; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF AGRICULTURE

Forest Service

Cimarron and Comanche National Grasslands; Baca, Las Animas, and Otero Counties, Colorado; Morton and Stevens Counties, Kansas; Land Management Plan Revision

AGENCY: Forest Service, Agriculture (USDA).

ACTION: Notice of intent to initiate the assessment phase of the land management plan revision for the Cimarron and Comanche National Grasslands.

SUMMARY: The Forest Service, U.S. Department of Agriculture, is initiating the land management plan (plan) revision process, pursuant to the 2012 Planning Rule and as directed by the National Forest Management Act, for the Cimarron and Comanche National Grasslands located in Southeast Colorado and Southwest Kansas. Currently, the Cimarron and Comanche National Grasslands receive management direction from the 1984 Pike and San Isabel National Forests and Comanche and Cimarron National Grasslands Land and Resource Management Plan. Ultimately, this process will result in a new, separate plan for the Cimarron and Comanche National Grasslands and will guide all resource management activities on the grasslands for approximately fifteen years, while the remaining portion of the existing 1984 plan for the Pike and San Isabel National Forests will remain unchanged. This notice announces the initiation of the assessment phase, which is the preliminary stage of the plan revision process. The assessment will identify and consider relevant and readily accessible material about ecological, social, and economic conditions and trends in the planning area, including best available scientific information. Findings will be documented in an assessment report. Trends and conditions identified in the assessment will help describe the need to change the plan and inform revision of the plan.

DATES: In spring 2024, the Forest Supervisor of the Pike-San Isabel National Forests and Cimarron and Comanche National Grasslands and staff initiated engagement with Tribes followed by additional outreach to county, state, and other Federal agencies. In April 2024, the Forest Supervisor sent Tribes formal government-to-government invitations to consult on the plan. In addition, in September 2024, the Forest Supervisor sent Tribes invitations to serve as cooperating agencies for the plan revision process. Counties and other local governments will also be given the opportunity to serve as cooperating agencies in the planning process. Extensive engagement with stakeholders, Tribes, Federal government agencies, local governments, and non-profits groups is planned throughout the assessment phase. Interested parties can learn more about dates and formats of planned public engagement opportunities to be held throughout the plan revision process by visiting the Cimarron and Comanche National Grasslands Plan Revision website: *https://www.fs.usda.gov/detail/psicc/landmanagement/planning/?cid=FSEPRD1169904.*

A draft assessment for public review and comment is anticipated in summer 2025. The Forest Service will review and incorporate public comments and additional information from tribal consultation on the draft assessment and produce a final assessment and need to change the plan that will inform subsequent phases of the plan revision process. The Forest Service may then initiate procedures pursuant to the National Environmental Policy Act (NEPA) to prepare a revised land management plan in compliance with the National Forest System land management planning rule (36 CFR part 219).

ADDRESSES: Send written questions to: Pike-San Isabel National Forests and Cimarron and Comanche National Grasslands, Attn: Grassland Plan Revision, 5575 Cleora Road, Salida, CO 81201. Questions may also be sent electronically to: *sm.fs.CCNGRevision@usda.gov.* All correspondence, including names and addresses, will be part of the public record.

FOR FURTHER INFORMATION CONTACT: Beth Davis, Forest Planner, 719–429–1385, *mary.davis@usda.gov;* or Shawna Graves, Public Affairs Officer, 719–466–9122, *shawna.graves@usda.gov.* Individuals who use telecommunications devices for the hearing impaired may call 711 to reach the Telecommunications Relay Service, 24 hours a day, every day of the year, including holidays.

SUPPLEMENTARY INFORMATION: The National Forest Management Act of 1976 requires that the Forest Service develop a land management plan for every national forest and grassland. Land management plans provide the strategic direction for management of forest or grassland resources and are amendable as conditions change over time. The Pike and San Isabel National Forests and Comanche and Cimarron National Grasslands Land and Resource Management Plan was adopted in 1984. The Cimarron and Comanche National Grasslands (CCNGs) are currently included and managed under the 1984 plan. This planning process will result in a standalone management plan for the CCNGs. The CCNGs include two national grasslands (the Cimarron, 108,621 acres, located in Kansas, and the Comanche, 443,642 acres, located in Colorado) encompassing a total of 552,263 acres of public land. The CCNGs largely consist of isolated and checkerboard parcels with minimal consolidated and contiguous Federal land ownership. The three largest community hubs within the planning area are La Junta and Springfield, Colorado, and Elkhart, Kansas.

The planning rule requires that the Responsible Official complete an assessment for the development of a

plan revision (36 CFR 219.6). The assessment rapidly evaluates existing information about relevant ecological, economic, and social conditions, trends, and sustainability and their relationship to the land management plan within the context of the broader landscape (36 CFR 219.5). The assessment must identify and evaluate existing information relevant to the plan area for the following: (1) Terrestrial ecosystems, aquatic ecosystems, and watersheds; (2) Air, soil, and water resources and quality; (3) System drivers, including dominant ecological processes, disturbance regimes, and stressors, such as natural succession, wildland fire, invasive species, and climate change, and the ability of terrestrial and aquatic ecosystems in the plan area to adapt to change; (4) Baseline assessment of carbon stocks; (5) Threatened, endangered, proposed, and candidate species, and potential species of conservation concern present in the plan area; (6) Social, cultural, and economic conditions; (7) Benefits people obtain from the national forest system planning area (ecosystem services); (8) Multiple uses and their contributions to local, regional, and national economies; (9) Recreation settings, opportunities and access, and scenic character; (10); Renewable and nonrenewable energy and mineral resources; (11) Infrastructure, such as recreational facilities and transportation and utility corridors; (12) Areas of tribal importance; (13) Cultural and historic resources and uses; (14) Land status and ownership and access patterns; and (15) Existing designated areas located in the plan area including wilderness and wild and scenic rivers and potential need and opportunity for additional designated areas.

During this assessment phase, the Forest Service invites other government agencies, Tribes, non-governmental parties, and the public to share information about social, economic, and environmental conditions of the CCNGs and the broader landscape. Existing information about conditions on the CCNGs, supplemented with information gathered through public engagement, from cooperating agencies, and Tribal consultation, will be integrated into the assessment. The Forest Service will host public outreach forums to share progress and gather additional information. Information on upcoming engagement opportunities will be posted on the Cimarron and Comanche National Grasslands Plan Revision website: *https://www.fs.usda.gov/detail/psicc/landmanagement/planning/?cid=FSEPRD1169904.*

Based on knowledge of the planning area, the following will likely be topics of interest and will be discussed in the assessment and subsequent plan development phases: areas of tribal importance; at-risk species and species of conservation concern; livestock grazing; oil and gas development; watersheds and ecological integrity; fragmentation; land ownership patterns; habitat connectivity; paleontological resources; fire management; and renewable energy. The wilderness evaluation and the identification of eligible wild and scenic rivers are also potential topics of interest. Separate evaluations of both will be released concurrently with the assessment and will be included in the plan development phases.

The 1984 Pike and San Isabel National Forests and Comanche and Cimarron National Grasslands Land and Resource Management Plan will remain in effect for the Cimarron and Comanche National Grasslands until the plan revision process is complete and a record of decision is signed.

Responsible Official: The responsible official for the revision of the land management plan for the Cimarron and Commanche National Grasslands is Ryan Nehl, Forest Supervisor, Pike-San Isabel National Forests and Cimarron and Comanche National Grasslands.

Keith Lannom,

Associate Deputy Chief, National Forest System.

[FR Doc. 2024–26049 Filed 11–7–24; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF AGRICULTURE

Forest Service

Adoption of Categorical Exclusions Under Section 109 of the National Environmental Policy Act

AGENCY: Forest Service, Agriculture (USDA).

ACTION: Notice of adoption of multiple categorical exclusions.

SUMMARY: The U.S. Department of Agriculture, Forest Service, is adopting multiple categorical exclusions (CEs) from the Department of the Interior, Bureau of Land Management (BLM) and Department of Energy (DOE) pursuant to section 109 of the National Environmental Policy Act for future application to Forest Service decisions concerning land management activities that are similar in nature. This notice describes the categories and consultation between the agencies.

DATES: The CE adoptions take effect on November 8, 2024.

FOR FURTHER INFORMATION CONTACT: Andrea Pahlevanpour, Assistant Director, Forest Service, Ecosystem Management Coordination, by phone at 771–216–0229 or via email to *andrea.pahlevanpour@usda.gov.*

Individuals who use telecommunications devices for the hearing impaired may call 711 to reach the Telecommunications Relay Service, 24 hours a day, every day of the year, including holidays.

SUPPLEMENTARY INFORMATION:

I. National Environmental Policy Act and Categorical Exclusions

The National Environmental Policy Act (NEPA) (42 U.S.C. 4321–4347), as amended, requires all Federal agencies to consider the environmental impact of their proposed actions before deciding whether and how to proceed (42 U.S.C. 4321, 4332). The aims of NEPA are to ensure that agencies consider the potential environmental effects of their proposed actions in their decision-making processes and inform and involve the public in that process (42 U.S.C. 4332). NEPA created the Council on Environmental Quality, which promulgated NEPA implementing regulations, 40 CFR parts 1500 through 1508 (Council on Environmental Quality regulations).

To comply with NEPA, agencies determine the appropriate level of review for a proposed action. Where required, these levels of review may be documented in an environmental impact statement (EIS), an environmental assessment (EA), or by reliance on a CE (40 CFR 1501.3). If a proposed action is likely to have significant environmental effects, the agency will prepare an EIS and document its decision in a record of decision (40 CFR 1502, 1505.2). If the proposed action is not likely to have significant environmental effects or where the level of significance is unknown, the agency will prepare an EA, which involves a more concise analysis and process than an EIS (40 CFR 1501.5). Following preparation of an EA, the agency may reach a finding of no significant impact if the analysis shows that the action will have no significant effects (40 CFR 1501.6). If, following preparation of an EA, the agency finds that the proposed action will have significant effects, it will prepare an EIS before issuing any decision to authorize the action (40 CFR 1501.6(a)(3)).

Under NEPA and the Council on Environmental Quality's implementing

regulations, a Federal agency can establish CEs—categories of actions that the agency has determined normally do not significantly affect the quality of the human environment—in its agency NEPA procedures 42 U.S.C. 4336(e)(1); 40 CFR 1501.4, 1507.3(e)(2)(ii), 1508.1(d). If an agency determines that a CE covers a proposed action, the agency then evaluates the proposed action for any extraordinary circumstances in which a normally excluded action may have a significant effect (40 CFR 1501.4(b)). Responsible Officials in the Forest Service evaluate proposed actions for extraordinary circumstances in accordance with the Forest Service's NEPA implementing regulations at 36 CFR 220.6. If no extraordinary circumstances are found or if further analysis determines that the extraordinary circumstances do not involve the potential for significant environmental impacts, the agency may rely on the CE to approve the proposed action without preparing an EA or an EIS, 42 U.S.C. 4336(a)(2), 40 CFR 1501.4. If extraordinary circumstances exist, the agency may nonetheless categorically exclude the proposed action if it determines that there are means to avoid the impacts or otherwise modify the action sufficient to avoid significant effects, 40 CFR 1501.4(b)(1).

Section 109 of NEPA, enacted as part of the Fiscal Responsibility Act of 2023, allows a Federal agency to ''adopt a categorical exclusion listed in another agency's NEPA procedures for a category of proposed agency actions for which the categorical exclusion was established.'' 42 U.S.C. 4336c. To adopt another agency's categorical exclusion under section 109, the adopting agency: (1) identifies the relevant categorical exclusion listed in another agency's (''establishing agency'') NEPA procedures ''that covers a category of proposed actions or related actions''; (2) consults with the establishing agency ''to ensure that the proposed adoption of the categorical exclusion for a category of actions is appropriate''; (3) ''identifies to the public the categorical exclusion that the [adopting] agency plans to use for its proposed actions''; and (4) ''documents adoption of the categorical exclusion''. See 42 U.S.C. 4336c.

The Forest Service's NEPA procedures are found at 36 CFR part 220. These procedures address compliance with NEPA. The Forest Service maintains a list of categorical exclusions available at 36 CFR 220.6. Additional NEPA policy is found in the Forest Service handbook at FSH 1909.15, chapter 10.

This notice documents the Forest Service's adoption of the BLMs CEs listed at 516 Departmental Manual (DM) 11.9E(12), (13), (17) and 11.9F (10) and DOEs CEs listed at appendix B of 10 CFR part 1021, subpart D, B4. (6), (11), (12), (13), and (16).

II. Additional Considerations Related to the Forest Service CEs

1. Decision Memo

The Forest Service requires at 36 CFR 220.6(e) that, ''A supporting record is required and the decision to proceed must be documented in a decision memo for the categories of action in paragraphs (e)(1) through (25) of this section.'' For all the CEs adopted in this notice, the Forest Service will require a decision memo even if the originating agency's NEPA Procedures do not require it.

2. Extraordinary Circumstances

Forest Service NEPA regulations state that a CE may only be applied ''if there are no extraordinary circumstances related to the proposed action'' and if the proposed action is within a CE listed within a category as specified in regulations. 36 CFR 220.6(a). Forest Service NEPA regulations list seven resource conditions that ''should be considered in determining whether extraordinary circumstances related to a proposed action warrant further analysis and documentation in an EA or an EIS'', 36 CFR 220.6(b).

For the CEs adopted from BLM described in this notice, the Forest Service will also apply the Department of the Interior's extraordinary circumstances criteria set forth in 43 CFR 46.215(a) through (l). For the CEs adopted from DOE the Forest Service will also apply DOEs extraordinary circumstances set forth in 10 CFR 1021.410(b)(2).

III. Consultation With BLM and DOE on CE Adoption

In July and August of 2024, the BLM and Forest Service had several meetings to discuss the adoption of aforementioned categorical exclusions. The Forest Service' intended uses of E12, E13, E17 and F10 are consistent with the way the BLM has been relying on these CEs. The Forest Service explained that the agency intends to rely on the CEs in the following manner: examples of how E12 would be used include, but are not limited to, supporting the installation of broadband, roads, pipelines, powerlines, irrigation water transportation, and approving Special Use Permits (SUP) for areas within existing SUP locations. Examples of how Forest Service intends to use E13 include, but are not limited to, road expansions and upgrades, powerline upgrades and additions, and broadband upgrades. CE E17 would be used to support installation of short SUPs like broadband, power lines, telephone lines, and roads related to utilities, and terminal access roads to residences, water wells, and outbuildings. CE F10 would be used consistent with the scope of the CE to support removal of mineral materials within the existing limits described in the CE text. Therefore, the Forest Service has determined that its proposed use of BLMs CEs as described in this notice is appropriate.

In July and August of 2024, the Forest Service and DOE consulted on the uses for CEs at appendix B of 10 CFR part 1021, subpart D, B4. (6), (11), (12), (13), and (16) and concluded that Forest Service intended uses are consistent with the intended uses of these categories.

IV. Identification of BLM and DOE CEs

BLM

516 DM 11.9E(12)

Grants of right-of-way wholly within the boundaries of other compatibly developed rights-of-way.

516 DM 11.9E(13)

Amendments to existing rights-of-way, such as the upgrading of existing facilities, which entail no additional disturbances outside the right-of-way boundary.

516 DM 11.9E(17)

Grant of a short rights-of-way for utility service or terminal access roads to an individual residence, outbuilding, or water well.

516 DM 11.9F(10)

Disposal of mineral materials, such as sand, stone, gravel, pumice, pumicite, cinders, and clay, in amounts not exceeding 50,000 cubic yards or disturbing more than 5 acres, except in riparian areas.

DOE

B4.6

Additions and Modifications to Transmission Facilities—Additions or modifications to electric power transmission facilities within a previously disturbed or developed facility area. Covered activities include, but are not limited to, switchyard rock grounding upgrades, secondary containment projects, paving projects, seismic upgrading, tower modifications, load shaping projects (such as reducing energy use during periods of peak demand), changing insulators, and

replacement of poles, circuit breakers, conductors, transformers, and crossarms.

B4.11

Electric power substations and interconnection facilities—Construction or modification of electric power substations or interconnection facilities (including, but not limited to, switching stations and support facilities).

B4.12

Construction of powerlines—Construction of electric powerlines approximately 10 miles in length or less, or approximately 20 miles in length or less within previously disturbed or developed powerline or pipeline rights-of-way.

B4.13

Upgrading and Rebuilding Existing Powerlines—Upgrading or rebuilding existing electric powerlines, which may involve relocations of small segments of the powerlines within an existing powerline right-of-way or within otherwise previously disturbed or developed lands (as discussed at 10 CFR 1021.410(g)(1)). Upgrading or rebuilding existing electric powerlines also may involve widening an existing powerline right-of-way to meet current electrical standards if the widening remains within previously disturbed or developed lands and only extends into a small area beyond such lands as needed to comply with applicable electrical standards. Covered actions would be in accordance with applicable requirements, including the integral elements listed at the start of appendix B of this part; and would incorporate appropriate design and construction standards, control technologies, and best management practices. This categorical exclusion does not apply to underwater powerlines. As used in this categorical exclusion, ''small'' has the meaning discussed at 10 CFR 1021.410(g)(2).

B5.16

Solar Photovoltaic Systems—(a) The installation, modification, operation, or decommissioning of commercially available solar photovoltaic systems: (1) Located on a building or other structure (such as rooftop, parking lot or facility, or mounted to signage, lighting, gates, or fences); or (2) Located within a previously disturbed or developed area. (b) Covered actions would be in accordance with applicable requirements (such as land use and zoning requirements) in the proposed project area and the integral elements listed at the start of appendix B of this part and would be consistent with applicable plans for the management of wildlife and habitat, including plans to maintain habitat connectivity, and incorporate appropriate control technologies and best management practices.

Dated: November 5, 2024.

Jacqueline Emanuel,

Associate Deputy Chief, National Forest System.

[FR Doc. 2024–26036 Filed 11–7–24; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF AGRICULTURE

Natural Resources Conservation Service

[Docket ID NRCS–2024–0015]

Request for Public Input About Implementation of the Conservation Practices To Support Climate Change Mitigation and Adaptation

AGENCY: Natural Resources Conservation Service, USDA.

ACTION: Request for information.

SUMMARY: The Natural Resources Conservation Service (NRCS) requests public input for the improvement of the Conservation Practice Standards (CPS) to maximize climate mitigation and adaptation benefits, as supported by peer-reviewed scientific literature. Conservation practices providing climate benefits are delivered through existing conservation programs popular with producers, including the Environmental Quality Incentives Program (EQIP); Conservation Stewardship Program (CSP); Agricultural Conservation Easement Program (ACEP); Regional Conservation Partnership Program (RCPP); and Conservation Technical Assistance. These programs are funded through both the Inflation Reduction Act (IRA) and the Farm Bill.

DATES: We will consider comments that we receive by December 23, 2024. Comments received after that date will be considered to the extent possible.

ADDRESSES: We invite you to submit comments in response to this notice. You may submit your comments through one of the following methods below:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov* and search for Docket ID NRCS–2024–0015. Follow the online instructions for submitting comments; or
- *Mail or Hand Delivery:* Ms. Sara del Fierro, Climate Mitigation Lead, NRCS Climate Office, Office of the Chief, NRCS, USDA, 1400 Independence Avenue, South Building, Room 4613, Washington, DC 20250. In your comment, please specify the Docket ID NRCS–2024–0015.

All comments received, including those received by mail, will be posted without change and made publicly available on *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Dana Ashford-Kornburger, National Climate Coordinator, at (202) 205–9434, or by email at *dana.ashford@usda.gov.* Individuals who require alternative means for communication may contact the USDA TARGET Center at (202) 720–2600 (voice and text telephone (TTY)) or dial 711 for Telecommunications Relay service (both voice and text telephone users can initiate this call from any telephone).

SUPPLEMENTARY INFORMATION:

Background

Voluntary, incentive-based approaches in agriculture play an important role in the United States' effort to address climate change. NRCS conservation programs support financial and technical assistance for producers to improve soil carbon; reduce nitrogen losses; or reduce, capture, avoid, or sequester carbon dioxide, methane, or nitrous oxide emissions associated with agricultural production for several NRCS programs.

The additional funding through the IRA provides NRCS with an unprecedented opportunity to implement conservation practices that provide climate mitigation benefits and quantify greenhouse gas emission reductions and carbon sequestration.

For EQIP and CSP conservation activities, IRA funding may be used for Climate-Smart Agriculture and Forestry Mitigation Activities and appropriate facilitating practices supporting their functions. While the IRA funding is focused on CPS that provide climate change mitigation benefits, NRCS also assists producers in addressing climate change impacts by providing climate change adaptation options and benefits.

As part of the implementation of the Climate Change Adaptation Plan,[1] NRCS is integrating climate information into current business procedures, assessments, and opportunities including CPS. All CPS are reviewed at least once every 5 years. This request provides the public an opportunity to provide input at the beginning of the

[1] We published our Climate Change Adaptation Plan on our website in July 2022; it is available at *https://www.nrcs.usda.gov/sites/default/files/2022-09/1_FPAC_NRCS_ClimateAdaptationPlan_2022.pdf.*

review cycle for several CPS. NRCS will consider public comments, technical literature references, and input from subject matter experts and researchers. The CPS review process facilitates inclusion of new scientific findings, updated or new technology, and implementation experience. While NRCS welcomes comments on all CPS, as a priority NRCS is requesting input on the CPS listed in the two tables below, which are at the beginning of the review process. NRCS is also specifically requesting additional data and scientific literature related to the evaluation criteria and implementation that maximizes climate-related benefits.

TABLE 1—CPS FOR REVIEW THAT ARE CURRENTLY CONSIDERED CLIMATE-SMART AGRICULTURE AND FORESTRY MITIGATION ACTIVITIES

Code	Name
313	Waste Storage Facility.
314	Brush Management.
315	Herbaceous Weed Treatment.
336	Soil Carbon Amendment.
338	Prescribed Burning.
367	Roofs and Covers.
383	Fuel Break.
420	Wildlife Habitat Planting.
554	Drainage Water Management.
590	Nutrient Management.
592	Feed Management.
632	Waste Separation Facility.
643	Restoration of Rare or Declining Natural Communities.
666	Forest Stand Improvement.

TABLE 2—CPS FOR REVIEW THAT ARE NOT CURRENTLY CONSIDERED CLIMATE-SMART AGRICULTURE AND FORESTRY MITIGATION ACTIVITIES

Code	Name
316	Animal Mortality Facility.
360	Waste Facility Closure.
605	Denitrifying Bioreactor.

Mitigation

NRCS is seeking input on improvements to maximize climate benefits to CPS currently considered Climate-Smart Agriculture and Forestry Mitigation Activities [2] as well as input regarding other conservation practices and innovative technologies or strategies that may also result in climate change mitigation benefits. NRCS also requests information to support the agency's estimation of the mitigation benefits associated with conservation practices.

Adaptation

NRCS is also seeking input to improve CPS to assist producers in adapting to and building resilience to current and future climate changes, including seasonal temperature shifts and extremes; drought; increasing wildfire hazards; sea level rise; movement of invasive species; and other issues.

Information provided through this request will help NRCS identify and prioritize improvements to CPS or associated technical guidance. NRCS will identify immediate changes to be implemented for available funding for fiscal year 2026 and will continue to identify and adopt additional changes in the future.

List of Questions for Commenters

The list of questions below is not exhaustive and serves only to assist members of the public in formulating comments on some of the most important issues that NRCS is considering as it relates to CPS with consideration of climate change benefits. For responses, please consider including, if available: specific requirements, tools, procedures, etc. supported by scientific literature, handbooks, or other technical standards that support a specific implementation of CPS to maximize the mitigation benefits or provide benefits (for those not considered mitigation activities); and planning or design details that would further enhance the mitigation benefits of the conservation practice. The questions are not intended to restrict the feedback that members of the public may provide.

Climate Change Mitigation

1. What changes are needed to CPS to add flexibility or support implementation options to provide mitigation benefits? When evaluating conservation activities for inclusion on the Climate-Smart Mitigation Activity List, NRCS considers the following criteria:

a. Mitigation Benefit: An implementation of the activity is expected to result in a direct impact on either (or both) the carbon or nitrogen cycle, resulting in net greenhouse gas emission reduction or removal (that is, carbon sequestration) within a given scope (for example, geography, timeframe, or system) as supported by the scientific literature; and

b. Quantification of Estimated Benefit: For the activity under consideration, NRCS should have a science-based approach for quantitatively estimating annual mitigation benefits at a scale consistent with available NRCS activity data.

2. What additional technical guidance should NRCS provide or develop to support planning, designing, and implementing the CPS in a way to maximize mitigation benefits? Input may include specific implementation of CPS to maximize the mitigation benefits or provide benefits (for those not considered mitigation activities).

3. What models, methods, data, literature, and tools should NRCS consider as it develops and refines its estimation of the climate change mitigation benefits associated with CPS?

Climate Change Adaptation

1. What changes are needed to CPS to add flexibility or support implementation options in a way that considers potential climate change impacts and provides adaptation benefits, when possible?

2. What additional technical guidance should NRCS provide to support planning, designing, and implementing the CPS to ensure consideration of climate change impacts and maximize adaptation? Input may include specific implementation of CPS to maximize the adaptation benefits.

Innovation

1. What other innovative, economically viable ideas, technologies, or solutions are available to provide climate change mitigation or adaptation benefits that NRCS should consider for development of a new CPS?

Maximizing the Value of Public Feedback

NRCS plans to use the answers provided by the public to inform its approach to improve CPS. NRCS encourages public comment on these questions and requests any other information, scientific literature, or data that commenters believe are relevant to this request. NRCS is particularly interested in feedback that identifies specific CPS and includes scientific literature citations, data, guidance, benefit estimation methods, procedures or processes, and actionable information, data, or viable alternatives that would assist in implementing programmatic goals and requirements. You may contact us by sending an email to: *SM.FPAC.NRCS.CLIMATE@usda.gov,* if you have questions or concerns. Please specify the Docket ID: NRCS–2024–0015 in the subject line.

[2] The Climate-Smart Agriculture and Forestry Mitigation Activities List is available at *https://www.nrcs.usda.gov/sites/default/files/2023-10/NRCS-CSAF-Mitigation-Activities-List.pdf.*

Review of Public Feedback

NRCS will use the public comments to inform review of our CPS and associated technical documents.

This document is issued solely for informational purposes and program planning purposes. Public comments provided in response to this document will not bind NRCS to any further actions, including publication of any formal response or agreement to initiate a recommended change. NRCS will consider the feedback in the public comments and make changes or consider improvements at our sole discretion.

Finally, comments submitted in response to this document will not be considered as petitions for rulemaking submitted as specified in the Administrative Procedure Act (5 U.S.C. 553(e)).

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Louis Aspey,

Associate Chief, Natural Resources Conservation Service.

[FR Doc. 2024–26051 Filed 11–7–24; 8:45 am]

BILLING CODE 3410–16–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–40–2024]

Foreign-Trade Zone (FTZ) 78; Authorization of Production Activity; AESC US LLC; (Lithium-Ion Battery Cells); Smyrna, Tennessee

On July 8, 2024, AESC US LLC submitted a notification of proposed production activity to the FTZ Board for its facility within Subzone 78L, in Smyrna, Tennessee.

The notification was processed in accordance with the regulations of the FTZ Board (15 CFR part 400), including notice in the **Federal Register** inviting public comment (89 FR 57852, July 16, 2024). On November 5, 2024, the applicant was notified of the FTZ Board's decision that no further review of the activity is warranted at this time. The production activity described in the notification was authorized, subject to the FTZ Act and the FTZ Board's regulations, including section 400.14.

Dated: November 5, 2024.

Elizabeth Whiteman,

Executive Secretary.

[FR Doc. 2024–26023 Filed 11–7–24; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–39–2024]

Foreign-Trade Zone (FTZ) 75; Authorization of Production Activity; LG Energy Solution Arizona, Inc.; (Cylindrical Lithium-Ion Battery Cells and Lithium Iron Phosphate Pouch-Type Batteries); Queen Creek, Arizona

On July 8, 2024, City of Phoenix, grantee of FTZ 75, submitted a notification of proposed production activity to the FTZ Board on behalf of LG Energy Solution Arizona, Inc., within Subzone 75V, in Queen Creek, Arizona.

The notification was processed in accordance with the regulations of the FTZ Board (15 CFR part 400), including notice in the **Federal Register** inviting public comment (89 FR 57851–57852, July 16, 2024). On November 5, 2024, the applicant was notified of the FTZ Board's decision that no further review of the activity is warranted at this time. The production activity described in the notification was authorized, subject to the FTZ Act and the FTZ Board's regulations, including section 400.14.

Dated: November 5, 2024.

Elizabeth Whiteman,

Executive Secretary.

[FR Doc. 2024–26022 Filed 11–7–24; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Rossiya Airlines, Pilotov St 18–4, St. Petersburg, Russia, 196210; Order Renewing Temporary Denial of Export Privileges

Pursuant to section 766.24 of the Export Administration Regulations, 15 CFR parts 730–774 (''EAR'' or ''the Regulations''),[1] I hereby grant the request of the Office of Export Enforcement (''OEE'') to renew the temporary denial order (''TDO'') issued in this matter on November 8, 2023. I find that renewal of this order is necessary in the public interest to prevent an imminent violation of the Regulations and that renewal for an extended period is appropriate because Rossiya Airlines (''Rossiya'') has engaged in a pattern of repeated, ongoing and/or continuous apparent violations of the EAR.

[1] On August 13, 2018, the President signed into law the John S. McCain National Defense Authorization Act for Fiscal Year 2019, which includes the Export Control Reform Act of 2018, 50 U.S.C. 4801–4852 (''ECRA''). While section 1766 of ECRA repeals the provisions of the Export Administration Act, 50 U.S.C. app. sec. 2401 *et seq.* (''EAA''), (except for three sections which are inapplicable here), section 1768 of ECRA provides, in pertinent part, that all orders, rules, regulations, and other forms of administrative action that were made or issued under the EAA, including as continued in effect pursuant to the International Emergency Economic Powers Act, 50 U.S.C. 1701 *et seq.* (''IEEPA''), and were in effect as of ECRA's date of enactment (August 13, 2018), shall continue in effect according to their terms until modified, superseded, set aside, or revoked through action undertaken pursuant to the authority provided under ECRA. Moreover, section 1761(a)(5) of ECRA authorizes the issuance of temporary denial orders. 50 U.S.C. 4820(a)(5).

I. Procedural History

On May 20, 2022, I signed an order denying Rossiya's export privileges for a period of 180 days on the ground that issuance of the order was necessary in the public interest to prevent an imminent violation of the Regulations. The order was issued *ex parte* pursuant to section 766.24(a) of the Regulations and was effective upon issuance.[2] The TDO was subsequently renewed on November 15, 2022,[3] May 12, 2023,[4] and again on November 8 2023 [5] in accordance with section 766.24(d) of the Regulations.[6]

On October 17, 2024, BIS, through OEE, submitted a written request for a fourth renewal of the TDO. The written request was made more than 20 days before the TDO's scheduled expiration and, given the temporary suspension of international mail service to Russia, OEE has attempted to deliver a copy of the renewal request to Rossiya by alternative means in accordance with sections 766.5 and 766.24(d) of the Regulations. No opposition to the renewal of the TDO has been received.

II. Renewal of the TDO

A. Legal Standard

Pursuant to section 766.24, BIS may issue an order temporarily denying a respondent's export privileges upon a showing that the order is necessary in the public interest to prevent an ''imminent violation'' of the Regulations, or any order, license or authorization issued thereunder. 15 CFR 766.24(b)(1) and 766.24(d). ''A violation may be 'imminent' either in time or degree of likelihood.'' 15 CFR 766.24(b)(3). BIS may show ''either that a violation is about to occur, or that the general circumstances of the matter under investigation or case under criminal or administrative charges demonstrate a likelihood of future violations.'' *Id.* As to the likelihood of future violations, BIS may show that the violation under investigation or charge ''is significant, deliberate, covert and/or likely to occur again, rather than technical or negligent[.]'' *Id.* A ''lack of information establishing the precise time a violation may occur does not preclude a finding that a violation is imminent, so long as there is sufficient reason to believe the likelihood of a violation.'' *Id.*

If BIS believes that renewal of a denial order is necessary in the public interest to prevent an imminent violation, it may file a written request for renewal, with any modifications if appropriate. 15 CFR 766.24(d)(1). The written request, which must be filed no later than 20 days prior to the TDO's expiration, should set forth the basis for BIS's belief that renewal is necessary, including any additional or changed circumstances. *Id.* ''In cases demonstrating a pattern of repeated, ongoing and/or continuous apparent violations, BIS may request the renewal of a temporary denial order for an additional period not exceeding one year.'' [7] *Id.*

B. The TDO and BIS's Request for Renewal

The U.S. Commerce Department, through BIS, responded to the Russian Federation's (''Russia's'') further invasion of Ukraine by implementing a sweeping series of stringent export controls that severely restrict Russia's access to technologies and other items that it needs to sustain its aggressive military capabilities. These controls primarily target Russia's defense, aerospace, and maritime sectors and are intended to cut off Russia's access to vital technological inputs, atrophy key sectors of its industrial base, and undercut Russia's strategic ambitions to exert influence on the world stage. Effective February 24, 2022, BIS imposed expansive controls on aviation-related (*e.g.,* Commerce Control List Categories 7 and 9) items to Russia, including a license requirement for the export, reexport or transfer (in-country) to Russia of any aircraft or aircraft parts specified in Export Control Classification Number (''ECCN'') 9A991 (section 746.8(a)(1) of the EAR).[8] BIS will review any export or reexport license applications for such items under a policy of denial. *See* section 746.8(b). Effective March 2, 2022, BIS excluded any aircraft registered in, owned, or controlled by, or under charter or lease by Russia or a national of Russia from being eligible for license exception Aircraft, Vessels, and Spacecraft (''AVS'') (section 740.15 of the EAR).[9] Accordingly, any U.S.-origin aircraft or foreign aircraft that includes more than 25% controlled U.S.-origin content, and that is registered in, owned, or controlled by, or under charter or lease by Russia or a national of Russia, is subject to a license requirement before it can travel to Russia.

OEE's request for renewal for a period of one year is based upon the facts underlying the issuance of the initial TDO and the renewal orders subsequently issued in this matter on November 15, 2022, May 12, 2023, and November 8, 2023, as well as other evidence developed during this investigation. This evidence demonstrates that Rossiya has continued, and continues, to act in blatant disregard for U.S. export controls and the terms of previously issued TDOs. Specifically, the initial TDO, issued on May 20, 2022, was based on evidence that Rossiya engaged in conduct prohibited by the Regulations by operating multiple aircraft subject to the EAR and classified under ECCN 9A991.b on flights into Russia after March 2, 2022, from destinations including, but not limited to, Hurghada, Egypt; Sharm el-Sheikh, Egypt; Dubai, United Arab Emirates; and Sharjah, United Arab Emirates, without the required BIS authorization.[10] Further evidence indicated that Rossiya also operated aircraft subject to the EAR domestically on flights within Russia, potentially in violation of section 736.2(b)(10) of the Regulations.

As discussed in the prior renewal orders, BIS presented evidence indicating that, after the initial TDO issued, Rossiya continued to operate aircraft subject to the EAR and classified under ECCN 9A991.b on flights both into and within Russia, in violation of the Regulations and the TDO itself.[11] The November 15, 2022 renewal order detailed flights into and out of Russia from/to Antalya and Istanbul, Turkey, as well as within Russia.[12] The May 12,

[2] The TDO was published in the **Federal Register** on May 25, 2022 (87 FR 31856).

[3] The November 15, 2022 renewal order was published in the **Federal Register** on November 21, 2022 (87 FR 70780).

[4] The May 12, 2023 renewal order was published in the **Federal Register** on May 17, 2023 (88 FR 31483).

[5] The November 8, 2023 renewal order was published in the **Federal Register** on November 14, 2023 (88 FR 77952).

[6] At the time of the renewal, section 766.24(d) provided that BIS may seek renewal of a temporary denial order for additional 180-day renewal periods, if it believes that renewal is necessary in the public interest to prevent an imminent violation.

[7] 88 FR 59791 (Aug. 30, 2023).

[8] 87 FR 12226 (Mar. 3, 2022). Additionally, BIS published a final rule effective April 8, 2022, which imposed licensing requirements on items controlled on the Commerce Control List (''CCL'') under Categories 0–2 that are destined for Russia or Belarus. Accordingly, now all CCL items require export, reexport, and transfer (in-country) licenses if destined for or within Russia or Belarus. 87 FR 22130 (Apr. 14, 2022).

[9] 87 FR 13048 (Mar. 8, 2022).

[10] Publicly available flight tracking information shows that on March 8, 2022, serial number (SN) 27650 flew from Hurghada, Egypt to Moscow, Russia. On March 6, 2022, SN 41212 flew from Sharm el-Sheikh, Egypt to St. Petersburg, Russia. In addition, on March 6, 2022, SN 44435 flew from Dubai, United Arab Emirates to St. Petersburg, Russia. Similarly, on March 7, 2022, SN 41202 flew from Sharjah, United Arab Emirates to Moscow, Russia.

[11] Engaging in conduct prohibited by a denial order violates the Regulations. 15 CFR 764.2(a) and (k).

[12] Publicly available flight tracking information shows that SN 35278 flew from Antalya, Turkey to

2023 renewal order detailed flights into and out of Russia from/to Hurghada and Sharm el-Sheikh, Egypt and Istanbul, Turkey.[13] Similarly, the November 8, 2023 renewal order detailed flights into and out of Russia from/to Bishkek, Kyrgyzstan, Samarkand, Uzbekistan, and Hurghada and Sharm el-Sheikh, Egypt.[14]

Since that time, Rossiya has continued to engage in conduct prohibited by the applicable TDO and Regulations. In its October 17, 2024 request for renewal of the TDO, BIS submitted evidence that Rossiya continues to operate aircraft subject to the EAR and classified under ECCN 9A991.b, both on flights into and within Russia, in violation of the November 8, 2023 renewal order and/or the Regulations. Specifically, BIS's evidence and related investigation demonstrates that Rossiya continued to operate aircraft subject to the EAR, including, but not limited to, on flights into and out of Russia from/to Sanya, China and Bishkek, Kyrgyzstan, as well as domestically within Russia. Information about those flights includes, but is not limited to, the following:

Tail No.	Serial No.	Aircraft type	Departure/arrival cities	Dates
RA–73188	34900	737–8GJ	Yekaterinburg, RU/Moscow, RU	October 28, 2024.
RA–73188	34900	737–8GJ	Sanya, CN/Krasnoyarsk, RU	October 18, 2024.
RA–73188	34900	737–8GJ	Krasnoyarsk, RU/Vladivostok, RU	October 7, 2024.
RA–73188	34900	737–8GJ	Sanya, CN/Krasnoyarsk, RU	October 6, 2024.
RA–73188	34900	737–8GJ	Bishkek, KG/Krasnoyarsk, RU	October 2, 2024.
RA–73192	34897	737–8GJ	Makhachkala, RU/Moscow, RU	October 27, 2024.
RA–73192	34897	737–8GJ	Mineralnye Vody, RU/St. Petersburg, RU	October 14, 2024.
RA–73192	34897	737–8GJ	Moscow, RU/St. Petersburg, RU	October 6, 2024.
RA–73192	34897	737–8GJ	Sanya, CN/Krasnoyarsk, RU	October 1, 2024.
RA–73192	34897	737–8GJ	Bishkek, KG/Krasnoyarsk, RU	August 28, 2024.
RA–73292	28531	777–312	Yuzhno-Sakhalinsk, RU/Moscow, RU	September 17, 2024.
RA–73292	28531	777–312	Moscow, RU/Anadyr, RU	September 15, 2024.
RA–73292	28531	777–312	Khabarovsk, RU/Moscow, RU	September 2, 2024.
RA–73292	28531	777–312	Magadan, RU/Moscow, RU	August 28, 2024.
RA–73292	28531	777–312	Blagoveshchensk, RU/Moscow, RU	August 25, 2024.

III. Findings

Under the applicable standard set forth in section 766.24 of the Regulations and my review of the entire record, I find that the evidence presented by BIS demonstrates that Rossiya has acted in violation of the Regulations and the TDO; that such violations have been significant, deliberate; and that given the foregoing and the nature of the matters under investigation, there is a likelihood of imminent violations. Moreover, I find that renewal for an extended period is appropriate because Rossiya has engaged in a pattern of repeated, ongoing and/or continuous apparent violations of the EAR. Therefore, renewal of the TDO for one year is necessary in the public interest to prevent imminent violation of the Regulations and to give notice to companies and individuals in the United States and abroad that they should avoid dealing with Rossiya, in connection with export and reexport transactions involving items subject to the Regulations and in connection with any other activity subject to the Regulations.

IV. Order

It is therefore ordered:

First, Rossiya Airlines, Pilotov St 18–4, St. Petersburg, Russia, 196210, when acting for or on their behalf, any successors or assigns, agents, or employees may not, directly or indirectly, participate in any way in any transaction involving any commodity, software or technology (hereinafter collectively referred to as ''item'') exported or to be exported from the United States that is subject to the EAR, or in any other activity subject to the EAR including, but not limited to:

A. Applying for, obtaining, or using any license (except directly related to safety of flight), license exception, or export control document;

B. Carrying on negotiations concerning, or ordering, buying, receiving, using, selling, delivering, storing, disposing of, forwarding, transporting, financing, or otherwise servicing in any way, any transaction involving any item exported or to be exported from the United States that is subject to the EAR except directly related to safety of flight and authorized by BIS pursuant to section 764.3(a)(2) of the Regulations, or engaging in any other activity subject to the EAR except directly related to safety of flight and authorized by BIS pursuant to section 764.3(a)(2) of the Regulations; or

C. Benefitting in any way from any transaction involving any item exported or to be exported from the United States that is subject to the EAR, or from any other activity subject to the EAR except directly related to safety of flight and authorized by BIS pursuant to section 764.3(a)(2) of the Regulations.

Second, that no person may, directly or indirectly, do any of the following:

A. Export, reexport, or transfer (in-country) to or on behalf of Rossiya any item subject to the EAR except directly related to safety of flight and authorized by BIS pursuant to section 764.3(a)(2) of the Regulations;

B. Take any action that facilitates the acquisition or attempted acquisition by Rossiya of the ownership, possession, or control of any item subject to the EAR that has been or will be exported from the United States, including financing or other support activities related to a transaction whereby Rossiya acquires or attempts to acquire such ownership, possession or control except directly related to safety of flight and authorized

Moscow, Russia on November 12, 2022 and from Kaliningrad, Russia to Moscow, Russia on September 29, 2022. In addition, SN 33622 flew from Istanbul, Turkey to St. Petersburg, Russia on November 2, 2022 and from Krasnoyarsk, Russia to Irkutsk, Russia on November 5, 2022.

[13] Publicly available flight tracking information shows that SN 34900 flew from Sharm el-Sheikh, Egypt to Moscow, Russia on March 20, 2023. Additionally, SN 34897 flew from Istanbul, Turkey to Moscow, Russia on March 16, 2023 and SN 28515 flew from Magadan, Russia to Anadyr, Russia on April 25, 2023.

[14] Publicly available flight tracking information shows that SN 34900 flew from Bishkek, Kyrgyzstan to Krasnoyarsk, Russia on November 3, 2023 and from Sharm el-Sheikh, Egypt to Moscow, Russia on September 21, 2023. In addition, SN 35278 flew from Samarkand, Uzbekistan to St. Petersburg, Russia on August 4, 2023. On November 1 to November 2, 2023, SN 34897 flew from Hurghada, Egypt to Samara, Russia.

by BIS pursuant to section 764.3(a)(2) of the Regulations;

C. Take any action to acquire from or to facilitate the acquisition or attempted acquisition from Rossiya of any item subject to the EAR that has been exported from the United States except directly related to safety of flight and authorized by BIS pursuant to section 764.3(a)(2) of the Regulations;

D. Obtain from Rossiya in the United States any item subject to the EAR with knowledge or reason to know that the item will be, or is intended to be, exported from the United States except directly related to safety of flight and authorized by BIS pursuant to section 764.3(a)(2) of the Regulations; or

E. Engage in any transaction to service any item subject to the EAR that has been or will be exported from the United States and which is owned, possessed or controlled by Rossiya, or service any item, of whatever origin, that is owned, possessed or controlled by Rossiya if such service involves the use of any item subject to the EAR that has been or will be exported from the United States except directly related to safety of flight and authorized by BIS pursuant to section 764.3(a)(2) of the Regulations. For purposes of this paragraph, servicing means installation, maintenance, repair, modification, or testing.

Third, that, after notice and opportunity for comment as provided in section 766.23 of the EAR, any other person, firm, corporation, or business organization related to Rossiya by ownership, control, position of responsibility, affiliation, or other connection in the conduct of trade or business may also be made subject to the provisions of this Order.

In accordance with the provisions of sections 766.24(e) of the EAR, Rossiya may, at any time, appeal this Order by filing a full written statement in support of the appeal with the Office of the Administrative Law Judge, U.S. Coast Guard ALJ Docketing Center, 40 South Gay Street, Baltimore, Maryland 21202–4022.

In accordance with the provisions of section 766.24(d) of the EAR, BIS may seek renewal of this Order by filing a written request not later than 20 days before the expiration date. A renewal request may be opposed by Rossiya as provided in section 766.24(d), by filing a written submission with the Assistant Secretary of Commerce for Export Enforcement, which must be received not later than seven days before the expiration date of the Order.

A copy of this Order shall be provided to Rossiya and shall be published in the **Federal Register**.

This Order is effective immediately and shall remain in effect for one year.

Matthew S. Axelrod,

Assistant Secretary of Commerce for Export Enforcement.

[FR Doc. 2024–25983 Filed 11–7–24; 8:45 am]

BILLING CODE 3510–DT–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–847]

Persulfates From the People's Republic of China: Final Results of the Expedited Fifth Sunset Review of the Antidumping Duty Order

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

SUMMARY: As a result of this expedited fifth sunset review, the U.S. Department of Commerce (Commerce) finds that revocation of the antidumping duty (AD) order on persulfates from the People's Republic of China (China) would likely lead to continuation or recurrence of dumping at the level indicated in the ''Final Results of Expedited Sunset Review'' section of this notice.

DATES: Applicable November 8, 2024.

FOR FURTHER INFORMATION CONTACT: Howard Smith, AD/CVD Operations, Office IV, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–5193.

SUPPLEMENTARY INFORMATION:

Background

After Commerce initiated this sunset review [1] of the *Order,*[2] pursuant to section 751(c) of the Tariff Act of 1930, as amended (the Act), Evonik Corporation (Evonik), a domestic interested party, timely submitted a complete notice of intent to participate in,[3] and an adequate substantive response regarding, the sunset review.[4] Evonik claimed interested party status under section 771(9)(C) of the Act as a producer of the domestic like product in the United States.[5] Commerce did not receive a substantive response from any respondent interested party, nor was a hearing requested. Consequently, on August 21, 2024, Commerce notified the U.S. International Trade Commission that it did not receive an adequate substantive response from any respondent interested parties.[6] As a result, pursuant to section 751(c)(3)(B) of the Act and 19 CFR 351.218(e)(1)(ii)(C)(2), Commerce conducted an expedited (120-day) sunset review of the *Order.* On July 22, 2024, Commerce tolled certain deadlines in this administrative proceeding by seven days.[7] The deadline for the final results of this expedited sunset review is now November 5, 2024.

Scope of the Order

The merchandise subject to the *Order* is persulfates from China. For a complete description of the scope of the *Order, see* the Issues and Decision Memorandum.[8]

Analysis of Comments Received

A complete discussion of all issues raised in this sunset review, including the likelihood of continuation or recurrence of dumping and the magnitude of the dumping margin likely to prevail if the *Order* were to be revoked, is provided in the accompanying Issues and Decision Memorandum.[9] A list of the sections in the Issues and Decision Memorandum is in the 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 *http://access.trade.gov.* In addition, a complete version of the Issues and Decision Memorandum can be accessed

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[1] *See Initiation of Five-Year (Sunset) Reviews,* 89 FR 54435 (July 1, 2024).

[2] *See Notice of Antidumping Duty Order and Amended Final Determination of Sales at Less Than Fair Value: Persulfates from the People's Republic of China,* 62 FR 36259 (July 7, 1997), as amended by *Notice of Amended Antidumping Duty Order: Persulfates from the People's Republic of China,* 62 FR 39212 (July 22, 1997) (collectively, *Order*).

[3] *See* Evonik's Letter, ''Notice of Intent to Participate,'' dated July 10, 2024 (Domestic Interested Party Intent to Participate).

[4] *See* Evonik's Letter, ''Domestic Industry's Substantive Response,'' dated July 26, 2024.

[5] *See* Domestic Interested Party Intent to Participate.

[6] *See* Commerce's Letter, ''Sunset Reviews for July 2024,'' dated August 21, 2024; *see also* 19 CFR 351.218(3)(1)(ii)(C)(1).

[7] *See* Memorandum, ''Tolling of Deadlines for Antidumping and Countervailing Duty Proceedings,'' inadvertently dated June 22, 2024, rather than July 22, 2024.

[8] *See* Memorandum, ''Issues and Decision Memorandum for the Final Results of the Expedited Fifth Sunset Review of the Antidumping Duty Order on Persulfates from the People's Republic of China,'' dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

[9] *Id.*

directly at *https://access.trade.gov/public/FRNoticesListLayout.aspx.*

Final Results of Expedited Sunset Review

Pursuant to sections 751(c)(1), and 752(c)(1) and (3) of the Act, Commerce determines that revocation of the *Order* would likely lead to continuation or recurrence of dumping, and that the magnitude of the dumping margins likely to prevail are up to 119.02 percent.

Administrative Protective Order (APO)

This notice serves as the only reminder to parties subject to APO of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a). Timely 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 violation which is subject to sanction.

Notification to Interested Parties

We are issuing, and publishing notice of, the results of this sunset review in accordance with sections 751(c), 752(c), and 777(i)(1) of the Act, and 19 CFR 351.218(e)(1)(ii)(C)(2) and 351.221(c)(5)(ii).

Dated: November 4, 2024.

Abdelali Elouaradia,

Deputy 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. History of the *Order*
V. Legal Framework
VI. Discussion of the Issues
  1. Likelihood of Continuation or Recurrence of Dumping
  2. Magnitude of the Margins of Dumping Likely to Prevail
VII. Final Results of Sunset Review
VIII. Recommendation

[FR Doc. 2024–26024 Filed 11–7–24; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–560–838]

Polyester Textured Yarn From Indonesia: Notice of Court Decision Not in Harmony With the Final Determination of Antidumping Investigation; Notice of Amended Final Determination; Notice of Amended Order

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

SUMMARY: On October 11, 2024, the U.S. Court of International Trade (CIT) issued its final judgment in *PT. Asia Pacific Fibers Tbk.* v. *United States and Unifi Manufacturing, Inc. and Nan Ya Plastics Corporation,* Court no. 22–00007, sustaining the U.S. Department of Commerce's (Commerce) remand determination pertaining to the less-than-fair-value (LTFV) investigation on Polyester Textured Yarn from Indonesia covering the period October 1, 2019, through September 30, 2020. Commerce is notifying the public that the CIT's final judgment is not in harmony with Commerce's final determination in the investigation, and Commerce is amending the final determination and the resulting AD order with respect to the dumping margins assigned to PT. Asia Pacific Fibers Tbk (Asia Pacific) and all other producers and exporters of subject merchandise.

DATES: Applicable October 21, 2024.

FOR FURTHER INFORMATION CONTACT: Peter Shaw, 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) 482–0697.

SUPPLEMENTARY INFORMATION:

Background

On October 25, 2021, Commerce published its *Final Determination* in the LTFV investigation of Polyester Textured Yarn from Indonesia.[1] Commerce concluded that Asia Pacific failed to cooperate to the best of its ability and thus determined the use of an adverse inference in selecting from among the facts available (AFA) was warranted in determining the rate for Asia Pacific. Commerce subsequently published in the **Federal Register** the AD order on polyester textured yarn from Indonesia.[2]

Asia Pacific appealed Commerce's *Final Determination.* On December 12, 2023, the CIT remanded the *Final Determination.*[3] Specifically, the CIT remanded to Commerce to prepare a verification report and to provide Asia Pacific a reasonable opportunity to place information on the record addressing any deficiencies found by Commerce in the respondent's verification questionnaire responses and all parties the opportunity to file case briefs.[4]

In its final remand redetermination, issued August 8, 2024, Commerce reconsidered its *Final Determination,* determining that AFA was no longer warranted for Asia Pacific and recalculated the estimated weighted-average dumping margin for Asia Pacific.[5] The CIT sustained Commerce's final redetermination.[6] Asia Pacific's dumping margin is now 9.20 percent. Consequently, the dumping margin applicable to all other companies has changed and is now 8.72 percent.

Timken Notice

In its decision in *Timken,*[7] as clarified by *Diamond Sawblades,*[8] the U.S. Court of Appeals for the Federal Circuit held that, pursuant to section 516A(c) and (e) of the Tariff Act of 1930, as amended (the Act), Commerce must publish a notice of court decision that is not ''in harmony'' with a Commerce determination and must suspend liquidation of entries pending a ''conclusive'' court decision. The CIT's October 11, 2024, judgment constitutes a final decision of the CIT that is not in harmony with Commerce's *Final Determination* and *Order.* Thus, this notice is published in fulfillment of the publication requirements of *Timken.*

[1] *See Polyester Textured Yarn from Indonesia: Final Affirmative Determination of Sales at Less Than Fair Value,* 86 FR 58875 (October 25, 2021) (*Final Determination*), and accompanying Issues and Decision Memorandum.

[2] *See Polyester Textured Yarn from Indonesia, Malaysia, Thailand, and the Socialist Republic of Vietnam: Antidumping Duty Orders,* 86 FR 71031 (December 14, 2021) (*Order*).

[3] *See PT. Asia Pac. Fibers TBK* v. *United States,* 673 F. Supp. 3d 1320 (CIT 2023).

[4] *Id.,* 673 F. Supp. 3d at 1333.

[5] *See Final Results of Redetermination Pursuant to Court Remand, PT. Asia Pacific Fibers TBK* v. *United States,* 673 F. Supp. 3d 1320 (CIT 2023), dated August 8, 2024 (*Final Remand*), at 6, available at *https://access.trade.gov/public/FinalRemandRedetermination.aspx.*

[6] *See PT. Asia Pac. Fibers TBK* v. *United States,* No. 22–00007, Slip Op. 24–113 (CIT October 11, 2024).

[7] *See Timken Co.* v. *United States,* 893 F.2d 337 (Fed. Cir. 1990) (*Timken*).

[8] *See Diamond Sawblades Manufacturers Coalition* v. *United States,* 626 F.3d 1374 (Fed. Cir. 2010) (*Diamond Sawblades*).

Amended Final Determination and Order

Because there is now a final court judgment, Commerce is amending its *Final Determination* and *Order* to revise the dumping margins assigned to Asia Pacific and all other producers and exporters of subject merchandise, as follows:

Producer or exporter	Weighted-average dumping margin (percent)
PT. Asia Pacific Fibers Tbk ..	9.20
All Others	8.72

Cash Deposit Requirements

Because Asia Pacific does not have a superseding cash deposit rate, *i.e.,* there have been no final results published in a subsequent review of Asia Pacific, and because of the change to the rate assigned to all other producers and exporters of subject merchandise, Commerce will issue revised cash deposit instructions to U.S. Customs and Border Protection (CBP).

Liquidation of Suspended Entries

At this time, Commerce remains enjoined by CIT order from liquidating entries that were produced or exported by Asia Pacific, that were subject of Commerce's *Final Determination,* and subject to the *Order,* and that were entered, or withdrawn from warehouse, for consumption during the periods of June 3, 2021 through November 29, 2021 and December 13, 2021 through November 30, 2022. These entries will remain enjoined pursuant to the terms of the injunction during the pendency of any appeals process.

In the event the CIT's ruling is not appealed, or, if appealed, upheld by a final and conclusive court decision, Commerce intends to instruct CBP to assess antidumping duties on unliquidated entries of subject merchandise produced by or exported by Asia Pacific in accordance with 19 CFR 351.212(b). We will instruct CBP to assess antidumping duties on all appropriate entries covered by this investigation when the importer-specific *ad valorem* assessment rate is not zero or *de minimis.* Where an importer-specific *ad valorem* assessment rate is zero or *de minimis,*[9] we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties.

[9] *See* 19 CFR 351.106(c)(2).

Notification to Interested Parties

This notice is issued and published in accordance with sections 516A(c) and (e) and 777(i)(1) of the Act.

Dated: November 4, 2024.

Abdelali Elouaradia,

Deputy Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2024–25963 Filed 11–7–24; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–916]

Laminated Woven Sacks From the People's Republic of China: Final Results of the Expedited Third Sunset Review of the Antidumping Duty Order

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

SUMMARY: As a result of this expedited sunset review, the U.S. Department of Commerce (Commerce) finds that revocation of the antidumping duty (AD) order on laminated woven sacks (LWS) from the People's Republic of China (China) would be likely to lead to continuation or recurrence of dumping at the levels indicated in the ''Final Results of Sunset Review'' section of this notice.

DATES: Applicable November 8, 2024.

FOR FURTHER INFORMATION CONTACT: Kabir Archuletta, AD/CVD Operations, Office V, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–2953.

SUPPLEMENTARY INFORMATION:

Background

On August 7, 2008, Commerce published the AD order on LWS from China.[1] On July 1, 2024, Commerce published the notice of initiation of the five-year sunset review of the *Order,* pursuant to section 751(c) of the Tariff Act of 1930, as amended (the Act).[2] On July 12, 2024, Commerce received a notice of intent to participate in this review from the Laminated Woven Sacks Fair Trade Coalition and its individual members, Polytex Fibers LLC and ProAmpac Holdings Inc. (collectively, domestic interested parties), within the deadline specified in 19 CFR 351.218(d)(1)(i).[3] The domestic interested parties claimed interested party status under section 771(9)(C) of the Act as manufacturers of domestic like product in the United States, and under sections 771(9)(E) and (F) of the Act as a trade association, a majority of whose members are producers of a domestic like product in the United States. On July 22, 2024, Commerce tolled certain deadlines in this administrative proceeding by seven days.[4] The deadline for these final results is November 5, 2024.

On July 31, 2024, the domestic interested parties provided a timely substantive response for this review within the 30-day deadline specified in 19 CFR 351.218(d)(3)(i).[5] We received no substantive responses from any other interested parties, nor was a hearing requested. On August 21, 2024, Commerce notified the U.S. International Trade Commission (ITC) that it did not receive an adequate substantive response from respondent interested parties.[6] As a result, pursuant to section 751(c)(3)(B) of the Act and 19 CFR 351.218(e)(1)(ii)(C)(2), Commerce conducted an expedited (120-day) sunset review of this *Order.*

Scope of the Order

The merchandise subject to this *Order* is LWS. For a complete description of the scope of the *Order, see* the Issues and Decision Memorandum.[7]

Analysis of Comments Received

All issues raised in this review, including the likelihood of continuation or recurrence of dumping in the event of revocation and the magnitude of the margins likely to prevail if the order were revoked, are addressed in the accompanying Issues and Decision Memorandum. A list of topics discussed in the Issues and Decision Memorandum is included 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

[1] *See Notice of Antidumping Order: Laminated Woven Sacks from the People's Republic of China,* 73 FR 14772 (August 7, 2008) (*Order*).

[2] *See Initiation of Five-Year (Sunset) Reviews,* 89 FR 54435 (July 1, 2024).

[3] *See* Domestic Interested Parties' Letter, ''Notice of Intent to Participate,'' dated July 12, 2024.

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

[5] *See* Petitioner's Letter, ''Domestic Interested Parties Substantive Response,'' dated July 31, 2024 (Substantive Response).

[6] *See* Commerce's Letter, ''Sunset Reviews for July 2024,'' dated August 21, 2024.

[7] *See* Memorandum, ''Issues and Decision Memorandum for the Expedited Second Sunset Review of the Antidumping Duty Order on Laminated Woven Sacks from the People's Republic of China'' (Issues and Decision Memorandum), dated concurrently with these results and hereby adopted by this notice.

Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *http://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.*

Final Results of Sunset Review

Pursuant to sections 751(c)(1) and 752(c)(1) and (3) of the Act, Commerce determines that revocation of the antidumping duty order on LWS from China would be likely to lead to the continuation or recurrence of dumping, and that the magnitude of the margins likely to prevail would be weighted-average dumping margins up to 91.73 percent.

Administrative Protective Order (APO)

This notice serves as the only reminder to interested parties subject to an APO of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely 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 violation which is subject to sanction.

Notification to Interested Parties

We are issuing and publishing these final results and notice in accordance with sections 751(c), 752(c), and 777(i)(1) of the Act and 19 CFR 351.218.

Dated: November 5, 2024.

Abdelali Elouaradia,

Deputy 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. History of the *Order*
V. Legal Framework
VI. Discussion of the Issues
  1. Likelihood of Continuation or Recurrence of Dumping
  2. Magnitude of the Margins Likely To Prevail
VII. Final Results of Sunset Review
VIII. Recommendation

[FR Doc. 2024–26028 Filed 11–7–24; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–086, A–549–839]

Steel Propane Cylinders From the People's Republic of China and Thailand: Final Results of the Expedited Sunset Reviews of the Antidumping Duty Orders

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

SUMMARY: The U.S. Department of Commerce (Commerce) finds that revocation of the antidumping duty (AD) orders on steel propane cylinders from the People's Republic of China (China) and Thailand would be likely to lead to continuation or recurrence of dumping at the levels indicated in the ''Final Results of the Sunset Review'' section of this notice.

DATES: Applicable November 8, 2024.

FOR FURTHER INFORMATION CONTACT: Patrick Barton, AD/CVD Operations, Office III, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–0012.

SUPPLEMENTARY INFORMATION:

Background

On August 15, 2019, Commerce published the AD orders on steel propane cylinders from China and Thailand.[1] On July 1, 2024, Commerce published the *Initiation Notice* of the first sunset reviews of the *Orders,* pursuant to section 751(c) of the Tariff Act of 1930, as amended (the Act).[2] In accordance with 19 CFR 351.218(d)(1)(i) and (ii), Commerce received a notice of intent to participate from Worthington Enterprises (the domestic interested party) within 15 days after the publication of the *Initiation Notice.*[3] The domestic interested party claimed interested party status under section 771(9)(C) of the Act as a producer of a domestic like product in the United States.[4]

Commerce received an adequate substantive response from the domestic interested party within the 30-day deadline specified in 19 CFR 351.218(d)(3)(i).[5] Commerce did not receive substantive responses from any other interested parties. On August 21, 2024, Commerce notified the U.S. International Trade Commission that it did not receive a complete substantive response from other interested parties.[6] As a result, in accordance with section 751(c)(3)(B) of the Act and 19 CFR 351.218(e)(1)(ii)(C)(2), Commerce conducted expedited (*i.e.,* 120-day) sunset reviews of the *Orders.* On July 22, 2024, Commerce tolled certain deadlines in these administrative proceedings by seven days.[7] The deadline for the final results is now November 5, 2024.

Scope of the Orders

The merchandise covered by the *Orders* is steel propane cylinders. For a full description of the scope of the *Orders, see* the Issues and Decision Memorandum.[8]

Analysis of Comments Received

All issues raised in these sunset reviews are addressed in the Issues and Decision Memorandum, including the likelihood of continuation or recurrence of dumping and the magnitude of the margins of dumping likely to prevail if the *Orders* were revoked. A list of topics discussed in the Issues and Decision Memorandum is included 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), which 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.*

[1] *See Steel Propane Cylinders from the People's Republic of China and Thailand: Amended Final Determination of Sales at Less Than Fair Value and Antidumping Duty Orders,* 84 FR 41703 (August 15, 2019) (*Orders*).

[2] *See Initiation of Five-Year (Sunset) Reviews,* 89 FR 54435 (July 1, 2024) (*Initiation Notice*).

[3] *See* Domestic Interested Party's Letters, ''Steel Propane Cylinders from the People's Republic of China—Domestic Industry's Notice of Intent to Participate,'' dated July 16, 2024; and ''Steel Propane Cylinders from the Thailand—Domestic Industry's Notice of Intent to Participate,'' dated July 16, 2024.

[4] *Id.*

[5] *See* Domestic Interested Party's Letters, ''Steel Propane Cylinders from the People's Republic of China—Domestic Industry's Substantive Response,'' dated July 30, 2024; and ''Steel Propane Cylinders from Thailand—Domestic Industry's Substantive Response,'' dated July 30, 2024.

[6] *See* Commerce's Letter, ''Sunset Reviews for July 2024,'' dated August 21, 2024.

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

[8] *See* Memorandum, ''Issues and Decision Memorandum for the Final Results of the Expedited Sunset Reviews of the Antidumping Duty Orders on Steel Propane Cylinders from the People's Republic of China and Thailand,'' dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

Final Results of Sunset Reviews

Pursuant to sections 751(c)(1) and 752(c)(1) and (3) of the Act, we determine that revocation of the *Orders* would be likely to lead to continuation or recurrence of dumping and that the magnitude of the margins likely to prevail would be up to 108.60 percent for China and 10.77 percent for Thailand.[9]

Administrative Protective Order

This notice serves as the only reminder to parties subject to an administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a). 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 the terms of an APO is a violation which is subject to sanction.

Notification to Interested Parties

Commerce is issuing and publishing these final results and notice in accordance with sections 751(c), 752(c), and 777(i)(1) of the Act, and 19 CFR 351.221(c)(5)(ii).

Dated: November 4, 2024.

Abdelali Elouaradia,

Deputy 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 *Orders*
IV. History of the *Orders*
V. Legal Framework
VI. Discussion of the Issues
  1. Likelihood of Continuation or Recurrence of Dumping
  2. Magnitude of the Margins of Dumping Likely to Prevail
VII. Final Results of Sunset Reviews
VIII. Recommendation

[FR Doc. 2024–26026 Filed 11–7–24; 8:45 am]

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[9] *See Orders,* 84 FR at 41704.

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–828, A–823–805]

Silicomanganese From the People's Republic of China and Ukraine: Continuation of Antidumping Duty Orders

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

SUMMARY: As a result of the determinations by the U.S. Department of Commerce (Commerce) and the U.S. International Trade Commission (ITC) that revocation of the antidumping duty (AD) orders on silicomanganese from the People's Republic of China and Ukraine would likely lead to the continuation or recurrence of dumping, and material injury to an industry in the United States, Commerce is publishing a notice of continuation of these AD orders.

DATES: Applicable November 1, 2024.

FOR FURTHER INFORMATION CONTACT: Blair Hood, AD/CVD Operations, Office I, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–8329.

SUPPLEMENTARY INFORMATION:

Background

On December 22, 1994, and August 21, 2001, Commerce published in the **Federal Register** the AD orders on product from the People's Republic of China and Ukraine.[1] On November 1, 2023, the ITC instituted,[2] and Commerce initiated,[3] the fifth sunset review of the *Orders,* pursuant to section 751(c) of the Tariff Act of 1930, as amended (the Act). As a result of its reviews, Commerce determined that revocation of the *Orders* would likely lead to the continuation or recurrence of dumping, and therefore, notified the ITC of the magnitude of the margins of dumping likely to prevail should the *Orders* be revoked.[4]

On November 1, 2024, the ITC published its determination, pursuant to sections 751(c) and 752(a) of the Act, that revocation of the *Orders* would likely lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.[5]

Scope of the Orders

The product covered by the *Orders* is silicomanganese. Silicomanganese, which is sometimes called ferrosilicon manganese, is a ferroalloy composed principally of manganese, silicon, and iron, and normally contains much smaller proportions of minor elements, such as carbon, phosphorus, and sulfur. Silicomanganese generally contains by weight not less than 4 percent iron, more than 30 percent manganese, more than 8 percent silicon, and not more than 3 percent phosphorous. All compositions, forms, and sizes of silicomanganese are included within the scope of these orders, including silicomanganese slag, fines, and briquettes. Silicomanganese is used primarily in steel production as a source of both silicon and manganese.

The merchandise subject to the *Orders* is currently classifiable under subheading 7202.30.0000 of the Harmonized Tariff Schedule of the United States (HTSUS). Some merchandise may also be imported under subheading 7202.99.5040. Although HTSUS subheadings are provided for convenience and U.S. Customs purposes, they do not define the scope of the *Orders;* rather, the written description of the subject merchandise is dispositive.

Continuation of the Orders

As a result of the determinations by Commerce and the ITC that revocation of the *Orders* would likely lead to continuation or recurrence of dumping and material injury to an industry in the United States, pursuant to section 751(d)(2) of the Act, Commerce hereby orders the continuation of the *Orders.* U.S. Customs and Border Protection will continue to collect AD cash deposits at the rates in effect at the time of entry for all imports of subject merchandise.

The effective date of the continuation of the *Orders* will be November 1, 2024.[6] Pursuant to section 751(c)(2) of the Act and 19 CFR 351.218(c)(2), Commerce intends to initiate the next five-year reviews of the *Orders* not later

[1] *See Silicomanganese from the People's Republic of China (PRC): Antidumping Duty Order,* 59 FR 66003 (December 22, 1994); and *Suspension Agreement on Silicomanganese from Ukraine; Termination of Suspension Agreement and Notice of Antidumping Duty Order,* 66 FR 43838 (August 21, 2001) (collectively, *Orders*).

[2] *See Silicomanganese from China and Ukraine; Institution of Full Five-Year Reviews,* 88 FR 75029 (November 1, 2023).

[3] *See Initiation of Five-Year (Sunset) Reviews,* 88 FR 74977 (November 1, 2023).

[4] *See Silicomanganese from the People's Republic of China and Ukraine: Final Results of the Expedited Fifth Sunset Review of the Antidumping Duty Orders,* 89 FR 16533 (March 7, 2024), and accompanying Issues and Decision Memorandum.

[5] *See Silicomanganese from China and Ukraine,* 89 FR 87412 (November 1, 2024) (*ITC Final Determination*).

[6] *See ITC Final Determination.*

than 30 days prior to fifth anniversary of the date of the last determination by the ITC.

Administrative Protective Order (APO)

This notice also serves as a final reminder to parties subject to an APO of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business proprietary information in this segment of the proceeding. 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 violation which is subject to sanction.

Notification to Interested Parties

These five-year (sunset) reviews and this notice are in accordance with sections 751(c) and 751(d)(2) of the Act and published in accordance with section 777(i) of the Act, and 19 CFR 351.218(f)(4).

Dated: November 4, 2024.

Abdelali Elouaradia,

Deputy Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2024–26027 Filed 11–7–24; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–972, A–583–848]

Stilbenic Optical Brightening Agents From the People's Republic of China and Taiwan: Final Results of the Expedited Second Sunset Reviews of the Antidumping Duty Orders

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

SUMMARY: As a result of these expedited sunset reviews, the U.S. Department of Commerce (Commerce) finds that revocation of the antidumping duty orders on stilbenic optical brightening agents (OBAs) from the People's Republic of China (China) and Taiwan would be likely to lead to continuation or recurrence of dumping at the levels indicated in the ''Final Results of Expedited Sunset Reviews'' section of this notice.

DATES: Applicable November 8, 2024.

FOR FURTHER INFORMATION CONTACT: Joshua Weiner, AD/CVD Operations, Office I, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–3902.

SUPPLEMENTARY INFORMATION:

Background

In 2012, Commerce published in the **Federal Register** the orders with respect to OBAs from the China and Taiwan.[1] On July 1, 2024, Commerce published in the **Federal Register** the initiation of the second sunset reviews of the *Orders* on OBAs from China and Taiwan, in accordance with section 751(c) of the Tariff Act of 1930, as amended (the Act).[2]

On July 15, 2024, we received a timely notice of intent to participate in these sunset reviews from Archroma U.S. Inc. (Archroma), a domestic interested party, pursuant to 19 CFR 351.218(d)(1)(i).[3] Archroma claimed interested party status under section 771(9)(C) of the Act as a manufacturer of a domestic like product in the United States. On July 23, 2024, Archroma provided complete substantive responses for these reviews within the 30-day deadline as specified in 19 CFR 351.2218(d)(3)(i).[4] Commerce did not receive substantive responses from respondent interested parties. On August 21, 2024, Commerce notified the U.S. International Trade Commission (ITC) that it did not receive an adequate substantive response from other interested parties.[5] As a result, in accordance with section 751(c)(3)(B) of the Act and 19 CFR 351.218(e)(1)(ii)(C)(2), Commerce conducted expedited, *i.e.,* 120-day, sunset reviews of the *Orders.* On July 22, 2024, Commerce tolled certain deadlines in this administrative proceeding by seven days.[6] The deadline for these final results is November 5, 2024.

Scope of the Orders

The product covered by the *Orders* are OBAs. For a full description of the scope of the *Orders, see* the Issues and Decision Memorandum.[7]

Analysis of the Comments Received

All issues raised in these sunset reviews, including the likelihood of continuation or recurrence of dumping in the event of revocation of the *Orders* and the magnitude of the margins of dumping likely to prevail if the *Orders* were to be revoked, are addressed in the Issues and Decision Memorandum. A list of topics discussed in the Issues and Decision Memorandum is included 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.*

Final Results of Sunset Reviews

Pursuant to sections 751(c)(1) and 752(c)(1) and (3) of the Act, Commerce determines that revocation of the *Orders* would be likely to lead to continuation or recurrence of dumping and that the magnitude of the margins of dumping likely to prevail would be margins up to 106.17 percent for China and up to 6.19 percent for Taiwan.

Administrative Protective Order

This notice serves as the only reminder to parties subject to an administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a). 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 violation which is subject to sanction.

Notification to Interested Parties

We are issuing and publishing these final results in accordance with sections 751(c), 752(c), and 777(i)(1) of the Act, and 19 CFR 351.218(e)(1)(ii)(C)(2) and 19 CFR 351.221(c)(5)(ii).

[1] *See Certain Stilbenic Optical Brightening Agents from the People's Republic of China: Amended Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order,* 77 FR 27423 (May 10, 2012); and *Certain Stilbenic Optical Brightening Agents from Taiwan: Amended Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order,* 77 FR 27419 (May 10, 2012) (collectively, *Orders*).

[2] *See Initiation of Five-Year (Sunset) Reviews,* 89 FR 54435 (July 1, 2024) (Initiation Notice).

[3] *See* Archroma's Letters, ''Notice of Intent to Participate,'' dated July 15, 2024.

[4] *See* Archroma's Letters, ''Substantive Response,'' dated July 23, 2024.

[5] *See* Commerce's Letter, ''Sunset Reviews for July 2024,'' dated August 21, 2024.

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

[7] *See* Memorandum, ''Issues and Decision Memorandum for the Final Results of the Expedited Second Sunset Reviews of the Antidumping Duty Orders on Stilbenic Optical Brightening Agents from the People's Republic of China and Taiwan,'' dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

Dated: November 5, 2024.

Abdelali Elouaradia,

Deputy 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 *Orders*
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V. Legal Framework
VI. Discussion of the Issues
  1. Likelihood of Continuation or Recurrence of Dumping
  2. Magnitude of the Margins of Dumping Likely to Prevail
VII. Final Results of Expedited Sunset Reviews
VIII. Recommendation

[FR Doc. 2024–26020 Filed 11–7–24; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–139]

Certain Mobile Access Equipment and Subassemblies Thereof From the People's Republic of China: 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 Zhejiang Dingli Machinery Co., Ltd. (Dingli), the sole mandatory respondent in this review and an exporter of certain mobile access equipment and subassemblies thereof (MAE) from the People's Republic of China (China), sold subject merchandise in the United States at prices below normal value (NV) during the period of review April 13, 2022, through March 31, 2023.

DATES: Applicable November 8, 2024.

FOR FURTHER INFORMATION CONTACT: Dmitry Vladimirov, AD/CVD Operations, Office I, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–0665.

SUPPLEMENTARY INFORMATION:

Background

On May 1, 2024, Commerce published the *Preliminary Results.*[1] On July 22, 2024, Commerce tolled certain deadlines in this administrative proceeding by seven days.[2] On July 31, 2024, in accordance with section 751(a)(3)(A) of the Act, Commerce extended the deadline for these final results until November 4, 2024.[3] For events subsequent to the *Preliminary Results, see* the Issues and Decision Memorandum.[4]

Scope of the Order [5]

The merchandise covered by the *Order* is MAE from China. A full description of the scope of the *Order* is contained in the Issues and Decision Memorandum.

Analysis of Comments Received

All issues raised by interested parties in briefs are addressed in the Issues and Decision Memorandum. A list of the issues addressed in the Issues and Decision Memorandum is provided in 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.*

Changes Since the Preliminary Results

Based on our review and analysis of the comments received from the interested parties, we made changes to the *Preliminary Results* margin calculation for Dingli,[6] the sole company under review, which resulted in changes to its preliminary margin.

Separate Rate

Commerce determines that Dingli is eligible to receive a separate rate in this administrative review.[7] There are no other companies under review.

China-Wide Entity

Commerce's policy regarding the conditional review of the China-wide entity applies to this administrative review.[8] Under this policy, the China-wide entity will not be under review unless a party specifically requests, or Commerce self-initiates, a review of the entity. Because no party requested a review of the China-wide entity in this review, the China-wide entity is not under review, and the China-wide entity's rate (*i.e.,* 165.14 percent) is not subject to change.

Final Results of Review

We determine that the following weighted-average dumping margin exists for the period April 13, 2022, through March 31, 2023, for the mandatory respondent:

Exporter	Weighted-average dumping margin (percent)
Zhejiang Dingli Machinery Co., Ltd	12.39

Disclosure

We intend to disclose the calculations performed for these final results to interested parties within five days after the publication of this notice.[9]

Assessment Rates

Pursuant to section 751(a)(2)(C) of the Act and 19 CFR 351.212(b), Commerce has determined, and CBP shall assess, antidumping duties on all appropriate entries of subject merchandise in accordance with these final results of review.

Because Dingli's *ad valorem* weighted-average final dumping margin is not zero or *de minimis* (*i.e.,* less than 0.50 percent), we have calculated importer-specific assessment rates for this respondent, in accordance with 19 CFR 351.212(b)(1).[10]

[1] *See Certain Mobile Access Equipment and Subassemblies Thereof from the People's Republic of China: Preliminary Results and Partial Rescission of Antidumping Duty Administrative Review; 2022–2023,* 89 FR 35067 (May 1, 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, ''Extension of Deadline for Final Results of Antidumping Duty Administrative Review; 2022–2023,'' dated July 31, 2024.

[4] *See* Memorandum, ''Issues and Decision Memorandum for the Final Results of the Antidumping Duty Administrative Review of Certain Mobile Access Equipment and Subassemblies Thereof from the People's Republic of China; 2022–2023,'' dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

[5] *See Certain Mobile Access Equipment and Subassemblies Thereof from the People's Republic of China: Antidumping Duty Order,* 87 FR 22190 (April 14, 2022) (*Order*).

[6] *See* Memorandum, ''Final Analysis Memorandum,'' dated concurrently with this notice (Final Analysis Memorandum).

[7] *See Preliminary Results* PDM at 14–16 for more details.

[8] *See Antidumping Proceedings: Announcement of Change in Department Practice for Respondent Selection in Antidumping Duty Proceedings and Conditional Review of the Nonmarket Economy Entity in NME Antidumping Duty Proceedings,* 78 FR 65963 (November 4, 2013).

[9] *See* 19 CFR 351.224(b).

[10] *See Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping*

For sales for which Dingli reported entered value, we have calculated importer-specific *ad valorem* assessment rates based on the ratio of the total amount of dumping calculated for each importer's examined sales to the total entered value of those sales, in accordance with 19 CFR 351.212(b)(1). For sales for which Dingli did not report entered value, we have calculated importer-specific per-unit duty assessment rates based on the ratio of the total amount of antidumping duties calculated for the examined sales to the total quantity of those sales. To determine whether an importer-specific, per-unit assessment rate is *de minimis,* in accordance with 19 CFR 351.106(c)(2), we also calculated an importer-specific ad valorem ratio based on estimated entered values.

Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of these final results. 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 upon publication of the final results of this administrative review for shipments of the subject merchandise from China entered, or withdrawn from warehouse, for consumption on, or after, the publication date of the final results of review, as provided in section 751(a)(2)(C) of the Act: (1) for the subject merchandise exported by the company listed above that has a separate rate, the cash deposit rate will be equal to the weighted-average dumping margin established in the final results of this administrative review (except, if the rate is zero or *de minimis,* then zero cash deposit will be required); (2) for previously investigated or reviewed Chinese and non-Chinese exporters of subject merchandise not listed above that received a separate rate in a prior segment of this proceeding, the cash deposit rate will continue to be the existing exporter-specific rate; (3) for all Chinese exporters of subject merchandise that have not been found to be entitled to a separate rate, the cash deposit rate will be that for the China-wide entity, *i.e.,* 165.14 percent; [11] and (4) for all non-Chinese exporters of subject merchandise which have not received their own separate rate, the cash deposit rate will be the rate applicable to the Chinese exporter that supplied that non-Chinese exporter. These deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers Regarding the Reimbursement of Duties

This notice also 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 and/or countervailing duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping and/or countervailing duties has occurred and the subsequent assessment of double antidumping duties, and/or increase in the amount of antidumping duties by the amount of the countervailing duties.

Administrative Protective Order

This notice also serves as a reminder to parties subject to an 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), which continues to govern business proprietary information in this segment of the proceeding. 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 violation which is subject to sanction.

Notification to Interested Parties

We are issuing and publishing these final results of administrative review and notice in accordance with sections 751(a)(1) and 777(i) of the Act and 19 CFR 351.221(b)(5) and 19 CFR 351.213(h)(2).

Dated: November 4, 2024.

Abdelali Elouaradia,

Deputy 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: Türkiye as the Primary Surrogate Country
Comment 2: Turkish Financial Statements
Comment 3: Bulgaria as the Primary Surrogate Country
Comment 4: Valuation of Complex Fabricated Steel Components
Comment 5: Valuation of Minor Fabricated Steel Parts
Comment 6: Valuation of Ocean Freight
Comment 7: Exclusion of Russian Imports from Average Unit Values (AUVs)
Comment 8: Valuation of Marine Insurance
Comment 9: Differential Pricing and Cohen's *d* Test
Comment 10: Section 301 Duties
Comment 11: Turkish vs. Bulgarian Harmonized System (HS) Selection for Certain Inputs
Comment 12: Appropriate Turkish HS Selection for Certain Inputs
VI. Recommendation

[FR Doc. 2024–26025 Filed 11–7–24; 8:45 am]

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Proceedings: Final Modification, 77 FR 8101, 8103 (February 14, 2012).

[11] *See Order,* 87 FR at 22191, adjusted for export subsidies as outlined in *Certain Mobile Access Equipment and Subassemblies Thereof from the People's Republic of China: Final Affirmative Determination of Sales at Less Than Fair Value,* 87 FR 9576, 9578 (February 22, 2022).

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XE403]

Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to Ferry Berth Construction in Tongass Narrows in Ketchikan, Alaska

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

ACTION: Notice; issuance of incidental harassment authorization.

SUMMARY: NMFS has received a request from the Alaska Department of Transportation and Public Facilities (ADOT&PF) for the re-issuance of a previously issued incidental harassment authorization (IHA) with the only change being effective dates. The initial IHA authorized take of 11 species of marine mammals, by Level A and Level B harassment, incidental to construction associated with the Ferry Berth construction Ketchikan, Alaska. The project has been delayed and none of the work covered in the initial IHA has been conducted. The scope of the activities and anticipated effects remain the same, authorized take numbers are not changed, and the required mitigation, monitoring, and reporting remains the same as included in the initial IHA. NMFS is, therefore, issuing a second identical IHA to cover the

incidental take analyzed and authorized in the initial IHA.

DATES: The initial IHA was effective from September 11, 2023, through September 10, 2024. ADOT&PF has requested re-issuance with new effective dates of September 1, 2025 through August 31, 2026.

ADDRESSES: An electronic copy of the final 2023 IHA previously issued to ADOT&PF, ADOT&PF's application, and the **Federal Register** notices proposing and issuing the initial IHA may be obtained by visiting *https://www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-take-authorizations-construction-activities.* In case of problems accessing these documents, please call the contact listed below (see **FOR FURTHER INFORMATION CONTACT**).

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

SUPPLEMENTARY INFORMATION:

Background

Sections 101(a)(5)(A) and (D) of the Marine Mammal Protection Act (MMPA; 16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce (as delegated to NMFS) to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and either regulations are issued or, if the taking is limited to harassment, a notice of a proposed authorization is provided to the public for review.

An authorization for incidental takings shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s), will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses (where relevant), and if the permissible methods of taking and requirements pertaining to the mitigation, monitoring and reporting of such takings are set forth.

NMFS has defined ''negligible impact'' in 50 CFR 216.103 as an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival.

The MMPA states that the term ''take'' means to harass, hunt, capture, kill or attempt to harass, hunt, capture, or kill any marine mammal.

Except with respect to certain activities not pertinent here, the MMPA defines ''harassment'' as any act of pursuit, torment, or annoyance which (i) has the potential to injure a marine mammal or marine mammal stock in the wild (Level A harassment); or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering (Level B harassment).

Summary of Request

On September 14, 2023, NMFS published final notification of our issuance of an IHA authorizing take of marine mammals incidental to the Tongass Narrows Ferry Berth Construction Project (88 FR 63067). The effective dates of that IHA were September 11, 2023 through September 10, 2024. On August 16, 2024, ADOT&PF submitted a request that we reissue an identical IHA that would be effective from September 1, 2025 through August 31, 2026, in order to conduct the construction work that was analyzed and authorized through the previously issued IHA. In the request they described that the project had been delayed. None of the work identified in the initial IHA (*e.g.,* pile driving and removal and down-the-hole drilling) has occurred. Therefore, re-issuance of the IHA is appropriate.

Summary of Specified Activity and Anticipated Impacts

The planned activities (including mitigation, monitoring, and reporting), authorized incidental take, and anticipated impacts on the affected stocks are the same as those analyzed and authorized through the previously issued IHA.

The existing ferry facilities improve access to developable land on Gravina Island, improve access to the Ketchikan International Airport, and facilitate economic development in the Ketchikan Gateway Borough. The new ferry berths provide redundancy to the existing ferry berths. The location, timing, and nature of the activities, including the types of equipment planned for use, are within scope of those described in the initial IHA. The mitigation and monitoring are also as prescribed in the initial IHA.

Species that are expected to be taken by the planned activity include minke whale (*Balaenoptera acutorostrata*), fin whale (*Balaenoptera physalus*), humpback whale (*Megaptera novaeangliae*), Gray whale (*Eschrichtius robustus*), Pacific white-sided dolphin (*Lagenorhynchus obliquidens*), killer whale (*Oricnus orca*), harbor porpoise (*Phocoena phocoena*), Dall's porpoise (*Phocoenoides dalli*), Steller sea lion (*Eumetopias jubatus*), northern elephant seal (*Mirounga angustirostris*), harbor seal (*Phoca vitulina*). A description of the methods and inputs used to estimate take anticipated to occur and, ultimately, the take that was authorized is found in the previous documents referenced above. The data inputs and methods of estimating take are identical to those used in the initial IHA. NMFS has reviewed recent stock assessment reports, information on relevant unusual mortality events, and recent scientific literature, and determined that no new information affects our original analysis of impacts or take estimate under the initial IHA.

We refer to the documents related to the previously issued IHA, which include the **Federal Register** notice of the issuance of the initial 2023 IHA for ADOT&PF's construction work (88 FR 63067), ADOT&PF's application, the **Federal Register** notice of the proposed IHA (88 FR 46746), and all associated references and documents.

Determinations

ADOT&PF will conduct activities as analyzed in the initial 2023 IHA. As described above, the number of authorized takes of the same species and stocks of marine mammals are identical to the numbers that were found to meet the negligible impact and small numbers standards and authorized under the initial IHA and no new information has emerged that would change those findings. The re-issued 2025 IHA includes identical required mitigation, monitoring, and reporting measures as the initial IHA, and there is no new information suggesting that our analysis or findings should change.

Based on the information contained here and in the referenced documents, NMFS has determined the following: (1) the required mitigation measures will effect the least practicable impact on marine mammal species or stocks and their habitat; (2) the authorized takes will have a negligible impact on the affected marine mammal species or stocks; (3) the authorized takes represent small numbers of marine mammals relative to the affected stock abundances; and (4) ADOT&PF's activities will not have an unmitigable adverse impact on taking for subsistence purposes as no relevant subsistence uses of marine mammals are implicated by this action.

National Environmental Policy Act

To comply with the National Environmental Policy Act of 1969 (NEPA; 42 U.S.C. 4321 *et seq.*) and NOAA Administrative Order (NAO) 216–6A, NMFS must review our

proposed action with respect to environmental consequences on the human environment.

Accordingly, NMFS has determined that the issuance of the IHA qualifies to be categorically excluded from further NEPA review. This action is consistent with categories of activities identified in CE B4 of the Companion Manual for NAO 216–6A, which do not individually or cumulatively have the potential for significant impacts on the quality of the human environment and for which we have not identified any extraordinary circumstances that would preclude this categorical exclusion.

Endangered Species Act (ESA)

Section 7(a)(2) of the ESA of 1973 (16 U.S.C. 1531 *et seq.*) requires that each Federal agency insure that any action it authorizes, funds, or carries out is not likely to jeopardize the continued existence of any endangered or threatened species or result in the destruction or adverse modification of designated critical habitat. To ensure ESA compliance for the issuance of IHAs, NMFS consults internally whenever we propose to authorize take for endangered or threatened species, in this case with the NMFS' Alaska Regional Office (AKRO).

NMFS is authorizing take of the Mexico-North Pacific stock of humpback whale, and fin whale, which are listed as threatened or endangered under the ESA. The NMFS AKRO issued a Biological Opinion under section 7 of the ESA on the issuance of an IHA to ADOT&PF under section 101(a)(5)(D) of the MMPA by NMFS OPR. The biological opinion concluded that the action is not likely to jeopardize the continued existence of the listed species.

Authorization

NMFS has issued an IHA to ADOT&PF for in-water construction activities associated with the specified activity from September 1, 2025 through August 31, 2026. All previously described mitigation, monitoring, and reporting requirements from the initial 2023 IHA are incorporated.

Dated: November 5, 2024.

Kimberly Damon-Randall,

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

[FR Doc. 2024–26013 Filed 11–7–24; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XE292]

Atlantic Highly Migratory Species; Atlantic Shark Management Measures; 2025 Research Fishery

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

ACTION: Notice; request for applications.

SUMMARY: NMFS requests applications for the 2025 shark research fishery from commercial shark fishermen with Atlantic shark Directed or Incidental limited access permits. The shark research fishery provides fishery-dependent and biological data collection to support stock assessments and other NMFS' research and management objectives. The only commercial vessels authorized to land sandbar sharks are those participating in the shark research fishery. Shark research fishery participants may also land other species of sharks, dependent on the terms and conditions of their permit. Commercial shark fishermen who are interested in participating in the shark research fishery must submit a completed Shark Research Fishery Permit Application to be considered.

DATES: NMFS must receive Shark Research Fishery Permit Applications no later than December 9, 2024.

ADDRESSES: Please submit completed applications via email to *NMFS.Research.Fishery@noaa.gov.*

For copies of the Shark Research Fishery Permit Application, please email a request to *NMFS.Research.Fishery@noaa.gov.* Copies of the Shark Research Fishery Permit Application are also available on the highly migratory species (HMS) website at *https://www.fisheries.noaa.gov/atlantic-highly-migratory-species/atlantic-highly-migratory-species-exempted-fishing-permits.* Please be advised that NMFS may release your application under the Freedom of Information Act.

FOR FURTHER INFORMATION CONTACT: Karyl Brewster-Geisz or Delisse Ortiz at 301–427–8503, or email *NMFS.Research.Fishery@noaa.gov.*

SUPPLEMENTARY INFORMATION: HMS fisheries (tunas, billfish, swordfish, and sharks) are managed under the 2006 Consolidated HMS Fishery Management Plan (FMP) and its amendments pursuant to the authority of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*) and consistent with the Atlantic Tunas Convention Act (16 U.S.C. 971 *et seq.*). HMS implementing regulations are at 50 CFR part 635. Section 635.27(b)(1) describes the commercial shark quotas, § 635.24(a)(1) includes information on retention limits, and § 635.32(f) provides details on the shark research fishery.

In Amendment 2 to the 2006 Consolidated HMS FMP (73 FR 40657, July 7, 2008; corrected at 73 FR 40658, July 15, 2008), NMFS established the shark research fishery, in part, to maintain time series data for stock assessments and to meet NMFS' management and research objectives. Since then, the shark research fishery has allowed for:

- Fishery-dependent data collection for current and future stock assessments;
- Cooperative research to meet NMFS' ongoing objectives;
- Data collection on life-history information used in the sandbar shark (and other species) stock assessments;
- Data collection on habitat preferences that might help reduce fishery interactions through bycatch mitigation;
- Evaluation of the utility of the mid-Atlantic closed area on the recovery of dusky sharks and collection of hook-timer and pop-up satellite archival tag information to determine at-vessel and post-release mortality of dusky sharks; and
- Shark collection to determine the weight conversion factor from dressed weight to whole weight.

The shark research fishery allows selected commercial fishermen the opportunity to earn revenue from selling additional sharks, including sandbar sharks. Only shark research fishery participants are authorized to land sandbar sharks subject to the sandbar quota available each year. The base annual commercial quotas for sandbar sharks is 90.7 metric tons (mt) dressed weight (dw) and for research large coastal sharks (LCS) is 50 mt dw per year, although the quotas may be reduced in the event of overharvests. The selected shark research fishery participants will also be allowed to land other shark species consistent with any restrictions established on their shark research fishery permit. Generally, the shark research fishery permits are valid only for the calendar year for which they are issued.

NMFS requires 100-percent observer coverage on shark research fishery trips. The specific 2025 trip limits and number of trips per month will depend on the availability of funding, number of

selected vessels, the availability of observers, the available quota, and the objectives of the research fishery, and will be included in the permit terms at time of issuance. The number of shark research fishery participants varies each year. In 2024, three fishermen participated in the shark research fishery. From 2008 through 2023, an average of 6 fishermen participated in the shark research fishery each year with a range from 3 to 11 fishermen. Overall, the timing and number of trips participants take varies year-to-year based on seasonal availability of certain species and available quota. Specifically, the scientific and research needs of the Agency and the number of NMFS-approved observers available limits the number of trips taken per month. In the last few years, participating vessels on average have been able to take one trip per month. Participants may also be limited in the amount of gear they can deploy on a given set (*e.g.,* number of hooks and sets, soak times, length of longline). These limits have changed both between years and during the year depending on research goals and bycatch limits.

In 2024, NMFS split 90 percent of the sandbar and LCS research fishery quotas equally among selected participants, with 16.3 mt dw (35,935 pounds (lb) dw) of sandbar shark research fishery quota and 9.0 mt dw (19,841 lb dw) of other LCS research fishery quota available to each vessel. NMFS held the remaining quota in reserve to ensure that shark research fishery participants did not exceed the overall sandbar and LCS research fishery quotas. NMFS may use this process again for the 2025 research fishery quotas or may consider other methods of distributing the available quotas. Shark research fishery participants will be notified of their sandbar and LCS research fishery quotas upon issuance of their shark research fishery permits.

In 2024, NMFS continued to implement a regional dusky shark bycatch limit, which was first established in the shark research fishery in 2013, applicable to four regions across the Gulf of Mexico and Atlantic. Per the terms and conditions in the shark research fishery permit, under this limit, when shark research fishery participants bring four or more dusky sharks to the vessel dead in a region, the shark research fishery participants in that region are prohibited from soaking their gear for longer than 3 hours. If, after the change in soak time, three additional dusky shark interactions (alive or dead) are observed, shark research fishery participants are prohibited from making a trip in that region for the remainder of the year, unless otherwise permitted by NMFS. NMFS established slightly different measures for shark research fishery participants in the mid-Atlantic shark closed area in order to allow NMFS observers to place satellite archival tags on dusky sharks and collect other scientific information on dusky sharks while also minimizing any dusky shark mortality. NMFS expects to continue to implement the dusky shark bycatch limit in 2025.

Also in 2024, NMFS provided monetary compensation to participants who had electronic monitoring (EM) sensors installed and operating on their vessels for some of their shark research fishery trips. Similarly, NMFS may provide participants monetary compensation in 2025 for some fishing trips, dependent on the fulfillment of any relevant requirements in the terms and conditions of the permit.

To be considered for selection to participate in the shark research fishery, commercial shark fishermen must submit a completed Shark Research Fishery Permit Application by the deadline noted above (see **DATES**) showing that the vessel and owner(s) meet the specific criteria outlined below.

Shark Research Fishery Objectives

As established in Amendment 2, each year, a shark board, which is comprised of NMFS representatives from the Southeast Fisheries Science Center (SEFSC) Panama City Laboratory, the Southeast Regional Office Protected Resources Division, and the HMS Management Division, develops the shark research fishery objectives for that year. The 2025 objectives are based on various documents, including the May 2020 Biological Opinion on the Operation of the Atlantic Highly Migratory Species Fisheries Excluding Pelagic Longline and stock assessments for various Atlantic shark species (stock assessments can be found at *https://sedarweb.org/*).

The 2025 objectives are:

- Collect reproductive, length, sex, and age data from sandbar and other sharks throughout the calendar year for species-specific stock assessments;
- Monitor the size distribution of sandbar sharks and other species captured in the fishery;
- Collect information regarding depredation events;
- Continue ongoing shark tagging programs for identification of migration corridors and stock structure using dart and/or spaghetti tags;
- Maintain time-series of abundance from previously derived indices for the shark bottom longline observer program;
- Acquire fin-clip samples of all shark and other species for genetic analysis;
- Attach satellite archival tags to endangered smalltooth sawfish to provide information on critical habitat, preferred depth, and post-release mortality, consistent with the requirements listed in the take permit issued under section 10 of the Endangered Species Act to the SEFSC Observer Program;
- Attach satellite archival tags to prohibited dusky and other sharks (see table 1 of appendix A to part 635), as needed, to provide information on daily and seasonal movement patterns, and preferred depth;
- Evaluate hooking mortality and post-release survivorship of dusky, hammerhead, blacktip, and other sharks using hook-timers and temperature-depth recorders;
- Evaluate the effects of controlled gear experiments to determine the effects of potential hook changes to prohibited species interactions and fishery yields;
- Examine the size distribution of sandbar and other sharks captured including in the Mid-Atlantic shark time/area closure off the coast of North Carolina from January 1 through July 31;
- Develop allometric and weight relationships of selected species of sharks (*e.g.,* hammerhead sharks, sandbar shark, blacktip shark);
- Collect samples such as liver and muscle plugs for stable isotope analysis as a part of a trophic level-based ecosystem study; and
- Examine the feasibility of using EM to accurately measure soak times of bottom longline sets. This specific objective may require participating vessels to have EM system sensors installed for the duration of the 2025 research fishery. During each research trip, the EM sensors must be operating. NMFS will remove the sensors after the end of the 2025 research fishery.

Selection Criteria

NMFS will only accept Shark Research Fishery Permit Applications from commercial shark fishermen who hold a current Atlantic shark Directed or Incidental limited access permit. If NMFS receives a large number of applications, NMFS will give priority to Directed limited access permit holders to ensure that shark research fishery participants land an appropriate number of sharks to meet the objectives.

The Shark Research Fishery Permit Application includes, but is not limited

to, a request for the following information:

- Type of commercial shark permit possessed;
- Past participation and availability in the commercial shark fishery (not including sharks caught for display);
- Past and present availability to participate in the shark research fishery year-round;
- Ability to fish in the regions and seasons requested;
- Ability to attend necessary meetings regarding the objectives and research protocols of the shark research fishery; and
- Ability to carry out the 2025 shark research fishery objectives of the Agency.

NMFS will give preference to those applicants who are willing and available to fish year-round and who affirmatively state that they intend to do so, to ensure the timely and accurate data collection NMFS needs to meet this year's shark research fishery objectives. NMFS will not consider an applicant who has been charged criminally or civilly (*e.g.,* issued a Notice of Violation and Assessment (NOVA) or Notice of Permit Sanction) for any HMS-related violation for participation in the shark research fishery. In addition, NMFS will not consider applicants who were selected to carry an observer in the previous 2 years for any HMS fishery but failed to contact NMFS to arrange the placement of an observer or failed to comply with any other observer regulations per § 635.7. NMFS will make exceptions for vessels that were selected for HMS observer coverage but did not fish in the quarter when selected and thus did not require an observer. NMFS will not consider applicants who do not possess a valid U.S. Coast Guard safety inspection decal when they submit their application. Applicants who have been non-compliant with any of the HMS observer program regulations in the previous 2 years, as described above, may be eligible for future participation in the shark research fishery by demonstrating 2 subsequent years of compliance with observer regulations at § 635.7.

Selection Process

The HMS Management Division will review all applications received by the deadline (see **DATES**) and develop a list of qualified applicants (*i.e.,* the application is complete and the applicant meets the selection criteria listed above) for participation in the 2025 shark research fishery. The HMS Management Division will provide the list of qualified applicants, without identifying information, to the SEFSC. The SEFSC will then evaluate the list of applicants and, based on the temporal and spatial needs of the objectives, the availability of observers, the availability of applicants, and the available quota for a given year, will select applicants to conduct the prescribed research as part of the shark research fishery. If NMFS determines that a public meeting is necessary, NMFS will announce details of a public selection meeting in a subsequent **Federal Register** notice.

Once the selection process is complete, NMFS will notify the selected applicants and issue the shark research fishery permits. The shark research fishery permits will be valid through December 31, 2025, unless otherwise specified. If needed, NMFS will arrange a captain's meeting with the shark research fishery participants to discuss the objectives and protocols. In the past, NMFS has often held mandatory captain's meetings before placing observers on vessels, particularly if there are participants who have not participated in recent years or if there are changes in the permit terms and conditions from previous years; NMFS may hold one for the 2025 shark research fishery in early 2025. Once the fishery starts, shark research fishery participants must contact NMFS or the NMFS-designee to arrange the placement of a NMFS-approved observer for each shark research trip, and in the beginning, if needed, to arrange the installation of the specific EM sensor on the vessel. Selected applicants must allow observers the opportunity to perform their duties and assist observers as necessary. At the end of the shark fishery, if applicable, shark research fishery participants must contact NMFS or a NMFS-designee to have the EM sensors removed from the vessel.

A shark research fishery permit will only be valid for the vessel, owner(s), and terms and conditions listed on the permit, and, thus, cannot be transferred to another vessel or owner(s). Shark research fishery participants must carry a NMFS-approved observer on shark research fishery trips. However, issuance of a shark research fishery permit does not guarantee that the permit holder will be assigned a NMFS-approved observer on any particular trip. Rather, issuance indicates that a vessel may be issued a NMFS-approved observer for a particular trip, and on such trips, may be allowed to harvest Atlantic sharks, including sandbar sharks, in excess of the retention limits described in § 635.24(a). Applicable retention limits will be based on available quota, number of vessels participating in the 2025 shark research fishery, NMFS' shark research fishery objectives, the extent of other restrictions placed on the vessel, and may vary by vessel and/or location. When not operating under the auspices of the shark research fishery, the vessel would still be able to land other shark species subject to existing retention limits on trips without a NMFS-approved observer. Additionally, during those times, the vessel would not need to operate the EM sensors.

NMFS annually invites commercial shark limited access permit holders (Directed and Incidental) to submit an application to participate in the shark research fishery (see **ADDRESSES**). Final decisions on the issuance of a shark research fishery permit will depend on the submission of all required information by the deadline (see **DATES**), and NMFS' review of applicant information as outlined above. The 2025 shark research fishery will start after the commercial shark fishery opens on January 1, 2025 under base quotas and default retention limits, unless otherwise published in the **Federal Register**.

Dated: November 5, 2024.

Karen H. Abrams,

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

[FR Doc. 2024–26050 Filed 11–7–24; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XE050]

Conservation Plan for the Eastern Pacific Stock of Northern Fur Seal (Laaquda)

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

ACTION: Notice of availability.

SUMMARY: In accordance with the Marine Mammal Protection Act (MMPA), NMFS has finalized the Conservation Plan for the Eastern Pacific Stock of Northern Fur Seal (Laaquda) based on public comments received. The goal of the Conservation Plan is to conserve and restore the stock to its optimum sustainable population. The Final Conservation Plan (Plan) for this stock is now available.

ADDRESSES: Electronic copies of the Plan are available at the NMFS Alaska Region website: *https://www.fisheries.noaa.gov/species/*

northern-fur-seal#conservation-management.

FOR FURTHER INFORMATION CONTACT: Michael Williams, NMFS Alaska Region, 907–271–5117, *michael.williams@noaa.gov.*

SUPPLEMENTARY INFORMATION:

Background

The Eastern Pacific (formerly Pribilof) stock of northern fur seals was designated as depleted under the MMPA on June 17, 1988, because the population had declined by over 50 percent from the highest population levels estimated in the 1950s (53 FR 17888, May 18, 1988). Consistent with the MMPA (16 U.S.C. 1383b(b)), NMFS developed a Conservation Plan to conserve and restore the stock to its optimum sustainable population, which is defined as a population size within a range of population sizes from the largest supportable within the ecosystem (*i.e.,* carrying capacity) to a level that results in maximum net productivity (50 CFR 216.3). NMFS first published a Conservation Plan in 1993, followed by a revised version in 2007. In 2023, NMFS published a revised draft Conservation Plan and invited public comment (88 FR 38010, June 12, 2023).

The 2024 revised Conservation Plan includes updated knowledge of threats, trends, and ecology of the Eastern Pacific stock of northern fur seals. Specifically, it summarizes advances in our understanding of pup production, pup mortality, pup mass, diet estimation, diving characterization, and use of Bering Sea marine foraging areas and foraging trip duration by the five rookery complexes on the Pribilof Islands. The Plan discusses critical information gaps, conservation actions and initiatives completed since the 2007 Conservation Plan as well as those that are ongoing or should be prioritized in future, and research and management actions intended to promote the conservation and restoration of the stock. The shared resources and cooperative involvement of Federal, State, and Tribal governments, Alaska Native people and Alaska Native Organizations, industry, academia, and non-governmental organizations will be needed throughout the period necessary to restore the stock.

Overall, the stock has continued to decline about 2 percent per year since the depleted designation, and differences exist in trends in abundance and habitat use for St. Paul, St. George, and Bogoslof islands and their associated rookery complexes. Preliminary estimates of age class survival rates since 2010 are similar for both St. Paul and St. George islands; however, since trends in abundance are significantly different (*i.e.,* declining on St. Paul and increasing on St. George) our assumptions regarding site fidelity, emigration, and detection appear biased, and we are investigating whether rates of emigration are higher than previously assumed. Improved estimates of fur seal consumption of commercially important prey like pollock, and age-specific growth and bioenergetics of northern fur seals have increased the ability of ecosystem models to improve our understanding of fur seal population dynamics and how changes in prey abundance and distribution may be affecting population trends. Based on these recent model results, it is estimated that the northern fur seal population is one of the top four natural predators of pollock biomass and consumes both 0–2 year old and 3+ year old pollock. The new information presented regarding the separation of marine foraging habitat in the Bering Sea by fur seals and the differential consumption of pollock, squid, and other species based on this separation suggests there are opportunities to further investigate the indirect effects of fisheries on northern fur seals from the five rookery complexes identified on the Pribilof Islands. The extent of competition with the pollock fisheries is uncertain due to the spatial segregation of foraging fur seals among the five rookery complexes and in-season changes in the distribution of various segments of the commercial pollock fleet. NMFS intends to work with other interested parties to evaluate existing northern fur seal foraging and life history data as well as existing information on fisheries to assess observed variation in population trends among foraging complexes and guide decisions about new research related to the indirect effects of fishing. New ecosystem models are being developed to advance ecosystem-based fisheries management and are expected to include consumption of important commercial fish species by northern fur seals.

Another notable revision to this Plan is the reflection of recent subsistence use regulation changes and the evolution of co-management relationships between NMFS and Tribes in the Pribilofs. The Plan revision includes valuable input and contributions from the Aleut Community of St. Paul Island, and recognizes Unanga contributions to management and research. As fur seal subsistence use is paramount to Pribilovian Unanga cultural identity, Unangam tunuu (*i.e.,* Aleut language) words have been incorporated into the Plan.

The Notice of Availability of the draft revised Plan was published on June 12, 2023, and the public comment period closed on August 11, 2023 (88 FR 38010). Six public comment letters containing 28 unique substantive comments were received during the comment period, on the topics of direct fishery effects, indirect fishery effects, ecology and life history, Indigenous Knowledge, co-management, optimum sustainable population, disturbance, funding, threats, and effectiveness of the Conservation Plan. In response to these comments, the final version of the Plan contains many clarifications, and significant revisions were made to the indirect fishery effects and optimum sustainable population sections. Also in response to these comments, additional information has been incorporated regarding migration patterns, pup mortality, vital rates, pup health, and foraging trip duration. Finally, a new appendix containing migration and performance measure analyses has been added. A summary of substantive comments and responses to those comments, including whether and how the draft Conservation Plan was revised in response, has been created and is on file with the NMFS Alaska Region, Protected Resources Division.

Kimberly Damon-Randall,

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

[FR Doc. 2024–25969 Filed 11–7–24; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XE454]

Marine Mammals; File No. 27552

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

ACTION: Notice; receipt of application.

SUMMARY: Notice is hereby given that NMFS' Pacific Islands Fisheries Science Center, 1845 Wasp Boulevard, Building 176, Honolulu, HI 96818 (Responsible Party: Charles Littnan, Ph.D.), has applied in due form for a permit to conduct research and enhancement activities on Hawaiian monk seals (*Neomonachus schauinslandi*).

DATES: Written comments must be received on or before December 9, 2024.

ADDRESSES: The application and related documents are available for review by selecting ''Records Open for Public Comment'' from the ''Features'' box on the Applications and Permits for Protected Species home page, *https://apps.nmfs.noaa.gov,* and then selecting File No. 27552 from the list of available applications. These documents are also available upon written request via email to *NMFS.Pr1Comments@noaa.gov.*

Written comments on this application should be submitted via email to *NMFS.Pr1Comments@noaa.gov.* Please include File No. 27552 in the subject line of the email comment.

Those individuals requesting a public hearing should submit a written request via email to *NMFS.Pr1Comments@noaa.gov.* The request should set forth the specific reasons why a hearing on this application would be appropriate.

FOR FURTHER INFORMATION CONTACT: Sara Young or Shasta McClenahan, Ph.D., (301) 427–8401.

SUPPLEMENTARY INFORMATION: The subject permit is requested under the authority of the Marine Mammal Protection Act of 1972, as amended (MMPA; 16 U.S.C. 1361 *et seq.*), the regulations governing the taking and importing of marine mammals (50 CFR part 216), the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR parts 222–226).

The applicant requests a 5-year permit to carry out research and enhancement activities to recover the endangered Hawaiian monk seal along beaches and nearshore waters throughout the Hawaiian Archipelago (Northwestern Hawaiian Islands and main Hawaiian Islands) and Johnston Atoll.

Research will identify impediments to recovery, inform the design of conservation interventions, and evaluate those measures. Research activities include visual and photographic monitoring, capture, tagging, pelage marking, health screening, foraging studies, deworming, necropsies, tissue sampling, behavioral modification, vocalization studies, and vaccination. Enhancement activities are designed to improve survival, reproductive success, and overall species' status. Enhancement activities include deworming, capture, translocation, hazing and removal of aggressive adult male seals, disentangling, dehooking, medical treatment, behavioral modification, vaccination, and supplemental feeding of post-release rehabilitated seals. Unintentional mortalities during research and enhancement activities are requested. Unintentional disturbance of spinner dolphins (*Stenella longirostris*) and bottlenose dolphins (*Tursiops truncatus*) during research and enhancement activities is also requested. See the application for complete numbers of animals requested by species, age-class, and procedure. Pinniped parts may be collected, received, exported, and imported for analysis.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), an initial determination has been made that the activity proposed is categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

Concurrent with the publication of this notice in the **Federal Register**, NMFS is forwarding copies of the application to the Marine Mammal Commission and its Committee of Scientific Advisors.

Dated: November 5, 2024.

Julia M. Harrison,

Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2024–25998 Filed 11–7–24; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

Patent and Trademark Office

[Docket No.: PTO–P–2024–0052]

Manual of Patent Examining Procedure, Ninth Edition, Revision January 2024

AGENCY: United States Patent and Trademark Office, Department of Commerce.

ACTION: Notice.

SUMMARY: To provide updates to patent examination policy and procedures in a single source, which will improve access to essential guidance for all stakeholders and help to ensure issuance of robust and reliable patents that promote and protect innovation, the United States Patent and Trademark Office (USPTO or Office) issued a revision of the Ninth Edition of the Manual of Patent Examining Procedure (MPEP), published in November 2024 (January 2024 revision). The MPEP provides patent examiners and the public with a reference work on the practices and procedures relative to the prosecution of patent applications and other proceedings before the USPTO. The MPEP contains instructions to examiners, as well as other material in the nature of information and interpretation, and outlines the current procedures that examiners are required or authorized to follow in appropriate cases in the normal examination of patent applications and during other Office proceedings.

ADDRESSES: The USPTO prefers that any suggestions for improving the form and content of the MPEP be submitted via email to *mpepfeedback@uspto.gov* or via the IdeaScale® tool accessed from *www.uspto.gov/MPEP.* Written comments may also be submitted by mail addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313–1450, marked to the attention of Editor, Manual of Patent Examining Procedure.

FOR FURTHER INFORMATION CONTACT: Jeanne Clark, Editor of the MPEP, by email at *Jeanne.Clark@uspto.gov,* or telephone at 571–272–7714; Monique Cole, Senior Patent Examination Policy Advisor, by email at *Monique.Cole@uspto.gov,* or telephone at 571–272–1463; or Kathy Mosser, Senior Patent Examination Policy Advisor, by email at *Kathleen.Mosser@uspto.gov,* or telephone at 571–272–4435.

SUPPLEMENTARY INFORMATION: The USPTO issued a revision to the Ninth Edition of the MPEP (January 2024 revision), published in November 2024, which provides USPTO patent examiners, applicants, attorneys, agents, representatives of applicants, and other members of the public with a reference work on the practices and procedures relative to the prosecution of patent applications and other proceedings before the USPTO. The MPEP contains instructions to examiners, as well as other material in the nature of information and interpretation, and outlines the current procedures that examiners are required or authorized to follow in the normal examination of patent applications and during other Office proceedings. Although the MPEP does not have the force of law or the force of the rules in 37 CFR, it ''is well known to those registered to practice in the [US]PTO and reflects the presumptions under which the [US]PTO operates.'' *Critikon, Inc.* v. *Becton Dickinson Vascular Access, Inc.,* 120 F.3d 1253, 1257, 43 USPQ2d 1666, 1669 (Fed. Cir. 1997).

In the November 2024 publication of the January 2024 revision to the MPEP, sections of chapters 200–700, 900–1600, 1800, and 2100–2900 have been updated. The updated sections have a revision indicator of [R–01.2024], meaning these sections have been updated to include changes based on published guidance documents (*e.g.,*

rulemaking, notices, guidelines, and memorandums) that were in effect on or before January 31, 2024. In addition, Chapter FPC (Form Paragraph Book), the Title Page, Foreword, Introduction, Subject Matter Index, Appendix II, Appendix L, and Appendix R have been updated. The changes in the November 2024 publication are discussed in the Change Summary for the Ninth Edition, Revision 01.2024. The Change Summary is available at *www.uspto.gov/MPEP.* Citation to a revised section in this revision of the MPEP should be to ''e9 r01.2024,'' *e.g.,* MPEP 2163 (e9 r01.2024).

The November 2024 publication of the January 2024 revision of the MPEP may be viewed or downloaded free of charge from the USPTO website at *www.uspto.gov/MPEP* and is available to search online at *mpep.uspto.gov.* Archived copies of each of the prior revisions and editions of the MPEP continue to be available for reference on the USPTO website at *www.uspto.gov/web/offices/pac/mpep/old/index.htm.*

Katherine K. Vidal,

Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.

[FR Doc. 2024–25693 Filed 11–7–24; 8:45 am]

BILLING CODE 3510–16–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Proposed Additions and Deletions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Proposed additions to and deletions from the Procurement List.

SUMMARY: The Committee is proposing to add 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) and service(s) previously furnished by such agencies.

DATES: Comments must be received on or before: December 8, 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.

Additions

In accordance with 41 CFR 51–2.4(b), Government personnel within the contracting activity have identified this as a product requirement not applicable to other Federal entities and has requested the Committee consider granting a purchase or distribution preference if the product is added to the Procurement List. *See* 71 FR 69536 (Dec. 1, 2006). If the Committee grants this request, the product listed below will not be available through the U.S. AbilityOne Commission's Commercial Distribution Program. The Committee will consider this request along with relevant comments received from interested parties.

The following product(s) are proposed for addition to the Procurement List for production by the nonprofit agencies listed:

Product(s)

NSN(s)—Product Name(s):
8415–01–698–4357—Knee Pad, Advanced Integrated
Authorized Source of Supply: The Lighthouse for the Blind, Inc. (Seattle Lighthouse), Seattle, WA
Contracting Activity: DEFENSE LOGISTICS AGENCY, DLA TROOP SUPPORT
Distribution: C-List

Deletions

The following product(s) and service(s) are proposed for deletion from the Procurement List:

Product(s)

NSN(s)—Product Name(s):
8455–01–388–8485—Insignia, US Air Force, Master Sergeant, Embroidered
Authorized Source of Supply: Westmoreland County Association, Greensburg, PA
Contracting Activity: DLA TROOP SUPPORT, PHILADELPHIA, PA

NSN(s)—Product Name(s):
8415–01–623–5052—Coat, Army Combat Uniform, Permethrin, Unisex, OCP 2015, XS–XXS
8415–01–623–5162—Coat, Army Combat Uniform, Permethrin, Unisex, OCP 2015, XS–XS
8415–01–623–5165—Coat, Army Combat Uniform, Permethrin, Unisex, OCP 2015, XS–S
8415–01–623–5166—Coat, Army Combat Uniform, Permethrin, Unisex, OCP 2015, XS–R
8415–01–623–5169—Coat, Army Combat Uniform, Permethrin, Unisex, OCP 2015, XS–L
8415–01–623–5170—Coat, Army Combat Uniform, Permethrin, Unisex, OCP 2015, XS–XL
8415–01–623–5172—Coat, Army Combat Uniform, Permethrin, Unisex, OCP 2015, S–XXS
8415–01–623–5174—Coat, Army Combat Uniform, Permethrin, Unisex, OCP 2015, S–XS
8415–01–623–5178—Coat, Army Combat Uniform, Permethrin, Unisex, OCP 2015, S–S
8415–01–623–5180—Coat, Army Combat Uniform, Permethrin, Unisex, OCP 2015, S–R
8415–01–623–5182—Coat, Army Combat Uniform, Permethrin, Unisex, OCP 2015, S–L
8415–01–623–5236—Coat, Army Combat Uniform, Permethrin, Unisex, OCP 2015, S–XL
8415–01–623–5237—Coat, Army Combat Uniform, Permethrin, Unisex, OCP 2015, M–XXS
8415–01–623–5525—Coat, Army Combat Uniform, Permethrin, Unisex, OCP 2015, M–XS
8415–01–623–5526—Coat, Army Combat Uniform, Permethrin, Unisex, OCP 2015, M–S
8415–01–623–5528—Coat, Army Combat Uniform, Permethrin, Unisex, OCP 2015, M–R
8415–01–623–5529—Coat, Army Combat Uniform, Permethrin, Unisex, OCP 2015, M–L
8415–01–623–5534—Coat, Army Combat Uniform, Permethrin, Unisex, OCP 2015, M–XL
8415–01–623–5537—Coat, Army Combat Uniform, Permethrin, Unisex, OCP 2015, M–XXL
8415–01–623–5541—Coat, Army Combat Uniform, Permethrin, Unisex, OCP 2015, L–XXS
8415–01–623–5542—Coat, Army Combat Uniform, Permethrin, Unisex, OCP 2015, L–XS
8415–01–623–5543—Coat, Army Combat Uniform, Permethrin, Unisex, OCP 2015, L–S
8415–01–623–5552—Coat, Army Combat Uniform, Permethrin, Unisex, OCP 2015, L–R
8415–01–623–5553—Coat, Army Combat Uniform, Permethrin, Unisex, OCP 2015, L–L
8415–01–623–5554—Coat, Army Combat Uniform, Permethrin, Unisex, OCP 2015, L–XL
8415–01–623–5557—Coat, Army Combat Uniform, Permethrin, Unisex, OCP 2015, L–XXL
8415–01–623–5740—Coat, Army Combat Uniform, Permethrin, Unisex, OCP 2015, XL–XXS
8415–01–623–5742—Coat, Army Combat Uniform, Permethrin, Unisex, OCP 2015, XL–XS
8415–01–623–5789—Coat, Army Combat Uniform, Permethrin, Unisex, OCP 2015, XL–S
8415–01–623–5790—Coat, Army Combat Uniform, Permethrin, Unisex, OCP 2015, XL–R
8415–01–623–5793—Coat, Army Combat Uniform, Permethrin, Unisex, OCP 2015, XL–L

8415–01–623–5795—Coat, Army Combat Uniform, Permethrin, Unisex, OCP 2015, XL–XL
8415–01–623–5796—Coat, Army Combat Uniform, Permethrin, Unisex, OCP 2015, XL–XXL
8415–01–623–5797—Coat, Army Combat Uniform, Permethrin, Unisex, OCP 2015, XXL–R
8415–01–623–5801—Coat, Army Combat Uniform, Permethrin, Unisex, OCP 2015, XXL–L
8415–01–623–5803—Coat, Army Combat Uniform, Permethrin, Unisex, OCP 2015, XXL–XL
8415–01–623–5805—Coat, Army Combat Uniform, Permethrin, Unisex, OCP 2015, XXL–XXL
Authorized Source of Supply: Goodwill Industries of South Florida, Inc., Miami, FL
Authorized Source of Supply: ReadyOne Industries, Inc., El Paso, TX
Authorized Source of Supply: Goodwill Industries of South Florida, Inc., Miami, FL
Authorized Source of Supply: MISSISSIPPI INDUSTRIES FOR THE BLIND (INC), Jackson, MS
Designated Source of Supply: INDUSTRIES OF THE BLIND, INC, Greensboro, NC
Designated Source of Supply: San Antonio Lighthouse for the Blind, San Antonio, TX
Designated Source of Supply: Blind Industries & Services of Maryland, Baltimore, MD
Contracting Activity: W6QK ACC–APG NATICK, NATICK, MA
Contracting Activity: DLA TROOP SUPPORT, PHILADELPHIA, PA

NSN(s)—Product Name(s):
7210–00–118–0010—Cover, Mattress Pad, Olive Green, 28″ x 77″
Authorized Source of Supply: Westmoreland County Association, Greensburg, PA
Contracting Activity: DLA TROOP SUPPORT, PHILADELPHIA, PA

Service(s)

Service Type: Recycling Service
Mandatory for: US Army, US Army Garrison Hawaii, Aliamanu Military Reservation, Honolulu, HI
Mandatory for: US Army, US Army Garrison Hawaii, Schofield Barracks, HI
Mandatory for: US Army, US Army Garrison Hawaii, Tripler Army Medical Center, Honolulu, HI
Mandatory for: US Army, US Army Garrison Hawaii, Fort Shafter, HI
Mandatory for: US Army, US Army Garrison Hawaii, Helemano Military Reservation, Fort Shafter, HI
Mandatory for: US Army, US Army Garrison Hawaii, Pililaau Army Recreation Center, Waianae, HI
Mandatory for: US Army, US Army Garrison Hawaii, Wheeler Army Airfield, Schofield Barracks, Oahu, HI
Authorized Source of Supply: Goodwill Contract Services of Hawaii, Inc., Honolulu, HI
Contracting Activity: DEPT OF THE ARMY, 0413 AQ HQ

Service Type: Grounds Maintenance
Mandatory for: Constitution Gardens, Washington, DC
Authorized Source of Supply: Melwood Horticultural Training Center, Inc., Upper Marlboro, MD
Contracting Activity: OFFICE OF POLICY, MANAGEMENT, AND BUDGET, NBC ACQUISITION SERVICES DIVISION

Service Type: Administrative Service
Mandatory for: National Park Service: 12795 W Alameda Parkway, Lakewood, CO
Authorized Source of Supply: Bayaud Enterprises, Inc., Denver, CO
Contracting Activity: OFFICE OF POLICY, MANAGEMENT, AND BUDGET, NBC ACQUISITION SERVICES DIVISION

Michael R. Jurkowski,
Director, Business Operations.

[FR Doc. 2024–26017 Filed 11–7–24; 8:45 am]
BILLING CODE 6353–01–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Deletions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Deletions from the Procurement List.

SUMMARY: This action deletes product(s) and service(s) from the Procurement List that were furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

DATES: *Date deleted from the Procurement List:* December 08, 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: Michael R. Jurkowski, Telephone: (703) 785–6404, or email *CMTEFedReg@AbilityOne.gov.*

SUPPLEMENTARY INFORMATION:

Deletions

On 10/4/2024 (89 FR 80896), 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) and service(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) 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) and service(s) deleted from the Procurement List.

End of Certification

Accordingly, the following product(s) and service(s) are deleted from the Procurement List:

Product(s)

NSN(s)—Product Name(s):
7520–01–463–1991—Pen, Chain with Holder and Adhesive Base, Blue, Medium Point
Authorized Source of Supply: Alphapointe, Kansas City, MO
Contracting Activity: GSA/FAS ADMIN SVCS ACQUISITION BR(2, NEW YORK, NY

NSN(s)—Product Name(s):
8470–01–530–0868—Strap Assembly, Chin, Advanced Combat Helmet, 4 point, Foliage Green
Authorized Source of Supply: VisionCorps, Lancaster, PA
Authorized Source of Supply: South Texas Lighthouse for the Blind, Corpus Christi, TX
Authorized Source of Supply: Dallas Lighthouse for the Blind, Inc., Dallas, TX
Authorized Source of Supply: Lions Services, Inc., Charlotte, NC
Authorized Source of Supply: Travis Association for the Blind, Austin, TX
Authorized Source of Supply: San Antonio Lighthouse for the Blind, San Antonio, TX
Contracting Activity: DLA TROOP SUPPORT, PHILADELPHIA, PA
Contracting Activity: DLA TROOP SUPPORT, PHILADELPHIA, PA

NSN(s)—Product Name(s):
8470–01–530–0868—Strap Assembly, Chin, Advanced Combat Helmet, 4-point, Foliage Green
Authorized Source of Supply: San Antonio Lighthouse for the Blind, San Antonio, TX

NSN(s)—Product Name(s):
7510–00–782–6275—Envelope, Transparent, 8¾″ x 11¾″
Authorized Source of Supply: NEWVIEW Oklahoma, Inc, Oklahoma City, OK
Contracting Activity: GSA/FAS ADMIN SVCS ACQUISITION BR(2, NEW YORK, NY

NSN(s)—Product Name(s):
7510–00–782–6275—Envelope, Transparent, 8¾″ x 11¾″

Authorized Source of Supply: Winston-Salem Industries for the Blind, Inc, Winston-Salem, NC
Contracting Activity: GSA/FAS ADMIN SVCS ACQUISITION BR(2, NEW YORK, NY

Service(s)

Service Type: Janitorial/Custodial
Mandatory for: GSA Center: Buildings 811 and 812, Auburn, WA
Authorized Source of Supply: Northwest Center, Seattle, WA
Contracting Activity: GENERAL SERVICES ADMINISTRATION, FPDS AGENCY COORDINATOR

Michael R. Jurkowski,

Director, Business Operations.

[FR Doc. 2024–26016 Filed 11–7–24; 8:45 am]

BILLING CODE 6353–01–P

COMMODITY FUTURES TRADING COMMISSION

Global Markets Advisory Committee; Correction

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of meeting; correction.

SUMMARY: The Commodity Futures Trading Commission (CFTC) published a document in the **Federal Register** of October 25, 2024, announcing a virtual public meeting of the Global Markets Advisory Committee (GMAC or Committee) to be held on November 21, 2024, from 9:30 a.m. to 10:30 a.m. Eastern Time. The document contained incorrect webinar access information for the virtual meeting.

FOR FURTHER INFORMATION CONTACT: Harry Jung, GMAC Designated Federal Officer, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW, Washington, DC; (202) 394–3995; or *HJung@cftc.gov.*

SUPPLEMENTARY INFORMATION:

Correction

In the **Federal Register** of October 25, 2024, in FR Doc. 2024–24918, on page 85176, in the first column, correct the Call-In/Webinar ID and the Pass Code/Pin Code to read:

Call-In/Webinar ID: 160 969 2349

Pass Code/Pin Code: 985116

(*Authority:* 5 U.S.C. 1009(a)(2).)

Dated: November 4, 2024.

Christopher Kirkpatrick,

Secretary of the Commission.

[FR Doc. 2024–25933 Filed 11–7–24; 8:45 am]

BILLING CODE 6351–01–P

DEPARTMENT OF DEFENSE

Department of the Air Force

[Docket ID: USAF–2024–HQ–0010]

Proposed Collection; Comment Request

AGENCY: Department of the Air Force, Department of Defense (DoD).

ACTION: 60-Day information collection notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995,* the Department of the Air Force 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 January 7, 2025.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

Federal eRulemaking Portal: https://www.regulations.gov. Follow the instructions for submitting comments.

Mail: Department of Defense, Office of the Assistant to the Secretary of Defense for Privacy, Civil Liberties, and Transparency, Regulatory Directorate, 4800 Mark Center Drive, Mailbox #24 Suite 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 *https://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 the 60th Communications Squadron, 581 Waldron Street, Bldg. 243, SCXK, Travis AFB, CA, 94535, Ms. Maria Morris, 707–424–0440.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Travis AFB (Air Force Base) Visitor Request; OMB Control Number 0701–TVCC.

Needs and Uses: The 60th Security Forces Visitor Control Center (VCC) will use the Travis AFB Visitor Request application as an information collection instrument for sensitive information (legal first and last name, date of birth, full Social Security number, personal email, and personal phone number) to facilitate background investigations for individuals applying for access to DoD buildings in connection with their official duties on Travis AFB.

Affected Public: Individuals or households.

Annual Burden Hours: 1,000.

Number of Respondents: 60,000.

Responses per Respondent: 1.

Annual Responses: 60,000.

Average Burden per Response: 1 minute.

Frequency: On occasion.

Dated: November 4, 2024.

Stephanie J. Bost,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2024–25949 Filed 11–7–24; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Department of the Air Force

[Docket ID: USAF–2024–HQ–0010]

Proposed Collection; Comment Request

AGENCY: Department of the Air Force, Department of Defense (DoD).

ACTION: 60-Day information collection notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995,* the Department of the Air Force 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 January 7, 2025.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

Federal eRulemaking Portal: http://www.regulations.gov. Follow the instructions for submitting comments.

Mail: Department of Defense, Office of the Assistant to the Secretary of Defense for Privacy, Civil Liberties, and Transparency, Regulatory Directorate, 4800 Mark Center Drive, Mailbox #24 Suite 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 the Judge Advocate General; Headquarters United States Air Force, 1420 Air Force Pentagon, Washington, DC 20330–1420, ATTN: Ms. Cheryl Williams, (240) 612–4700.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Web-based Legal Information Online System (WebLIONS); OMB Control Number 0701–0161.

Needs and Uses: The information collection requirement is necessary to obtain personal identifiable information to provide efficient and competent legal assistance to individuals with personal civil legal issues. Legal assistance records assist Air Force attorneys with tracking and managing cases, performing conflict checks, and generating legal documents for clients. The system optimizes the use of information technology and streamlines the legal assistance process by eliminating manual case tracking requirements and physical storage requirements, as well as assisting the Air Force in compiling and analyzing statistical data related to providing legal assistance to clients.

Affected Public: Individuals or households.

Annual Burden Hours: 9,550.

Number of Respondents: 191,000.

Responses per Respondent: 1.

Annual Responses: 191,000.

Average Burden per Response: 3 minutes.

Frequency: On occasion.

Dated: November 4, 2024.

Stephanie J. Bost,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2024–25948 Filed 11–7–24; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Department of the Army

[Docket ID: USA–2024–HQ–0015]

Proposed Collection; Comment Request

AGENCY: Department of the Army, Department of Defense (DoD).

ACTION: 60-day information collection notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995,* U.S. Army Survivor Outreach Services 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 January 7, 2025.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

Federal eRulemaking Portal: https://www.regulations.gov. Follow the instructions for submitting comments.

Mail: Department of Defense, Office of the Assistant to the Secretary of Defense for Privacy, Civil Liberties, and Transparency, Regulatory Directorate, 4800 Mark Center Drive, Mailbox #24 Suite 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 *https://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 the Army Records Management Directorate (ARMD), 9301 Chapek Road, Ft. Belvoir, VA 22060–5605, ATTN: Mr. Douglas Fravel, or call 571–515–0220.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Application for Survivor Access Card; IMCOM Form 44; OMB Control Number 0702–0152.

Needs and Uses: In accordance with AR 190–13, the Army Physical Security Program permits surviving family members to have unescorted access to Army installations via the Survivor Access Card, in order for them to receive services, attend events, view memorials, and similar activities. Eligible survivors are those who meet the eligibility criteria to receive the Gold Star Lapel Button or Next of Kin Lapel Button. Eligible survivors must first contact the installation level Survivor Outreach Services (SOS) support coordinator to verify eligibility and coordinate issuance of an installation access credential. The application for Survivor Access Card (IMCOM Form 44) is obtained by eligible surviving family members from SOS staff members. Eligible family members complete the form to obtain the Survivor Access Card which grants survivors ease of access to military installations.

Affected Public: Individuals or households.

Annual Burden Hours: 670.

Number of Respondents: 670.

Responses per Respondent: 1.

Annual Responses: 670.

Average Burden per Response: 60 minutes.

Frequency: On occasion.

Dated: November 4, 2024.

Stephanie J. Bost,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2024–25950 Filed 11–7–24; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD–2024–OS–0015]

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 December 9, 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: Application for Surrogate Association for DoD Self-Service (DS) Logon; DD Form 3005; OMB Control Number 0704–0559.

Type of Request: Revision.

Number of Respondents: 2,500.

Responses per Respondent: 1.

Annual Responses: 2,500.

Average Burden per Response: 8 minutes.

Annual Burden Hours: 333.

Needs and Uses: This information collection is needed to obtain the necessary data to establish an individual's eligibility for Defense Enrollment Eligibility Reporting System (DEERS) and DS Logon credential issuance as a surrogate. Information is collected via the DD Form 3005, ''Application for Surrogate Association for DS Logon,'' and used to establish a record in DEERS and issue a DS Logon credential in accordance with DoDM 1341.02, Volume 1. The information that is collected may be released to Federal and State agencies and private entities, on matters relating to utilization review, professional quality assurance, program integrity, civil and criminal litigation, and access to Federal government facilities, computer systems, networks, and controlled areas.

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: November 4, 2024.

Stephanie J. Bost,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2024–25955 Filed 11–7–24; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Office of the Secretary

TRICARE: Notice of TRICARE Plan Program Changes for Calendar Year 2025

AGENCY: Office of the Secretary of Defense, Department of Defense (DoD).

ACTION: Notice; TRICARE Plan Program Changes for Calendar Year 2025.

SUMMARY: This notice provides information regarding TRICARE Plan Program Changes for Calendar Year (CY) 2025.

DATES: TRICARE Health Plan information in this notice is valid for services during CY 2025 (January 1, 2025–December 31, 2025).

ADDRESSES: Defense Health Agency, TRICARE Health Plan Division, 7700 Arlington Boulevard, Suite 5101, Falls Church, Virginia 22042–5101.

FOR FURTHER INFORMATION CONTACT: Ms. Debra Fisher, phone: (703) 275–6224.

SUPPLEMENTARY INFORMATION: A final rule published in the **Federal Register** (FR) on February 15, 2019, (84 FR 4326–4333) established the requirement for the Director, Defense Health Agency (DHA), to provide public notice to Military Health System (MHS) beneficiaries each calendar year in connection with the annual open season enrollment period with a summary of changes to the TRICARE program. The following changes or improvements to the TRICARE program benefits apply for CY 2025.

Announcement of Open Season

Open Season is an annual period when beneficiaries can enroll in or make changes to their healthcare, dental, and vision coverage for the next calendar year.

During the TRICARE Open Season that runs from November 11, 2024, through December 10, 2024, qualified MHS beneficiaries may enroll in or change their TRICARE Prime or TRICARE Select plan.

During the Federal Employee Dental and Vision Insurance Program (FEDVIP) Open Season that runs from November 11, 2024, through December 9, 2024, qualified MHS beneficiaries, including TRICARE for Life beneficiaries, may enroll in or make changes to their dental and vision plans. FEDVIP is operated by the U.S. Office of Personnel Management.

Any changes MHS beneficiaries make during Open Season will take effect on January 1, 2025. If a beneficiary remains eligible and does not make any changes during Open Season, then their coverage will stay the same for 2025. TRICARE enrollees can ensure they receive important health plan information by promptly listing any change in address and other information in the Defense Enrollment Eligibility Reporting System (DEERS). See the Qualifying Life Events (*https://health.mil/Military-Health-Topics/MHS-Toolkits/Toolkits/QLEhttps://health.mil/Military-Health-Topics/MHS-Toolkits/Toolkits/QLE*) guide for when to update information in DEERS throughout the year.

Annual Announcements

The following TRICARE program features are subject to a year-to-year determination and are announced each year prior to the annual TRICARE Open Season.

Urgent Care Visits: There continues to be no limit on the number of urgent care visits covered beneficiaries enrolled in TRICARE Prime can receive without a referral for Plan Year 2025. Beneficiaries may receive urgent care from TRICARE-authorized urgent care centers (UCC) and convenience clinics (CC), either network or non-network, without a referral. They may also receive urgent care from any TRICARE network provider (*i.e.,* family medicine; internal medicine-general practice; pediatricians). In situations when a TRICARE Prime enrollee seeks care from a non-network TRICARE authorized provider (outside of a TRICARE-authorized UCC or CC), the usual TRICARE Prime Point of Service (POS) deductible and cost-shares shall apply. Private Sector care for active duty Service members is subject to different rules. Covered beneficiaries who want assistance on decisions to seek urgent care in the United States (U.S.), except those enrolled in the Uniformed Services Family Health Plan (USFHP), may call the MHS Nurse Advice Line

(NAL) at 1–800–874–2273 for health care guidance from a specially trained registered nurse. The NAL is available 24/7 to all non-USFHP TRICARE beneficiaries. Beneficiaries who live overseas can call the NAL for health care advice when traveling in the U.S. but must coordinate care with their Overseas Regional Call Center. For additional information, call the servicing TRICARE contractor or visit *https://www.tricare.mil/ContactUs* and click on ''MHS Nurse Advice Line.''

Prime Service Area Changes: Prime Service Areas (PSAs) are geographic areas around military medical treatment facilities and Base Realignment and Closure sites. PSAs support the medical readiness of active duty members of the Uniformed Services by adding to the capability and capacity of military hospitals and clinics. There are no changes to the existing PSAs for calendar year (CY) 2025.

What's New

The following changes or improvements to the TRICARE program benefits apply to CY 2025 (although some changes were implemented in 2024):

Managed Care Support Contractors

TRICARE Managed Care Support Contracts for East and West Regions Change: Effective January 1, 2025, a set of new TRICARE Managed Care Support contracts that facilitate health care in the private sector will serve beneficiaries in the East and West regions. Under the new contracts, beneficiaries residing in Arkansas, Illinois, Louisiana, Oklahoma, Texas, and Wisconsin will shift from the East to the West region.

Note: Beneficiaries residing in Arkansas, Illinois, Louisiana, Oklahoma, Texas, and Wisconsin, and TRICARE Prime and Select beneficiaries transitioning from HealthNet Federal Services to TriWest must contact their regional contactor if they are paying enrollment fees or premiums by recurring credit card and electronic funds transfer (EFT) to provide their payment information to ensure there is no break in TRICARE health care coverage.

Beneficiaries in the West Region will have a new contractor administering their TRICARE benefit, TriWest Health Alliance. Contractor contact information for West Region beneficiaries receiving services on or after January 1, 2025, is provided here: TriWest Healthcare Alliance, P.O. Box 43470, Phoenix, AZ 85080–3470, Phone: 1–888–TRIWEST (874–9378); Fax: 1–866–566–9915, *www.tricare.mil/West.* Beneficiaries in the East Region will continue to have their TRICARE benefits administered by Humana Government Business.

The TRICARE East and West contracts include new requirements added to allow enrolled beneficiaries to call their regional contractors to get help with network appointments. This requirement is intended to assist beneficiaries currently enrolled to the network who need support for making appointments. Beneficiaries who frequently encounter problems with network providers not accepting new patients can contact the regional contractor for assistance.

Benefit Changes

Coverage of Hearing Aids for Child Dependents of Former Members of the Uniformed Services: Hearing aids and hearing aid services and supplies to address profound hearing loss may be covered for child dependents of former members of the Uniformed Services who are enrolled in TRICARE Prime, effective December 22, 2023. Hearing aid benefits are available to dependents of a member of the Uniformed Services on active duty, which includes all members covered under the Transitional Assistance Management Program.

Automatic Blood Pressure Monitors: Automatic blood pressure monitors may be covered under TRICARE's Durable Medical Equipment policy, when prescribed for a beneficiary who is also receiving covered Remote Physiologic Monitoring services, for medically necessary self-measured blood pressure monitoring, effective June 29, 2023.

Lipectomy (Liposuction) for Treatment of Lipedema: Medically necessary liposuction for the treatment of lipedema may be covered when certain coverage criteria are met and with prior authorization, effective May 28, 2021.

TRICARE Coverage for Over-The-Counter (OTC) Norgestrel: The TRICARE pharmacy formulary for OTC drugs covers Norgestrel (Opill) tablet with a doctor's prescription. TRICARE plan copayments or cost-shares may apply. This addition to the TRICARE drug formulary does not change OTC coverage of Levonorgestrel (Plan B One-Step Emergency Contraceptive) for free without a doctor's prescription. Beneficiaries may see the TRICARE drug formulary search tool for further information.

Demonstration Changes and Extensions

Childbirth and Breastfeeding Support Demonstration (CBSD) Childbirth Support Services Adjustments: The CBSD will continue into calendar year 2025 and is available to all beneficiaries except those enrolled in USFHP, the Continued Health Care Benefit Program, and those receiving TRICARE coverage under TRICARE for Life, with the following adjustments.

First, starting January 1, 2025, all Certified Labor Doulas (CLDs) performing services under the CBSD must have an agreement to participate with TRICARE, which means the CLD must file claims and accept TRICARE reimbursement as payment in full. Beneficiaries must select a CLD who has agreed to participate (in-network or out-of-network) to have TRICARE pay for services. No coverage will be provided for services received from a CLD without a TRICARE participation agreement. Beneficiaries who select a TRICARE-participating CLD will have no out-of-pocket expenses (after the annual deductible has been met). Second, the allowance for six untimed visits with a CLD either before or after delivery are replaced by six hours of visits, which can be used in 15-minute increments for visits of different lengths. Third, TRICARE raised the reimbursement rates for CLDs. Fourth, the National Black Doula Association has been added as an accepted certifying organization for CLDs. Finally, TRICARE is waiving the certification requirement for CLDs with active Medicaid participation in the state where practicing. Phase 1 will end on January 1, 2025, and a new Phase 2 reimbursement for childbirth support services provided in the 50 United States and District of Columbia will be effective from January 1, 2025, through December 31, 2026. For overseas locations, the effective date for Phase 2 reimbursement is also January 1, 2025, through December 31, 2026.

CBSD Overseas: Starting January 1, 2025, beneficiaries enrolled to the TRICARE Overseas Program (TOP) are eligible for demonstration services (doula support and breastfeeding support by authorized demonstration providers) when all demonstration requirements are met. Unlike in the U.S., TOP beneficiaries must enroll in the CBSD with the overseas contractor to be eligible. Beneficiaries can search provider directories to locate CBSD providers near them in Germany, Japan, Italy, South Korea, Puerto Rico, and the United Kingdom; in other countries, the overseas contractor will work with the enrolled beneficiary to find a qualified provider, if available.

Preventive Service Changes

Pre-Exposure Prophylaxis (PrEP) for, for the Prevention of HIV Acquisition: Effective January 1, 2025, HIV pre-exposure prophylaxis with effective antiretroviral therapy (*i.e.,* Apretude), as

well as related office visits, for adolescents and adults at increased risk of acquiring HIV, when provided to TRICARE Prime patients of by network providers to TRICARE Select patients, will be considered clinical preventive services not subject to cost-sharing.

Digital Breast Tomosynthesis for Breast Cancer Screening as a Clinical Preventive Services Benefit: DHA will permanently cover digital breast tomosynthesis (DBT), also known as 3D mammography, as a clinical preventive services benefit not subject to cost-sharing.

Provisional Coverage Changes

Digital Breast Tomosynthesis for Breast Cancer Screening as a Clinical Preventive Services Benefit: Provisional Coverage of DBT for breast cancer screening, which spanned from January 1, 2020, to December 31, 2024, will lapse. However, as noted above, DHA will continue to cover DBT as a clinical preventive services benefit not subject to cost-sharing.

Platelet-Rich Plasma for Major Joint Treatment and Rehabilitation: Platelet-rich plasma (PRP) injections are excluded from coverage for all indications. The use of PRP for knee osteoarthritis and lateral elbow tendinopathy was covered under Provisional Coverage status from October 1, 2019, to September 30, 2024. Provisional Coverage of PRP lapsed on September 30, 2024, and will not be replaced with permanent coverage.

Appendix A

Certain TRICARE enrollee out-of-pocket costs (enrollment fees, premiums, catastrophic caps, deductibles, and copayments) are adjusted annually by federal law and regulations based on the annual Cost of Living Adjustment (COLA) applied to Uniformed Service member retired pay. A difference in copayments remains between those who joined a Uniformed Service before January 1, 2018, (Group A), and those who joined on or after that date (Group B).

The retiree COLA is typically announced after the federal fiscal year begins in October. Beneficiary out-of-pocket expenses impacted by the 2025 COLA will be posted to the *tricare.mil/changes* web page before the start of TRICARE Open Season, November 11, 2024.

Premium Based Plans

The CY 2025 monthly premiums for TRICARE Reserve Select, TRICARE Retired Reserve, and TRICARE Young Adult and the quarterly premiums for Continued Health Care Benefit Program will be posted to the *tricare.mil/changes* web page once announced.

Pharmacy Out-of-Pocket Expenses for CY 2025

TRICARE Pharmacy copayments will remain unchanged on January 1, 2025:

PHARMACY COPAYMENTS FOR CALENDAR YEAR 2025 *

Year	Retail network generic formulary 30-day supply	Retail network brand-name formulary 30-day supply	Retail network non-formulary 30-day supply	Mail order generic formulary 90-day supply	Mail order brand-name formulary 90-day supply	Mail order Non-formulary 90-day supply
2025	$16	$43	$76 **	$13	$38	$76

* Active-duty Service members (ADSM) enjoy a $0 copay for covered drugs at any pharmacy.
** For all beneficiaries except ADSM, select brand-name maintenance medications (taken for long-term conditions) may only be filled twice at retail and then must be filled through home delivery or military pharmacy.

Dated: November 5, 2024.

Stephanie J. Bost,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2024–26066 Filed 11–7–24; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Health Board; Notice of Federal Advisory Committee Meeting

AGENCY: Under Secretary of Defense for Personnel and Readiness (USD(P&R)), Department Defense (DoD).

ACTION: Notice of Federal Advisory Committee meeting.

SUMMARY: The DoD is publishing this notice to announce that the following Federal Advisory Committee meeting of the Defense Health Board (DHB) will take place.

DATES: Open to the public Tuesday, November 19, 2024 from 9 a.m. to 12 p.m. eastern standard time (EST).

ADDRESSES: The address of the open meeting is 8111 Gatehouse Rd, Room 345, Falls Church, VA 22042. The meeting will be held both in-person and virtually. To participate in the meeting, see the Meeting Accessibility section for instructions.

FOR FURTHER INFORMATION CONTACT: CAPT Shawn Clausen, 703–275–6060 (voice), *shawn.s.clausen.mil@health.mil* (email). Mailing address is 7700 Arlington Boulevard, Suite 5101, Falls Church, Virginia 22042. Website: *https://www.health.mil/dhb.* The most up-to-date changes to the meeting agenda can be found on the website.

SUPPLEMENTARY INFORMATION: This meeting is being held under the provisions of chapter 10 of title 5, United States Code (U.S.C.) (commonly known as the ''Federal Advisory Committee Act'' or ''FACA''), title 5, U.S.C. 552b (commonly known as the ''Government in the Sunshine Act''), and 41, Code of Federal Regulations (CFR), sections 102–3.140 and 102–3.150.

Due to circumstances beyond the control of the DoD, the DHB was unable to provide public notification required by 41 CFR 102–3.150(a) concerning its November 19, 2024 meeting. Accordingly, the Advisory Committee Management Officer, for the Department of Defense, pursuant to 41 CFR 102–3.150(b), waives the 15-calendar day notification requirement.

Availability of Materials for the Meeting: Additional information, including the agenda, is available on the DHB website, *https://www.health.mil/dhb.* A copy of the agenda or any updates to the agenda for the November 19, 2024, meeting will be available on the DHB website. Any other materials presented in the meeting may also be obtained at the meeting. *Purpose of the Meeting:* The DHB provides independent advice and recommendations to maximize the safety and quality of, as well as access to, health care for DoD health care beneficiaries. The purpose of the meeting is to provide progress updates on specific tasks before the DHB.

Agenda: The DHB anticipates receiving an update on the Ethical Implementation of Artificial Intelligence (AI) in the Military Health System tasking and a briefing on essential questions and necessary elements of AI governance.

Meeting Accessibility: Pursuant to 5 U.S.C. 552b and 41 CFR 102–3.140 through 102–3.165 and subject to the availability of space, this meeting will be held in-person and virtually and is open to the public from 9 a.m. to 12 p.m. on November 19, 2024, EST. Seating and virtual participation is limited and is on a first-come basis. All members of the public who wish to participate must register by emailing their name, rank/title, and organization/company to *dha.dhb@health.mil* or by contacting Ms. Camille Gaviola at (703) 275–6047 no later than Thursday, November 14, 2024. Additional details will be required from all members of the public attending in-person that do not have Gatehouse building access. Once registered, participant access information will be provided.

Special Accommodations: Individuals requiring special accommodations to access the public meeting should contact Ms. Camille Gaviola at least five (5) business days prior to the meeting so that appropriate arrangements can be made.

Written Statements: Any member of the public wishing to provide comments to the DHB related to its current taskings or mission may do so at any time in accordance with section 10(a)(3) of the FACA, 41 CFR 102–3.105(j) and 102–3.140, and the procedures described in this notice. Written statements may be submitted to the DHB's Designated Federal Officer (DFO), CAPT Clausen, at *shawn.s.clausen.mil@health.mil.* Supporting documentation may also be included, to establish the appropriate historical context and to provide any necessary background information. If the written statement is not received at least five (5) business days prior to the meeting, the DFO may choose to postpone consideration of the statement until the next open meeting. The DFO will review all timely submissions with the DHB President and ensure they are provided to members of the DHB before the meeting that is subject to this notice. After reviewing the written comments, the President and the DFO may choose to invite the submitter to orally present their issue during an open portion of this meeting or at a future meeting.

Dated: November 4, 2024.

Stephanie J. Bost,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2024–25940 Filed 11–7–24; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Membership of the Performance Review Board

AGENCY: Office of the Secretary of Defense (OSD), Department of Defense (DoD).

ACTION: Notice of board membership.

SUMMARY: This notice announces the appointment of the DoD, OSD, Joint Staff, Defense Agencies, and DoD Field Activities, Performance Review Board (PRB) members, to include the U.S. Court of Appeals for the Armed Forces. The PRB shall provide fair and impartial review of Senior Executive Service and Senior Professional performance appraisals and make recommendations regarding performance ratings and performance awards to the Deputy Secretary of Defense.

DATES: The board membership is applicable beginning on September 30, 2024.

FOR FURTHER INFORMATION CONTACT: Ms. Laura E. Devlin Dominguez, Assistant Director for Office of the Secretary of Defense Senior Executive Management Office, Washington Headquarters Service, Department of Defense, (703) 693–8373.

SUPPLEMENTARY INFORMATION: The publication of PRB membership is required by 5 United States Code (U.S.C.) 4314(c)(4). In accordance with 5 U.S.C. 4314(c)(4), the following executives are appointed to the OSD PRB with specific PRB panel assignments being made from this group. Executives listed will serve a one-year renewable term, beginning September 30, 2024.

Office of the Secretary of Defense

Appointing Authority—Dr. Kathleen H. Hicks, Deputy Secretary of Defense
Principal Executive Representative—Ms. Jennifer C. Walsh
Chairperson—Mr. Kevin M. Mulvihill

PRB Panel Members

Robert P. Helfant
Fredrick E. Carr
Susan J. Goodyear
John M. Tenaglia
Serena Chan
Sandra (Liz) E. Clark
Brent C. Harvey
Pamela M. Franceschi
Raymond D. O'Toole, Jr.
Robert E. Irie
Krystyna M.A. Kolesar
Jaques Reifman
Jennifer L. Desautel
David T. Beckwith
Keith E. Buchholz
Leonard G. Litton
Efstathia Fragogiannis
Robert E. Thompson
Leigh E. Method
Christine M. Condon
John E. Kreul
Robert M. Brady
Lewis Ratchford, Jr.
Julia P. Sokol
Juanita M. Christensen
Christopher S. Argo
John G. Fiore

PRB Panel Members—Alternates

Laura J. Gross
David R. Kless
Karen A. Schultheis
Todd A. Srivcr
Tina M. Pierce
Shirley L. Reed
Rosalie W. Tinsley
William (Bill) G. Fitzhugh
Lee A. Kelley
Michael R. Odle
Yvette S. Weber
Mark S. Gorak
Raju H. Shah
Sudha Vyas
Monica C. Williams

Dated: November 5, 2024.

Stephanie J. Bost,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2024–25985 Filed 11–7–24; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD–2024–OS–0097]

Submission for OMB Review; Comment Request

AGENCY: Office of the Under Secretary of Defense for Acquisition and Sustainment (OUSD(A&S)), 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 December 9, 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: Base Realignment and Closure (BRAC) Military Base Reuse Status; DD Form 2740; OMB Control Number 0790–0003.

Type of Request: Extension.

Number of Respondents: 100.

Responses per Respondent: 1.

Annual Responses: 100.

Average Burden per Response: 1 hour.

Annual Burden Hours: 100.

Needs and Uses: Through the Office of Local Defense Community Cooperation (OLDCC), DoD funds are provided to communities for economic adjustment planning in response to closures and realignments of military installations. A measure of program evaluation is the monitoring of civilian job creation, and the type of redevelopment at former military installations. The respondents to the annual survey will generally be a single point of contact at the local level that is responsible for overseeing the base redevelopment effort. If this data is not collected, OLDCC will have no accurate, timely information regarding the civilian reuse of former military bases. As the administrator of the Defense Economic Adjustment Program, OLDCC has a responsibility to encourage private sector use of lands and buildings to generate jobs as military activity diminishes, and to serve as a clearinghouse for reuse data.

Affected Public: Business or other for-profit; State, Local, or Tribal Government.

Frequency: Annually.

Respondent's Obligation: Voluntary.

OMB Desk Officer: Ms. Jasmeet Seehra.

DOD Clearance Officer: Mr. Reginald Lucas.

Dated: November 4, 2024.

Stephanie J. Bost,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2024–25957 Filed 11–7–24; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD–2024–OS–0117]

Proposed Collection; Comment Request

AGENCY: Office of the Under Secretary of Defense for Intelligence and Security, (OUSD(I&S)), Department of Defense, (DoD).

ACTION: 60-Day information collection notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995,* the All-Domain Anomaly Resolution Office, (AARO) 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 January 7, 2025.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

Federal eRulemaking Portal: https://www.regulations.gov. Follow the instructions for submitting comments.

Mail: Department of Defense, Office of the Assistant to the Secretary of Defense for Privacy, Civil Liberties, and Transparency, Regulatory Directorate, 4800 Mark Center Drive, Mailbox #24 Suite 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 *https://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 All-domain Anomaly Resolution Office, 5000 Defense Pentagon, 3D959, Washington, DC, Paul Plescow, (703) 693–3008.

SUPPLEMENTARY INFORMATION: The AARO Form for Public Reporting information collection will be used to gather contact information, to include Personally Identifiable Information (PII), from members of the public. The collection is necessary to enable the All-domain AARO, Office of the Secretary of Defense, DoD, to meet its statutory requirements. FY23 National Defense Authorization Act (NDAA), section 1673, ''Unidentified Anomalous Phenomena Reporting Procedures'' requires that the Secretary of Defense ''issue clear public guidance for how to securely access the mechanism for authorized reporting.''

Title; Associated Form; and OMB Number: AARO contact form for Authorized Reporting; DD Form 3212 and AARO Form for Public Reporting; OMB Control Number 0704–0674.

Needs and Uses: The AARO Form for Public Reporting information collection will be used to gather contact information, to include Personally Identifiable Information (PII) from members of the public. The collection is necessary to enable the All-domain AARO, Office of the Secretary of Defense, DoD, to meet its statutory requirements.

The new form will collect contact information from the general public to report to AARO. The collection is necessary to enable persons wanting to make a report to AARO directly.

The AARO Form for Public Reporting also supports Section 1683 of the FY23 NDAA. The PII provided on the AARO Form for Public Reporting enables AARO to contact respondents if deemed necessary.

The respondents are members of the public who want to contact AARO in furtherance of providing reporting regarding potential activities and events related to UAP. The respondents will be asked to voluntarily provide their contact information by completing fields and using drop down menus on a PDF form available through AARO's website (*www.aaro.mil*). The PII contact information will only include full name and email or phone number. This form is 100 percent electronic and will be available for download on AARO's website (*www.aaro.mil*) by any web browser, via both desktop and mobile device. The collection is sent to AARO when the respondent emails the completed form to AARO. No other communications are sent to the respondents that solicit responses. The

Office of the Secretary of Defense Public Affairs will notify the public when AARO's public reporting form is available for use.

Information, including PII, collected from the public will be processed and stored in an electronic environment accredited to handle and secure PII. AARO will then review submitted information.

Affected Public: Individuals or households.

U.S. Government UAP Program/ Activity Reporting Form; DD Form 3212

Annual Burden Hours: 208.
Number of Respondents: 2,500.
Responses per Respondent: 1.
Annual Responses: 2,500.
Average Burden per Response: 5 minutes.

AARO Form for Public Reporting

Annual Burden Hours: 4,167.
Number of Respondents: 25,000.
Responses per Respondent: 1.
Annual Responses: 25,000.
Average Burden per Response: 10 minutes.

Total

Annual Burden Hours: 4,375.
Number of Respondents: 27,500.
Responses per Respondent: 1.
Annual Responses: 27,500.
Frequency: On occasion.

Dated: November 4, 2024.

Stephanie J. Bost,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2024–25953 Filed 11–7–24; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD–2024–OS–0077]

Submission for OMB Review; Comment Request

AGENCY: National Defense University (NDU), 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 December 9, 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: NDU Security In-Process Form and National Background Investigation Services (NBIS) eApp Nomination Tier One Background Investigation Form; OMB Control Number 0704–0622.

Type of Request: Revision.

NDU Security In-Process Form

Annual Burden Hours: 27.08.
Number of Respondents: 125.
Responses per Respondent: 1.
Annual Responses: 125.
Average Burden per Response: 13 minutes.

NDU NBIS eApp Nomination Tier One Background Investigation Form

Annual Burden Hours: 16.67.
Number of Respondents: 100.
Responses per Respondent: 1.
Annual Responses: 100.
Average Burden per Response: 10 minutes.

Total

Annual Burden Hours: 44.
Number of Respondents: 225.
Annual Responses: 225.

Needs and Uses: This collection is used to properly verify a NDU employee's identity for the purpose of verifying their security clearance and need to know for their intended role at NDU. These collections also initiate minimum background investigations to meet Homeland Security Presidential Directive 12 requirements for purposes of issuing a Common Access Card (CAC) and NDU badge.

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: November 4, 2024.

Stephanie J. Bost,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2024–25956 Filed 11–7–24; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Department of the Navy

[Docket ID: USN–2024–HQ–0015]

Proposed Collection; Comment Request

AGENCY: Department of the Navy, Department of Defense (DoD).

ACTION: 60-Day information collection notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995,* the United States Marine Corps 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 January 7, 2025.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

Federal eRulemaking Portal: http://www.regulations.gov. Follow the instructions for submitting comments.

Mail: Department of Defense, Office of the Assistant to the Secretary of Defense for Privacy, Civil Liberties, and Transparency, Regulatory Directorate, 4800 Mark Center Drive, Mailbox #24 Suite 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 Marine and Family Programs, Compliance (MFI), 3280

Russell Road, Quantico, VA 22134, ATTN: Mr. Theodore McCann, or call 703–784–1333.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: USMC Child and Youth Program; NAVMC Forms 1750/4, 1750/5, 1750/7, 1750/10, 1750/11, 11720; OMB Control Number 0712–0006.

Needs and Uses: The mission of the United States Marine Corps Child and Youth Program (USMC CYP) is to provide high-quality, affordable childcare programs and services to support the overall operational readiness and retention of eligible Marine Corps military families. The USMC CYP information collections are necessary to enroll and register eligible CYP participants, identify if any participant accommodations are required, and obtain authorization for CYP personnel to administer approved medications or non-medicated topical products that the participants require.

Affected Public: Individuals or households.

Annual Burden Hours: 115,917.

Number of Respondents: 112,000.

Responses per Respondent: 2.20982.

Annual Responses: 247,500.

Average Burden per Response: 28.101 minutes.

Frequency: On occasion.

Dated: November 4, 2024.

Stephanie J. Bost,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2024–25954 Filed 11–7–24; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Department of the Navy

[Docket ID: USN–2024–HQ–0013]

Proposed Collection; Comment Request

AGENCY: Department of the Navy, Department of Defense (DoD).

ACTION: 60-Day information collection notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995,* the U.S. Navy Office of Civilian Human Resources 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 January 7, 2025.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

Federal eRulemaking Portal: https://www.regulations.gov. Follow the instructions for submitting comments.

Mail: Department of Defense, Office of the Assistant to the Secretary of Defense for Privacy, Civil Liberties, and Transparency, Regulatory Directorate, 4800 Mark Center Drive, Mailbox #24 Suite 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 *https://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 the OPNAV Forms/Information Collections Office (DNS–14), 2000 Navy Pentagon, Room 4E563, Washington, DC 20350–2000, ATTN: Ms. Ashley Alford, or call 703–614–7585.

SUPPLEMENTARY INFORMATION: *Title; Associated Form; and* OMB *Number:* Department of the Navy Reasonable Accommodations Tracker; SECNAV Form 12306/1; OMB Control Number 0703–0063.

Needs and Uses: The information collection requirement is necessary to track, monitor, review, and process requests for reasonable accommodations applicants for employment. This information is collected by the Department of the Navy Equal Employment Opportunity personnel involved in the Reasonable Accommodation process and data input into the Reasonable Accommodation Tracker (electronic information system) pursuant to Executive Order 13163. Official Reasonable Accommodation case files are secured with access granted on a strictly limited basis.

Affected Public: Individuals or households.

Annual Burden Hours: 667.

Number of Respondents: 2,000.

Responses per Respondent: 1.

Annual Responses: 2,000.

Average Burden per Response: 20 minutes.

Frequency: On occasion.

Stephanie J. Bost,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2024–25951 Filed 11–7–24; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF DEFENSE

Department of the Navy

[Docket ID: USN–2024–HQ–0013]

Proposed Collection; Comment Request

AGENCY: Department of the Navy, Department of Defense (DoD).

ACTION: 60-Day information collection notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995,* Naval Sea Systems Command 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 January 7, 2025.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

Federal eRulemaking Portal: https://www.regulations.gov. Follow the instructions for submitting comments.

Mail: Department of Defense, Office of the Assistant to the Secretary of Defense for Privacy, Civil Liberties, and Transparency, Regulatory Directorate, 4800 Mark Center Drive, Mailbox #24 Suite 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 *https://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 the OPNAV Forms/Information Collections Office (DNS–14), 2000 Navy Pentagon, Room 4E563, Washington, DC 20350–2000, ATTN: Ms. Ashley Alford, or call 703–614–7585.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: PMS 397 2024 Annual Workforce Survey; OMB Control Number 0703–NPMS.

Needs and Uses: The information collection requirement is necessary to gather feedback from the Columbia Class Submarine Program Office (PMS 397) workforce regarding the effectiveness of communication, professional development, empowerment, and recognition efforts within the organization. Results from this survey will be used by PMS 397 leadership to identify areas of improvement and inform intervening strategies for specific functional groups and the entire organization. The respondents will consist of members of the PMS 397 workforce within Program Executive Office, Strategic Submarines to include military and civilian personnel, as well as contractor employees.

Affected Public: Individuals or households.

Annual Burden Hours: 25.

Number of Respondents: 100.

Responses per Respondent: 1.

Annual Responses: 100.

Average Burden per Response: 15 minutes.

Frequency: Annually.

Dated: November 4, 2024.

Stephanie J. Bost,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2024–25952 Filed 11–7–24; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2024–SCC–0137]

Agency Information Collection Activities; Comment Request; Student Assistance General Provisions—Annual Fire Safety Report

AGENCY: Federal Student Aid (FSA), Department of Education (ED).

ACTION: Notice.

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

DATES: Interested persons are invited to submit comments on or before January 7, 2025.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use *http://www.regulations.gov* by searching the Docket ID number ED–2024–SCC–0137. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. If the *regulations.gov* site is not available to the public for any reason, the Department will temporarily accept comments at *ICDocketMgr@ed.gov.* Please include the docket ID number and the title of the information collection request when requesting documents or submitting comments. Please note that comments submitted after the comment period will not be accepted. Written requests for information or comments submitted by postal mail or delivery should be addressed to the Manager of the Strategic Collections and Clearance Governance and Strategy Division, U.S. Department of Education, 400 Maryland Ave, SW, LBJ, Room 4C210, Washington, DC 20202–1200.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Beth Grebeldinger, (202) 570–8414.

SUPPLEMENTARY INFORMATION: The Department, in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. The Department is soliciting comments on the proposed information collection request (ICR) that is described below. The Department is especially interested in public comment addressing the following issues: (1) is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Student Assistance General Provisions—Annual Fire Safety Report.

OMB Control Number: 1845–0097.

Type of Review: Extension of a currently approved ICR.

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

Total Estimated Number of Annual Responses: 4,310.

Total Estimated Number of Annual Burden Hours: 4,313.

Abstract: The Department of Education regulations at 34 CFR 668.49 require institutions to collect statistics on fires occurring in on-campus student housing facilities, including the number and cause of each fire, the number of injuries related to each fire that required treatment at a medical facility, the number of deaths related to each fire, and the value of property damage caused by each fire. Institutions must also publish an annual fire safety report containing the institution's policies regarding fire safety and the fire statistics information. Further institutions are required to maintain a fire log that records the date, time, nature, and general location of each fire in on-campus student housing facilities.

This is a request for extension without change of the current information collection 1845–0114. There has been no change to the regulations since the previous information collection filing. The collection requirements in the regulations are necessary to meet institutional information reporting to students and staff as well as for reporting to Congress through the Secretary.

Dated: October 4, 2024.

Kun Mullan,

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

[FR Doc. 2024–25941 Filed 11–7–24; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL25–9–000]

St. Joseph Energy Center, LLC; Notice of Institution of Section 206 Proceeding and Refund Effective Date

On November 4, 2024, the Commission issued an order in Docket No. EL25–9–000, pursuant to section 206 of the Federal Power Act (FPA), 16 U.S.C. 824e, instituting an investigation to determine whether St. Joseph Energy Center, LLC's Rate Schedule is unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful. *St. Joseph Energy Center, LLC.,* 189 FERC ¶ 61,093 (2024).

The refund effective date in Docket No. EL25–9–000, established pursuant to section 206(b) of the FPA, will be the date of publication of this notice in the **Federal Register**.

Any interested person desiring to be heard in Docket No. EL25–9–000 must file a notice of intervention or motion to intervene, as appropriate, with the Federal Energy Regulatory Commission, in accordance with Rule 214 of the Commission's Rules of Practice and Procedure, 18 CFR 385.214 (2024), within 21 days of the date of issuance of the order.

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*) using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. From FERC'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 FERC's website during normal business hours from FERC Online Support at 202–502–6652 (toll free at 1–866–208–3676) or email at *ferconlinesupport@ferc.gov,* or the Public Reference Room at (202) 502–8371, TTY (202) 502–8659. Email the Public Reference Room at *public.referenceroom@ferc.gov*.

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the ''eFile'' link at *http://www.ferc.gov.* In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Debbie-Anne A. Reese, 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, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852.

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: November 4, 2024.

Carlos D. Clay,

Acting Deputy Secretary.

[FR Doc. 2024–25994 Filed 11–7–24; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER10–1838–013; ER10–1616–021; ER10–1967–014; ER10–1968–013; ER10–1990–013; ER10–1993–013; ER18–552–006; ER18–1821–013; ER19–2231–010; ER19–2232–010; ER22–46–009; ER22–1402–006; ER22–1404–006; ER22–2713–004; ER24–762–002.

Applicants: Elevate Renewables F7, LLC, Parkway Generation Sewaren Urban Renewal Entity LLC, Parkway Generation Operating LLC, Parkway Generation Keys Energy Center LLC, Parkway Generation Essex, LLC, Chief Keystone Power II, LLC, Chief Conemaugh Power II, LLC, Walleye Power, LLC, Clean Energy Future-Lordstown, LLC, Waymart Wind Farm, L.P., Somerset Windpower, LLC, Mill Run Windpower, LLC, Meyersdale Windpower LLC, New Covert Generating Company, LLC, Backbone Mountain Windpower, LLC.

Description: Notice of Change in Status of Backbone Mountain Windpower, LLC, et al.

Filed Date: 10/31/24.

Accession Number: 20241031–5380.

Comment Date: 5 p.m. ET 11/21/24.

Docket Numbers: ER10–2354–017.

Applicants: Midway-Sunset Cogeneration Company.

Description: Notice of Non-Material Change in Status of Midway-Sunset Cogeneration Company.

Filed Date: 10/31/24.

Accession Number: 20241031–5383.

Comment Date: 5 p.m. ET 11/21/24.

Docket Numbers: ER10–3181–006; ER17–991–010; ER17–2011–003; ER24–2589–002; ER24–2590–002.

Applicants: Castleton Commodities Energy Trading LLC, Castleton Commodities Energy Services LLC, Castleton Commodities Merchant Trading L.P., Hunlock Energy, LLC,UGI Development Company.

Description: Notice of Non-Material Change in Status of Hunlock Creek Generating LLC, et al.

Filed Date: 10/31/24.

Accession Number: 20241031–5385.

Comment Date: 5 p.m. ET 11/21/24.

Docket Numbers: ER17–105–009; ER23–2469–002; ER14–490–001; ER11–3959–010; ER12–726–010; ER12–2639–012; ER15–1019–010; ER17–104–009; ER17–556–007; ER18–2158–004; ER21–2330–002; ER21–2331–002; ER21–2333–002; ER21–2336–002; ER22–2703–005.

Applicants: Pattern Energy Management Services LLC, Tecolote Wind LLC, Red Cloud Wind LLC, Duran Mesa LLC, Clines Corners Wind Farm LLC, Stillwater Wind, LLC, Grady Wind Energy Center, LLC, Broadview Energy KW, LLC, Fowler Ridge IV Wind Farm LLC, Ocotillo Express LLC, Spring Valley Wind LLC, Post Rock Wind Power Project, LLC, Hatchet Ridge Wind, LLC, Lost Creek Wind, LLC, Broadview Energy JN, LLC.

Description: Notice of Change in Status of Broadview Energy JN, LLC, et al.

Filed Date: 10/31/24.

Accession Number: 20241031–5379.

Comment Date: 5 p.m. ET 11/21/24.

Docket Numbers: ER17–1370–013; ER16–581–014; ER16–2271–013; ER20–2506–003; ER21–1254–007; ER21–2204–

007; ER22–1927–003; ER22–1928–003; ER22–1929–003; ER22–1945–003; ER23–2712–001; ER23–2773–001; ER24–2302–001.

Applicants: Twin Lakes Solar LLC, River Ferry Solar I LLC, North Bend Wind Project, LLC, Bracewell LLP, Powells Creek Farm Solar, LLC, Bracewell LLP,ENGIE Solidago Solar LLC, Bracewell LLP, Salt City Solar LLC, Bracewell LLP, Sunnybrook Farm Solar, LLC, ENGIE Power & Gas LLC, Genbright LLC, Dakota Range III, LLC,ENGIE Resources LLC ,ENGIE Portfolio Management, LLC, ENGIE Energy Marketing NA, Inc.

Description: Notice of Change in Status of ENGIE Energy Marketing NA, Inc., et al.

Filed Date: 10/31/24.

Accession Number: 20241031–5384.

Comment Date: 5 p.m. ET 11/21/24.

Docket Numbers: ER20–1298–008.

Applicants: Midcontinent Independent System Operator, Inc.

Description: Compliance filing: 2024–11–04_MISO TO's Order 864 Deficiency Response to be effective 1/27/2020.

Filed Date: 11/4/24.

Accession Number: 20241104–5101.

Comment Date: 5 p.m. ET 11/25/24.

Docket Numbers: ER20–1996–006; ER15–1065–003; ER15–1676–003; ER16–1990–006; ER19–2460–001; ER21–1187–005; ER21–1188–005; ER21–1217–005; ER21–1218–005; ER21–1370–006; ER21–1916–004; ER21–1961–004; ER24–482–002; ER24–847–002; ER24–2657–001; ER24–2986–002.

Applicants: Long Lake Solar, LLC, Blue Bird Solar, LLC ,Sunlight Road Solar, L.L.C., River Fork Solar, LLC, Big River Solar, LLC, Assembly Solar III, LLC, Assembly Solar II, LLC, St. James Solar, LLC, Iris Solar, LLC, Prairie State Solar, LLC, Dressor Plains Solar, LLC, DWW Solar II, LLC, North Star Solar PV LLC, Balko Wind Transmission, LLC, Balko Wind, LLC, Assembly Solar I, LLC.

Description: Notice of Change in Status of Assembly Solar I, LLC, et al.

Filed Date: 10/31/24.

Accession Number: 20241031–5382.

Comment Date: 5 p.m. ET 11/21/24.

Docket Numbers: ER23–113–001; ER19–115–003; ER23–2899–001; ER24–619–002; ER24–773–001; ER24–2220–002.

Applicants: FL Solar 7, LLC, Escalante Solar, LLC, MS Solar 5, LLC, MS Solar 6, LLC, FL Solar 5, LLC, AL Solar D, LLC.

Description: Notice of Change in Status of AL Solar D, LLC, et al.

Filed Date: 10/31/24.

Accession Number: 20241031–5387.

Comment Date: 5 p.m. ET 11/21/24.

Docket Numbers: ER24–1271–002; ER10–1330–013; ER10–1427–013; ER10–2917–029; ER10–2922–029; ER11–2383–025; ER11–3376–010; ER11–3377–011; ER11–3378–011; ER12–161–031; ER12–2313–011; ER14–1964–021; ER16–141–010; ER16–287–015; ER16–355–008; ER17–482–015; ER19–529–019; ER19–1074–019; ER19–1075–019; ER20–1447–011; ER20–2028–006; ER22–192–011; ER22–1010–010; ER22–1019–003; ER23–2363–005; ER23–2481–004; ER24–443–005; ER24–444–004; ER24–957–002; ER24–1272–002; ER24–1449–002.

Applicants: Goose Prairie Solar LLC, Foxglove Solar Project, LLC, Franklin Solar LLC, Deriva Energy Beckjord Storage LLC, Deriva Energy Services, LLC, Crystal Hill Solar, LLC, HXOap Solar One, LLC, Powell River Energy Inc., Terraform IWG Acquisition Holdings II, LLC, Evolugen Trading and Marketing LP, Bitter Ridge Wind Farm, LLC, Brookfield Energy Marketing US LLC, Brookfield Renewable Energy Marketing US LLC, Brookfield Energy Marketing Inc., Brookfield Renewable Trading and Marketing LP,BREG Aggregator LLC, Colonial Eagle Solar, LLC,BIF III Holtwood LLC, Conetoe II Solar, LLC,LSP Safe Harbor Holdings, LLC, Laurel Hill Wind Energy, LLC, Bishop Hill Energy LLC, South Hurlburt Wind, LLC, Horseshoe Bend Wind, LLC, North Hurlburt Wind, LLC, Safe Harbor Water Power Corporation, Hawks Nest Hydro LLC, Brookfield Power Piney & Deep Creek LLC, Brookfield Energy Marketing LP, North Allegheny Wind, LLC, Alton Post Office Solar, LLC.

Description: Notice of Non-Material Change in Status of Alton Post Office Solar, LLC, et al.

Filed Date: 10/31/24.

Accession Number: 20241031–5381.

Comment Date: 5 p.m. ET 11/21/24.

Docket Numbers: ER24–2249–001; ER24–2250–001; ER24–2251–001.

Applicants: Aron Energy Prepay 43 LLC, Aron Energy Prepay 42 LLC, Aron Energy Prepay 41 LLC.

Description: Notice of Non-Material Change in Status of Aron Energy Prepay 41 LLC, et al.

Filed Date: 10/31/24.

Accession Number: 20241031–5386.

Comment Date: 5 p.m. ET 11/21/24.

Docket Numbers: ER25–320–000.

Applicants: American Electric Power Service Corporation, PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: American Electric Power Service Corporation submits tariff filing per 35.13(a)(2)(iii: AEP submits one amended Facilities Agreement re: ILDSA, SA No. 1336 to be effective 1/1/2025.

Filed Date: 11/1/24.

Accession Number: 20241101–5044.

Comment Date: 5 p.m. ET 11/22/24.

Docket Numbers: ER25–344–000.

Applicants: California Independent System Operator Corporation.

Description: § 205(d) Rate Filing: 2024–11–01 Certificate of Concurrence—LGIA—SunZia Wind South to be effective 12/31/9998.

Filed Date: 11/1/24.

Accession Number: 20241101–5224.

Comment Date: 5 p.m. ET 11/22/24.

Docket Numbers: ER25–345–000.

Applicants: California Independent System Operator Corporation.

Description: § 205(d) Rate Filing: 2024–11–01 Certificate of Concurrence—LGIA—SunZia Wind North to be effective 12/31/9998.

Filed Date: 11/1/24.

Accession Number: 20241101–5228.

Comment Date: 5 p.m. ET 11/22/24.

Docket Numbers: ER25–346–000.

Applicants: Public Service Company of Colorado.

Description: § 205(d) Rate Filing: 2024–11–01-Att O–SPS Formula Rates—Order 898 to be effective 1/1/2025.

Filed Date: 11/1/24.

Accession Number: 20241101–5235.

Comment Date: 5 p.m. ET 11/22/24.

Docket Numbers: ER25–347–000.

Applicants: ISO New England Inc., The Narragansett Electric Company.

Description: § 205(d) Rate Filing: ISO New England Inc. submits tariff filing per 35.13(a)(2)(iii: Rhode Island Energy Amendment of Schedul21–RIE to be effective 1/1/2025.

Filed Date: 11/1/24.

Accession Number: 20241101–5254.

Comment Date: 5 p.m. ET 11/22/24.

Docket Numbers: ER25–348–000.

Applicants: Public Service Company of Colorado.

Description: § 205(d) Rate Filing: 2024 FERC Order 898 to be effective 1/1/2025.

Filed Date: 11/1/24.

Accession Number: 20241101–5267.

Comment Date: 5 p.m. ET 11/22/24.

Docket Numbers: ER25–350–000.

Applicants: Southwest Power Pool, Inc.

Description: § 205(d) Rate Filing: 4089R1 Sholes Wind II GIA to be effective 10/18/2024.

Filed Date: 11/4/24.

Accession Number: 20241104–5029.

Comment Date: 5 p.m. ET 11/25/24.

Docket Numbers: ER25–351–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Original GIA Service Agreement No.

7391; AF2–082 to be effective 10/6/2024.

Filed Date: 11/4/24.

Accession Number: 20241104–5038.

Comment Date: 5 p.m. ET 11/25/24.

Docket Numbers: ER25–352–000.

Applicants: Southwest Power Pool, Inc.

Description: § 205(d) Rate Filing: 3954R1 Huckleberry Solar GIA to be effective 10/22/2024.

Filed Date: 11/4/24.

Accession Number: 20241104–5042.

Comment Date: 5 p.m. ET 11/25/24.

Docket Numbers: ER25–353–000.

Applicants: Midcontinent Independent System Operator, Inc., American Transmission Company LLC.

Description: § 205(d) Rate Filing: Midcontinent Independent System Operator, Inc. submits tariff filing per 35.13(a)(2)(iii: 2024–11–04_SA 4382 ATC-Microsoft PAA to be effective 11/5/2024.

Filed Date: 11/4/24.

Accession Number: 20241104–5065.

Comment Date: 5 p.m. ET 11/25/24.

Docket Numbers: ER25–354–000.

Applicants: Midcontinent Independent System Operator, Inc., American Transmission Company LLC.

Description: § 205(d) Rate Filing: Midcontinent Independent System Operator, Inc. submits tariff filing per 35.13(a)(2)(iii: 2024–11–04_SA 4278 ATC–WEPCo 1st Rev E&P to be effective 1/4/2025.

Filed Date: 11/4/24.

Accession Number: 20241104–5082.

Comment Date: 5 p.m. ET 11/25/24.

Docket Numbers: ER25–355–000.

Applicants: Midcontinent Independent System Operator, Inc.

Description: § 205(d) Rate Filing: 2024–11–04_SA 4083 Duke Energy-Emerald Green 2nd Rev GIA (J1481) to be effective 10/23/2024.

Filed Date: 11/4/24.

Accession Number: 20241104–5084.

Comment Date: 5 p.m. ET 11/25/24.

Take notice that the Commission received the following qualifying facility filings:

Docket Numbers: QF25–90–000.

Applicants: Generate EMC Fuel Cells, LLC.

Description: Form 556 of Generate EMC Fuel Cells, LLC.

Filed Date: 11/1/24.

Accession Number: 20241101–5280.

Comment Date: 5 p.m. ET 11/22/24.

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: *https://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: November 4, 2024.

Carlos D. Clay,

Acting Deputy Secretary.

[FR Doc. 2024–25991 Filed 11–7–24; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 14680–010]

Water Street Land, LLC and New England Hydropower, LLC; Notice of Transfer of Exemption

Issued October 30, 2024.

1. By letter filed August 26, 2024, New England Hydropower Company, LLC, pursuant to 18 CFR 4.106(i), informed the Commission that it is the new owner of the exemption from licensing for the Natick Pond Dam Hydroelectric Project No. 14680, originally issued March 3, 2017. The project is located on the Pawtuxet River in Kent County, Rhode Island. The transfer of an exemption does not require Commission approval.

2. New England Hydropower Company, LLC is located at 100 Cummings Center, Suite 451C, Beverly, MA 01915.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2024–26044 Filed 11–7–24; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 1971–079]

Idaho Power Company; Notice of Settlement Agreement and Soliciting Comments

a. *Type of Application:* Settlement Agreement.

b. *Project No.:* 1971–079.

c. *Date Filed:* October 23, 2024.

d. *Applicant:* Idaho Power Company (Idaho Power).

e. *Name of Project:* Hells Canyon Hydroelectric Project (project).

f. *Location:* The project is located on the Snake River in Adams and Washington Counties, Idaho; and Baker, Wallowa, and Malheur Counties, Oregon. Federal lands administered by the U.S. Forest Service and the Bureau of Land Management (Payette and Wallowa-Whitman National Forests and Hells Canyon National Recreational Area) are included within the project boundary.

g. *Filed Pursuant to:* Rule 602 of the Commission's Rules of Practice and Procedure, 18 CFR 385.602.

h. *Applicant Contact:* Brett Dumas, Director of Environmental Affairs, Idaho Power Company, 1221 West Idaho Street, Boise, Idaho 83702; (208) 388–2330; *BDumas@idahopower.com.*

i. *FERC Contact:* Aaron Liberty, Project Coordinator, Midwest Branch, Division of Hydropower Licensing; (202) 502–6862; *Aaron.Liberty@ferc.gov.*

j. *Deadline for Filing Comments:* November 12, 2024. Reply comments due: November 22, 2024.

The Commission strongly encourages electronic filing. Please file comments using the Commission's eFiling system at *https://ferconline.ferc.gov/FERCOnline.aspx.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *https://ferconline.ferc.gov/QuickComment.aspx.* For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be

addressed to: Debbie Anne A. Reese, 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, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, MD 20852. All filings must clearly identify the project name and docket number on the first page: Hells Canyon Hydroelectric Project (P–1971–079).

The Commission's Rules of Practice require all intervenors filing documents with the Commission to serve a copy of that document on each person on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. Idaho Power filed an Offer of Settlement Agreement on behalf of itself and the U.S. Forest Service (Forest Service) for the project's relicense proceeding. The purpose of the Settlement Agreement is to resolve, between the signatories, the appropriate terms and conditions pursuant to section 4(e) of the Federal Power Act to be incorporated into any new license issued for the project for the protection and utilization of federal lands administered by the Forest Service within and adjacent to the project boundary. Idaho Power, on behalf of the signatories, requests that the Commission: (1) consider the Settlement Agreement in the forthcoming supplemental environmental impact statement; (2) approve the Settlement Agreement; and (3) incorporate, without material modification, the terms of the Settlement Agreement, including the modified section 4(e) terms and conditions (as set forth in Exhibit 1 of the Settlement Agreement), in any new license issued for the project.

l. A copy of the Settlement Agreement is available for review on the Commission's website at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number, excluding the last three digits in the docket number field, to access the document (*i.e.,* P–1971). For assistance, contact FERC at *FERCOnlineSupport@ferc.gov* or call toll free, (886) 208–3676 or TTY (202) 502–8659.

You may also register online at *https://www.ferc.gov/ferc-online/overview* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

m. 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 30, 2024.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2024–26046 Filed 11–7–24; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following Complaints and Compliance filings in EL Dockets:

Docket Numbers: EL24–127–000.
Applicants: Great Basin Transmission, LLC.
Description: Great Basin Transmission, LLC submits supplemental information filing re the Petition for Declaratory Order Approving Incentive Rate Treatment.
Filed Date: 10/7/24.
Accession Number: 20241007–5184.
Comment Date: 5 p.m. ET 11/13/24.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER24–1274–001.
Applicants: Oleander Power Project, Limited Partnership.
Description: Tariff Amendment: Response to Deficiency Letter & Amendments to PPA (ER24–1274–) to be effective 1/1/2025.
Filed Date: 10/30/24.
Accession Number: 20241030–5144.
Comment Date: 5 p.m. ET 11/20/24.

Docket Numbers: ER24–3043–001.
Applicants: Otter Tail Power Company.
Description: Tariff Amendment: Amendment to CapX Brookings Certificates of Concurrence—OMA and TCEA to be effective 5/10/2013.
Filed Date: 10/30/24.
Accession Number: 20241030–5137.
Comment Date: 5 p.m. ET 11/20/24.

Docket Numbers: ER24–3044–001.
Applicants: Otter Tail Power Company.
Description: Tariff Amendment: Amendment to Certificates of Concurrence—Amended and Restated OMA and TCEA to be effective 4/16/2016.
Filed Date: 10/30/24.
Accession Number: 20241030–5156.
Comment Date: 5 p.m. ET 11/20/24.

Docket Numbers: ER25–265–000.
Applicants: Wolverine Power Supply Cooperative, Inc.
Description: § 205(d) Rate Filing: Wholesale Power Contract with Thumb Electric Cooperative to be effective 1/1/2025.
Filed Date: 10/30/24.
Accession Number: 20241030–5000.
Comment Date: 5 p.m. ET 11/20/24.

Docket Numbers: ER25–266–000.
Applicants: New York Independent System Operator, Inc.
Description: § 205(d) Rate Filing: NYISO 205: Revisions to Table 1A of Attachment L of the OATT to be effective 12/30/2024.
Filed Date: 10/30/24.
Accession Number: 20241030–5016.
Comment Date: 5 p.m. ET 11/20/24.

Docket Numbers: ER25–267–000.
Applicants: Southern California Edison Company.
Description: § 205(d) Rate Filing: SCE 2025 TRBAA Update to be effective 1/1/2025.
Filed Date: 10/30/24.
Accession Number: 20241030–5068.
Comment Date: 5 p.m. ET 11/20/24.

Docket Numbers: ER25–268–000.
Applicants: Tri-State Generation and Transmission Association, Inc.
Description: Tariff Amendment: Notice of Cancellation of Rate Schedule FERC Nos. 182 through 198 to be effective 9/30/2024.
Filed Date: 10/30/24.
Accession Number: 20241030–5070.
Comment Date: 5 p.m. ET 11/20/24.

Docket Numbers: ER25–269–000.
Applicants: Tri-State Generation and Transmission Association, Inc.
Description: Tariff Amendment: Notice of Cancellation of Rate Schedule FERC No. 170 to be effective 9/30/2024.
Filed Date: 10/30/24.
Accession Number: 20241030–5096.
Comment Date: 5 p.m. ET 11/20/24.

Docket Numbers: ER25–270–000.
Applicants: San Diego Gas & Electric.
Description: § 205(d) Rate Filing: TO6 Formula Tariff Filing to be effective 1/1/2025.
Filed Date: 10/30/24.
Accession Number: 20241030–5108.
Comment Date: 5 p.m. ET 11/20/24.

Docket Numbers: ER25–271–000.
Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Original NSA, Service Agreement No. 7393; AE2–323 to be effective 12/30/2024.
Filed Date: 10/30/24.
Accession Number: 20241030–5113.
Comment Date: 5 p.m. ET 11/20/24.

Docket Numbers: ER25–272–000.
Applicants: ITC Midwest LLC.
Description: § 205(d) Rate Filing: First Amended and Restated Communications Pathway Sharing Agmt (RS No. 230) to be effective 12/30/2024.
Filed Date: 10/30/24.
Accession Number: 20241030–5122.
Comment Date: 5 p.m. ET 11/20/24.

Docket Numbers: ER25–273–000.
Applicants: Tri-State Generation and Transmission Association, Inc.
Description: Tariff Amendment: Notice of Cancellation of Service Agreement FERC No. 803 to be effective 9/30/2024.
Filed Date: 10/30/24.
Accession Number: 20241030–5126.
Comment Date: 5 p.m. ET 11/20/24.

Docket Numbers: ER25–274–000.
Applicants: Tucson Electric Power Company.
Description: § 205(d) Rate Filing: Rate Schedule No. 124 to be effective 10/31/2024.
Filed Date: 10/30/24.
Accession Number: 20241030–5138.
Comment Date: 5 p.m. ET 11/20/24.

Docket Numbers: ER25–275–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Amendment to ISA SA No. 5604 & ICSA SA No. 5614, AC1–164 to be effective 12/30/2024.
Filed Date: 10/30/24.
Accession Number: 20241030–5142.
Comment Date: 5 p.m. ET 11/20/24.

Docket Numbers: ER25–276–000.
Applicants: Wheelabrator Millbury Inc.
Description: Compliance filing: Request for Category 1 Status in NE Region and Revised Market-Based Rate Tariffs to be effective 10/31/2024.
Filed Date: 10/30/24.
Accession Number: 20241030–5160.
Comment Date: 5 p.m. ET 11/20/24.

Docket Numbers: ER25–277–000.
Applicants: NorthWestern Corporation.
Description: § 205(d) Rate Filing: RS190 Cert of Concurrence—Colstrip Transmission Agreement to be effective 10/5/2024.
Filed Date: 10/30/24.
Accession Number: 20241030–5168.
Comment Date: 5 p.m. ET 11/20/24.

Docket Numbers: ER25–278–000.
Applicants: Otter Tail Power Company.
Description: § 205(d) Rate Filing: Alexandria-Big Oaks Transmission Project Certificate of Concurrence—NSP JDA to be effective 9/3/2024.
Filed Date: 10/30/24.
Accession Number: 20241030–5173.
Comment Date: 5 p.m. ET 11/20/24.

Docket Numbers: ER25–279–000.
Applicants: Hunlock Creek Generating LLC.
Description: Compliance filing: Notice of Succession, New eTariff Baseline Submissions, and Request for Waiver to be effective 10/1/2024.
Filed Date: 10/30/24.
Accession Number: 20241030–5175.
Comment Date: 5 p.m. ET 11/20/24.

Docket Numbers: ER25–280–000.
Applicants: Wheelabrator North Andover Inc.
Description: Compliance filing: Request for Category 1 Status in NE Region and Revised Market-Based Rate Tariffs to be effective 10/31/2024.
Filed Date: 10/30/24.
Accession Number: 20241030–5192.
Comment Date: 5 p.m. ET 11/20/24.

Docket Numbers: ER25–281–000.
Applicants: Wheelabrator Baltimore, L.P.
Description: Compliance filing: Request for Category 1 Status in NE Region and Revised Market-Based Rate Tariffs to be effective 10/31/2024.
Filed Date: 10/30/24.
Accession Number: 20241030–5197.
Comment Date: 5 p.m. ET 11/20/24.

Docket Numbers: ER25–282–000.
Applicants: Wheelabrator Bridgeport, L.P.
Description: Compliance filing: Request for Category 1 Status in NE Region and Revised Market-Based Rate Tariffs to be effective 10/31/2024.
Filed Date: 10/30/24.
Accession Number: 20241030–5202.
Comment Date: 5 p.m. ET 11/20/24.

Docket Numbers: ER25–283–000.
Applicants: Wheelabrator Portsmouth Inc.
Description: Compliance filing: Request for Category 1 Status in NE Region and Revised Market-Based Rate Tariffs to be effective 10/31/2024.
Filed Date: 10/30/24.
Accession Number: 20241030–5204.
Comment Date: 5 p.m. ET 11/20/24.

Docket Numbers: ER25–284–000.
Applicants: Wheelabrator Concord Company, L.P.
Description: Compliance filing: Request for Category 1 Status in NE Region and Revised Market-Based Rate Tariffs to be effective 10/31/2024.
Filed Date: 10/30/24.
Accession Number: 20241030–5206.
Comment Date: 5 p.m. ET 11/20/24.

Docket Numbers: ER25–285–000.
Applicants: Wheelabrator Falls Inc.
Description: Compliance filing: Request for Category 1 Status in NE Region and Revised Market-Based Rate Tariffs to be effective 10/31/2024.
Filed Date: 10/30/24.
Accession Number: 20241030–5209.
Comment Date: 5 p.m. ET 11/20/24.

Docket Numbers: ER25–286–000.
Applicants: Wheelabrator Saugus Inc.
Description: Compliance filing: Request for Category 1 Status in NE Region and Revised Market-Based Rate Tariffs to be effective 10/31/2024.
Filed Date: 10/30/24.
Accession Number: 20241030–5211.
Comment Date: 5 p.m. ET 11/20/24.

Docket Numbers: ER25–287–000.
Applicants: Southwestern Public Service Company.
Description: § 205(d) Rate Filing: 2024–10–30 DSEC—Construction & Ownership Agrmnt—#4 Sub—758SPS—0.0.0 to be effective 10/31/2024.
Filed Date: 10/30/24.
Accession Number: 20241030–5213.
Comment Date: 5 p.m. ET 11/20/24.

Docket Numbers: ER25–288–000.
Applicants: Wheelabrator Westchester, L.P.
Description: Compliance filing: Request for Category 1 Status in NE Region and Revised Market-Based Rate Tariffs to be effective 10/31/2024.
Filed Date: 10/30/24.
Accession Number: 20241030–5215.
Comment Date: 5 p.m. ET 11/20/24.

Take notice that the Commission received the following qualifying facility filings:

Docket Numbers: QF25–83–000.
Applicants: CHP F&M, LLC.
Description: Form 556 of CHP F&M, LLC.
Filed Date: 10/30/24.
Accession Number: 20241030–5059.
Comment Date: 5 p.m. ET 11/20/24.

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: *https://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 30, 2024.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2024–26042 Filed 11–7–24; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Effectiveness of Exempt Wholesale Generator Status

	Docket Nos.
Troutdale Grid, LLC	EG24–249–000
Ponderosa Wind II, LLC	EG24–250–000
Oliver Wind IV, LLC	EG24–251–000
Steele Flats Wind I, LLC	EG24–252–000
Minco II Energy Storage, LLC.	EG24–253–000
Breckinridge Energy Storage, LLC.	EG24–254–000
Harquahala Sun 1, LLC	EG24–255–000
Harquahala Sun 2, LLC	EG24–256–000
HV Sun SFA Manager 1, LLC.	EG24–257–000
MS Solar 7, LLC	EG24–258–000
Holyoke BESS, LLC	EG24–259–000
PNY BESS, LLC	EG24–260–000
Wellesley BESS, LLC	EG24–261–000
Unbridled Solar, LLC	EG24–262–000
Mordor ES1 LLC	EG24–263–000
Mordor ES2 LLC	EG24–264–000
Clearview Solar I, LLC	EG24–265–000
BPL Crown Solar LLC	EG24–266–000
BPL Files Solar LLC	EG24–267–000
BPL Sol Solar LLC	EG24–268–000
Elisabeth Solar, LLC	EG24–270–000
Sierra Pinta Energy Storage, LLC.	EG24–271–000

Take notice that during the month of October 2024, the status of the above-captioned entities as Exempt Wholesale Generators became effective by operation of the Commission's regulations. 18 CFR 366.7(a) (2024).

Dated: November 4, 2024.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2024–26001 Filed 11–7–24; 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: RP25–97–000.
Applicants: Gas Transmission Northwest LLC.
Description: § 4(d) Rate Filing: GTN—NR Contract 18683 Transfer to be effective 11/1/2024.
Filed Date: 10/29/24.
Accession Number: 20241029–5080.
Comment Date: 5 p.m. ET 11/12/24.

Docket Numbers: RP25–98–000.
Applicants: Tennessee Gas Pipeline Company, L.L.C.
Description: § 4(d) Rate Filing: Negotiated Rate Agreements—Various Shippers Nov 2024 to be effective 11/1/2024.
Filed Date: 10/29/24.
Accession Number: 20241029–5227.
Comment Date: 5 p.m. ET 11/12/24.

Docket Numbers: RP25–99–000.
Applicants: Transcontinental Gas Pipe Line Company, LLC.
Description: § 4(d) Rate Filing: Rate Schedule GSS LSS Tracker Filing Effective 11/1/24 to be effective 11/1/2024.
Filed Date: 10/30/24.
Accession Number: 20241030–5041.
Comment Date: 5 p.m. ET 11/12/24.

Docket Numbers: RP25–100–000.
Applicants: Millennium Pipeline Company, LLC.
Description: § 4(d) Rate Filing: Negotiated Rate Amendment No. 151487–5—Coterra to be effective 11/1/2024.
Filed Date: 10/30/24.
Accession Number: 20241030–5047.
Comment Date: 5 p.m. ET 11/12/24.

Docket Numbers: RP25–101–000.
Applicants: Southern Star Central Gas Pipeline, Inc.
Description: Compliance filing: Annual Operational Flow Order Report 2024 to be effective N/A.
Filed Date: 10/30/24.
Accession Number: 20241030–5077.
Comment Date: 5 p.m. ET 11/12/24.

Docket Numbers: RP25–102–000.
Applicants: El Paso Natural Gas Company, L.L.C.
Description: § 4(d) Rate Filing: Negotiated Rate Agreement Update (EOG 610720 Nov 24) to be effective 11/1/2024.
Filed Date: 10/30/24.
Accession Number: 20241030–5078.
Comment Date: 5 p.m. ET 11/12/24.

Docket Numbers: RP25–103–000.
Applicants: Sierrita Gas Pipeline LLC.
Description: § 4(d) Rate Filing: 2024 Oct Quarterly FL&U Filing to be effective 12/1/2024.
Filed Date: 10/30/24.
Accession Number: 20241030–5084.
Comment Date: 5 p.m. ET 11/12/24.

Docket Numbers: RP25–104–000.
Applicants: El Paso Natural Gas Company, L.L.C.
Description: § 4(d) Rate Filing: Negotiated Rate Agreements Update (Sempra Nov 2024) to be effective 11/1/2024.
Filed Date: 10/30/24.
Accession Number: 20241030–5102.
Comment Date: 5 p.m. ET 11/12/24.

Any person desiring to intervene, to protest, or to answer a complaint in any of the above proceedings must file in accordance with Rules 211, 214, or 206 of the Commission's Regulations (18 CFR 385.211, 385.214, or 385.206) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

The filings are accessible in the Commission's eLibrary system (*https://elibrary.ferc.gov/idmws/search/fercgensearch.asp*) by querying the docket number.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *https://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

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Dated: October 30, 2024.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2024–26047 Filed 11–7–24; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 11322–008]

Tuolumne Water District; Notice of Application for Surrender of License Accepted for Filing, Soliciting Comments, Motions To Intervene, and Protests

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Surrender of License.

b. *Project No:* 11322–008.

c. *Date Filed:* September 30, 2024.

d. *Applicant:* Tuolumne Water District (TUD).

e. *Name of Project:* Columbia Water Supply Hydroelectric Project.

f. *Location:* The project is located on the Columbia Ditch in the City of Sonora in Tuolumne County, California. The project occupies Federal lands managed by the U.S. Bureau of Reclamation and the Bureau of Land Management.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791a–825r.

h. *Applicant Contact:* Don Perkins, General Manager, Tuolumne Utilities District, 18885 Nugget Blvd., Sonora, CA 95370, (209) 532–5536, *dperkins@tudwater.com*.

i. *FERC Contact:* Rebecca Martin, (202) 502–6012, *rebecca.martin@ferc.gov*.

j. *Cooperating agencies:* With this notice, the Commission is inviting Federal, State, local, and Tribal agencies with jurisdiction and/or special expertise with respect to environmental issues affected by the proposal, that wish to cooperate in the preparation of any environmental document, if applicable, to follow the instructions for filing such requests described in item k below. Cooperating agencies should note the Commission's policy that agencies that cooperate in the preparation of any environmental document cannot also intervene. *See* 94 FERC ¶ 61,076 (2001).

k. *Deadline for filing comments, motions to intervene, and protests*: December 4, 2024.

The Commission strongly encourages electronic filing. Please file comments, motions to intervene, and protests using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Debbie-Anne A. Reese, 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, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, MD 20852. The first page of any filing should include the docket number P–11322. Comments emailed to Commission staff are not considered part of the Commission record.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person whose name appears on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

l. *Description of Request:* The licensee has never operated the project for power and does not intend to operate the project for power purposes in the future. There is no dam associated with this project. The licensee proposes to retain, own, operate and maintain all licensed water conduit structures to continue to pump water from New Melones Reservoir for distribution in TUD's ditch system during dry years, as it has historically done as part of TUD's New Melones Water Supply Project. No ground disturbing activities would occur.

m. *Locations of the Application:* This filing may be viewed on the Commission's website at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, call 1–866–208–3676 or email *FERCOnlineSupport@ferc.gov,* for TTY, call (202) 502–8659. Agencies may obtain copies of the application directly from the applicant.

n. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

o. *Comments, Protests, or Motions to Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214, respectively. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

p. *Filing and Service of Documents:* Any filing must (1) bear in all capital letters the title ''COMMENTS'', ''PROTEST'', or ''MOTION TO INTERVENE'' as applicable; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person commenting, protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, motions to intervene, or protests must set forth their evidentiary basis. Any filing made by an intervenor must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 385.2010.

q. The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, environmental justice communities, Tribal members and others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502–6595 or *OPP@ferc.gov.*

Dated: November 4, 2024.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2024–26005 Filed 11–7–24; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #2

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC25–17–000.
Applicants: Hardin Solar Energy III LLC,WEC Infrastructure LLC.
Description: Joint Application for Authorization Under Section 203 of the Federal Power Act of Hardin Solar Energy III LLC, et al.
Filed Date: 10/31/24.
Accession Number: 20241031–5390.
Comment Date: 5 p.m. ET 11/21/24.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER10–2374–021; ER17–2059–012.
Applicants: Puget Sound Energy, Inc., Puget Sound Energy, Inc.
Description: Notice of Non-Material Change in Status of Puget Sound Energy, Inc.
Filed Date: 10/31/24.
Accession Number: 20241031–5396.
Comment Date: 5 p.m. ET 11/21/24.

Docket Numbers: ER10–2818–011; ER10–2806–011; ER18–1984–006.
Applicants: Big Level Wind LLC, TransAlta Energy Marketing (U.S.) Inc., TransAlta Energy Marketing Corporation.
Description: Notice of Change in Status of TransAlta Energy Marketing Corporation, et al.
Filed Date: 10/31/24.
Accession Number: 20241031–5401.
Comment Date: 5 p.m. ET 11/21/24.

Docket Numbers: ER10–2984–068.
Applicants: Merrill Lynch Commodities, Inc.
Description: Notice of Change in Status of Merrill Lynch Commodities, Inc.
Filed Date: 10/31/24.
Accession Number: 20241031–5402.
Comment Date: 5 p.m. ET 11/21/24.

Docket Numbers: ER13–55–027.
Applicants: Homer City Generation, L.P.
Description: Notice of Change in Status of Homer City Generation, L.P.
Filed Date: 10/31/24.
Accession Number: 20241031–5403.
Comment Date: 5 p.m. ET 11/21/24.

Docket Numbers: ER14–1219–016; ER10–1618–019; ER10–1631–021; ER10–1854–021; ER10–1892–024; ER10–2678–022; ER10–2729–016; ER10–2739–037; ER10–2744–022; ER11–3320–021; ER13–2316–019; ER14–19–020; ER16–1732–015; ER16–2405–015; ER16–2406–016; ER17–989–014; ER17–990–014; ER17–992–014; ER17–993–014; ER17–1946–014; ER18–95–011; ER20–660–011; ER20–1440–007; ER21–1133–004; ER22–425–004; ER22–1241–003; ER24–438–001; ER24–2139–001; ER25–25–001.
Applicants: Hunterstown Generation, LLC, Capon Bridge Solar, LLC, Jade Meadow LLC, REV Energy Marketing, LLC, Enerwise Global Technologies, LLC, Hummel Station, LLC, Yards Creek Energy, LLC, Bolt Energy Marketing, LLC, Buchanan Energy Services Company, LLC, Helix Ironwood, LLC, Bath County Energy, LLC, Springdale Energy, LLC, Gans Energy, LLC, Chambersburg Energy, LLC, Rockford Power, LLC, Rockford Power II, LLC, Aurora Generation, LLC, West Deptford Energy, LLC, Seneca Generation, LLC, LSP University Park, LLC, Riverside Generating Company, L.L.C., LS Power Marketing, LLC, Buchanan Generation, LLC, Troy Energy, LLC, Columbia Energy LLC, Doswell Limited Partnership, University Park Energy, LLC, Rolling Hills Generating, L.L.C., Armstrong Power, LLC.
Description: Notice of Change in Status of Armstrong Power, LLC, et al.
Filed Date: 10/30/24.
Accession Number: 20241030–5361.
Comment Date: 5 p.m. ET 11/20/24.

Docket Numbers: ER16–1720–030; ER10–2127–027.
Applicants: Invenergy TN LLC, Invenergy Energy Management LLC.
Description: Notice of Change in Status of Invenergy Energy Management LLC, et al.
Filed Date: 10/31/24.
Accession Number: 20241031–5389.
Comment Date: 5 p.m. ET 11/21/24.

Docket Numbers: ER21–1755–011; ER23–1642–008; ER24–280–001; ER14–2500–019.
Applicants: Newark Energy Center, LLC, Hartree-Meadowlands Newark, LLC, Stored Solar J&WE, LLC, Hartree Partners, LP.
Description: Notice of Change in Status of Hartree Partners, LP, et al.
Filed Date: 10/31/24.
Accession Number: 20241031–5395.
Comment Date: 5 p.m. ET 11/21/24.

Docket Numbers: ER21–2557–006; ER22–2662–006; ER22–2663–006; ER22–2664–006; ER23–1275–004; ER23–1276–004; ER24–2249–002.
Applicants: Aron Energy Prepay 41 LLC, Aron Energy Prepay 22 LLC, Aron Energy Prepay 21 LLC, Aron Energy Prepay 16 LLC, Aron Energy Prepay 15 LLC, Aron Energy Prepay 14 LLC, Aron Energy Prepay 5 LLC.
Description: Notice of Non-Material Change in Status of Aron Energy Prepay 5 LLC, et al.
Filed Date: 10/31/24.
Accession Number: 20241031–5388.
Comment Date: 5 p.m. ET 11/21/24.

Docket Numbers: ER21–2712–002.
Applicants: Heartland Generation Ltd.
Description: Notice of Non-Material Change in Status of Heartland Generation Ltd.
Filed Date: 10/31/24.
Accession Number: 20241031–5397.
Comment Date: 5 p.m. ET 11/21/24.

Docket Numbers: ER23–1585–002.
Applicants: Riverstart Solar Park III LLC.
Description: Notice of Non-Material Change in Status of Riverstart Solar Park III LLC.
Filed Date: 10/31/24.
Accession Number: 20241031–5399.
Comment Date: 5 p.m. ET 11/21/24.

Docket Numbers: ER24–1339–001; ER24–1340–001.
Applicants: EDPR Scarlet II BESS LLC, EDPR Scarlet II LLC.
Description: Notice of Non-Material Change in Status of EDPR Scarlet II LLC, et al.
Filed Date: 10/31/24.
Accession Number: 20241031–5400.
Comment Date: 5 p.m. ET 11/21/24.

Docket Numbers: ER24–1737–002; ER24–1739–001.
Applicants: Wolf Run Solar LLC, Hickory Solar LLC.
Description: Notice of Non-Material Change in Status of Hickory Solar LLC, et al.
Filed Date: 10/31/24.
Accession Number: 20241031–5398.
Comment Date: 5 p.m. ET 11/21/24.

Docket Numbers: ER24–2184–001.
Applicants: Southwest Power Pool, Inc.
Description: Tariff Amendment: Deficiency Response in ER24–2184—Revisions to Expand RTO to be effective 12/31/9998.
Filed Date: 11/4/24.
Accession Number: 20241104–5148.
Comment Date: 5 p.m. ET 11/25/24.

Docket Numbers: ER24–2185–001.
Applicants: Southwest Power Pool, Inc.
Description: Tariff Amendment: Deficiency Response in ER24–2185—Revisions to Expand RTO to be effective 12/31/9998.
Filed Date: 11/4/24.
Accession Number: 20241104–5153.
Comment Date: 5 p.m. ET 11/25/24.

Docket Numbers: ER25–313–001.
Applicants: Clyde Onsite Generation, LLC.
Description: Tariff Amendment: Amendment to Notice of Change in Status to be effective 11/1/2024.

Filed Date: 11/4/24.
Accession Number: 20241104–5127.
Comment Date: 5 p.m. ET 11/25/24.

Docket Numbers: ER25–314–001.
Applicants: Martinsville OnSite Generation, LLC.
Description: Tariff Amendment: Amendment to Notice to Change in Status to be effective 11/1/2024.
Filed Date: 11/4/24.
Accession Number: 20241104–5128.
Comment Date: 5 p.m. ET 11/25/24.

Docket Numbers: ER25–315–001.
Applicants: South River OnSite Generation, LLC.
Description: Tariff Amendment: Amendment to Notice of Change in Status to be effective 11/1/2024.
Filed Date: 11/4/24.
Accession Number: 20241104–5129.
Comment Date: 5 p.m. ET 11/25/24.

Docket Numbers: ER25–356–000.
Applicants: AEP Texas Inc.
Description: § 205(d) Rate Filing: AEPTX-Industrial Bravo Project (Isaac) 1st A&R Generator Interconnection Agr to be effective 10/14/2024.
Filed Date: 11/4/24.
Accession Number: 20241104–5114.
Comment Date: 5 p.m. ET 11/25/24.

Docket Numbers: ER25–357–000.
Applicants: Cheyenne Light, Fuel and Power Company.
Description: Tariff Amendment: Cancellation of Service Agreement No. 102 to be effective 3/23/2023.
Filed Date: 11/4/24.
Accession Number: 20241104–5130.
Comment Date: 5 p.m. ET 11/25/24.

Docket Numbers: ER25–358–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Original GIA, Service Agreement No. 7390; AF1–143 to be effective 10/3/2024.
Filed Date: 11/4/24.
Accession Number: 20241104–5184.
Comment Date: 5 p.m. ET 11/25/24.

Docket Numbers: ER25–359–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Amendment to ISA, Service Agreement No. 1438; L13 to be effective 1/4/2025.
Filed Date: 11/4/24.
Accession Number: 20241104–5187.
Comment Date: 5 p.m. ET 11/25/24.

Take notice that the Commission received the following electric securities filings:

Docket Numbers: ES25–15–000.
Applicants: Sun Pond, LLC.
Description: Application Under Section 204 of the Federal Power Act for Authorization to Issue Securities of Sun Pond, LLC.
Filed Date: 11/1/24.
Accession Number: 20241101–5303.
Comment Date: 5 p.m. ET 11/22/24.

Docket Numbers: ES25–16–000.
Applicants: Mountrail-Williams Electric Cooperative.
Description: Application Under Section 204 of the Federal Power Act for Authorization to Issue Securities of Mountrail-Williams Electric Cooperative.
Filed Date: 11/1/24.
Accession Number: 20241101–5305.
Comment Date: 5 p.m. ET 11/22/24.

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.

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Dated: November 4, 2024.

Carlos D. Clay,

Acting Deputy Secretary.

[FR Doc. 2024–25992 Filed 11–7–24; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 13318–018]

Swan Lake North Hydro LLC; Notice of Application for Non-Capacity Amendment of License Accepted for Filing, Soliciting Comments, Motions To Intervene, and Protests

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Non-Capacity Amendment of License.
b. *Project No:* 13318–018.
c. *Date Filed:* April 12, 2024, as supplemented on October 3, 2024.
d. *Applicant:* Swan Lake North Hydro LLC.
e. *Name of Project:* Swan Lake North Pumped Storage Hydroelectric Project.
f. *Location:* The unconstructed project will be located about 11 miles northeast of the city of Klamath Falls in Klamath County, Oregon. The project will occupy 730 acres of Federal land administered by the U.S. Bureau of Land Management and the U.S. Bureau of Reclamation.
g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791a–825r.
h. *Applicant Contact:* Erik Steimle, Executive Vice President, Rye Development, 745 Atlantic Ave., Boston, MA 02111; *erik@ryedevelopment.com;* (503) 998–0230.
i. *FERC Contact:* Elizabeth Moats, (202) 502–6632, *Elizabeth.OsierMoats@ferc.gov.*
j. *Cooperating agencies:* With this notice, the Commission is inviting Federal, State, local, and Tribal agencies with jurisdiction and/or special expertise with respect to environmental issues affected by the proposal, that wish to cooperate in the preparation of any environmental document, if applicable, to follow the instructions for filing such requests described in item k. below. Cooperating agencies should note the Commission's policy that agencies that cooperate in the preparation of any environmental document cannot also intervene. *See* 94 FERC ¶ 61,076 (2001).
k. *Deadline for filing comments, motions to intervene, and protests:* November 29, 2024.

The Commission strongly encourages electronic filing. Please file comments, motions to intervene, and protests using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters,

without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Debbie-Anne A. Reese, 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, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852. The first page of any filing should include the docket number P–13318–018. Comments emailed to Commission staff are not considered part of the Commission record.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person whose name appears on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

l. *Description of Request:* The licensee proposes to amend the unconstructed project to incorporate changes to project designs resulting from engineering development and geotechnical investigations. Specifically, the amended project would replace the three authorized 131.1 megawatt (MW) turbine generating units with two 182.4 MW units; modify the location and size of the powerhouse; reduce the size of the spillways; lower the bottom elevation of the powerhouse, upper and lower reservoirs, and water conveyance structures; bury the authorized surface-mounted penstocks; realign a portion of the transmission line; modify the project boundary; and modify construction materials used for the reservoir embankments and liners, among other modifications.

m. *Locations of the Application:* This filing may be viewed on the Commission's website at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, call 1–866–208–3676 or email *FERCOnlineSupport@ferc.gov,* for TTY, call (202) 502–8659. Agencies may obtain copies of the application directly from the applicant.

n. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

o. *Comments, Protests, or Motions to Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214, respectively. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

p. *Filing and Service of Documents:* Any filing must (1) bear in all capital letters the title ''COMMENTS'', ''PROTEST'', or ''MOTION TO INTERVENE'' as applicable; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person commenting, protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, motions to intervene, or protests must set forth their evidentiary basis. Any filing made by an intervenor must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 385.2010.

q. The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, environmental justice communities, Tribal members and others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502–6595 or *OPP@ferc.gov.*

Dated: October 30, 2024.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2024–26043 Filed 11–7–24; 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: PR25–14–000.
Applicants: Regency Intrastate Gas LP.
Description: § 284.123(g) Rate Filing: Normal filing 2024 Nov 1st—Exhibit D to be effective 11/1/2024.
Filed Date: 11/1/24.
Accession Number: 20241101–5179.
Comment Date: 5 p.m. ET 11/22/24.
§ 284.123(g) Protest: 5 p.m. ET 12/31/24.

Docket Numbers: PR25–15–000.
Applicants: Pelico Pipeline, LLC.
Description: § 284.123(g) Rate Filing: Normal filing 2024 Nov 1st—SOC to be effective 11/1/2024.
Filed Date: 11/1/24.
Accession Number: 20241101–5239.
Comment Date: 5 p.m. ET 11/22/24.
§ 284.123(g) Protest: 5 p.m. ET 12/31/24.

Docket Numbers: RP25–165–000.
Applicants: Texas Gas Transmission, LLC.
Description: § 4(d) Rate Filing: Cap Rel Neg Rate Agmt (Jay-Bee 34446 to Spotlight 58564) to be effective 11/1/2024.
Filed Date: 11/1/24.
Accession Number: 20241101–5121.
Comment Date: 5 p.m. ET 11/13/24.

Docket Numbers: RP25–166–000.
Applicants: Great Lakes Gas Transmission Limited Partnership.
Description: § 4(d) Rate Filing: Creditworthiness and Probability of Default to be effective 12/1/2024.
Filed Date: 11/1/24.
Accession Number: 20241101–5124.
Comment Date: 5 p.m. ET 11/13/24.

Docket Numbers: RP25–167–000.
Applicants: Texas Gas Transmission, LLC.
Description: § 4(d) Rate Filing: Cap Rel Neg Rate Agmt (Kaiser Ohio 35448 to Kaiser Appalachian 58537) to be effective 11/1/2024.
Filed Date: 11/1/24.
Accession Number: 20241101–5127.
Comment Date: 5 p.m. ET 11/13/24.

Docket Numbers: RP25–168–000.
Applicants: Gulf South Pipeline Company, LLC.
Description: § 4(d) Rate Filing: Cap Rel Neg Rate Agmt (Methanex 52142 to Tenaska 58578) to be effective 11/1/2024.
Filed Date: 11/1/24.
Accession Number: 20241101–5145.
Comment Date: 5 p.m. ET 11/13/24.

Docket Numbers: RP25–169–000.
Applicants: Gulf Shore Energy Partners, LP.
Description: § 4(d) Rate Filing: Gulf Shore Negotiated Rate Filing to be effective 11/1/2024.
Filed Date: 11/1/24.
Accession Number: 20241101–5156.
Comment Date: 5 p.m. ET 11/13/24.

Docket Numbers: RP25–170–000.
Applicants: Alliance Pipeline L.P.
Description: § 4(d) Rate Filing: Negotiated Rates Contract Adj, Perm and Temp Releases 2024–11–01 to be effective 11/1/2024.
Filed Date: 11/1/24.
Accession Number: 20241101–5161.
Comment Date: 5 p.m. ET 11/13/24.

Docket Numbers: RP25–171–000.
Applicants: Gulf South Pipeline Company, LLC.
Description: § 4(d) Rate Filing: Cap Rel Neg Rate Agmt (Methanex 42805 to Tenaska 58579) to be effective 11/1/2024.
Filed Date: 11/1/24.
Accession Number: 20241101–5165.
Comment Date: 5 p.m. ET 11/13/24.

Docket Numbers: RP25–172–000.
Applicants: Gulf South Pipeline Company, LLC.
Description: § 4(d) Rate Filing: 2024 Fuel Tracker Filing to be effective 4/1/2025.
Filed Date: 11/1/24.
Accession Number: 20241101–5168.
Comment Date: 5 p.m. ET 11/13/24.

Docket Numbers: RP25–173–000.
Applicants: Gulf South Pipeline Company, LLC.
Description: § 4(d) Rate Filing: 2024 Electric Power Cost Tracker Fiiling to be effective 4/1/2025.
Filed Date: 11/1/24.
Accession Number: 20241101–5174.
Comment Date: 5 p.m. ET 11/13/24.

Docket Numbers: RP25–174–000.
Applicants: Gulf South Pipeline Company, LLC.
Description: § 4(d) Rate Filing: Cap Rel Neg Rate Agmts (WSGP to NextEra) to be effective 11/1/2024.
Filed Date: 11/1/24.
Accession Number: 20241101–5188.
Comment Date: 5 p.m. ET 11/13/24.

Docket Numbers: RP25–175–000.
Applicants: Gulf South Pipeline Company, LLC.
Description: § 4(d) Rate Filing: Cap Rel Neg Rate Agmts (Aethon 53154 to Scona 58597) to be effective 11/1/2024.
Filed Date: 11/1/24.
Accession Number: 20241101–5198.
Comment Date: 5 p.m. ET 11/13/24.

Docket Numbers: RP25–176–000.
Applicants: Gulf South Pipeline Company, LLC.
Description: § 4(d) Rate Filing: Cap Rel Neg Rate Agmt (Osaka 46429 to Texla 58650) to be effective 11/1/2024.
Filed Date: 11/1/24.
Accession Number: 20241101–5203.
Comment Date: 5 p.m. ET 11/13/24.

Docket Numbers: RP25–177–000.
Applicants: Carlsbad Gateway, LLC.
Description: Penalty Revenue Crediting Report of Carlsbad Gateway, LLC.
Filed Date: 11/1/24.
Accession Number: 20241101–5222.
Comment Date: 5 p.m. ET 11/13/24.

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: RP24–1047–001.
Applicants: Transwestern Pipeline Company, LLC.
Description: Compliance filing: Compliance Filing—Docket No. RP24–1047–000 to be effective 12/31/9998.
Filed Date: 11/4/24.
Accession Number: 20241104–5088.
Comment Date: 5 p.m. ET 11/18/24.

Any person desiring to protest in any 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: November 4, 2024.

Carlos D. Clay,

Acting Deputy Secretary.

[FR Doc. 2024–25993 Filed 11–7–24; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP24–80–000]

Mississippi Hub, LLC; Notice of Availability of the Environmental Assessment for the Proposed MS Hub Capacity Expansion Project

The EA assesses the potential environmental effects of the construction and operation of the MS Hub Capacity Expansion Project in accordance with the requirements of the National Environmental Policy Act (NEPA). The FERC staff concludes that approval of the proposed project would not constitute a major Federal action significantly affecting the quality of the human environment.

The proposed MS Hub Capacity Expansion Project includes the following modifications to the existing MS Hub Storage Facility in Simpson County, Mississippi:

- increase the certificated capacity [1] of Gas Storage Caverns No. 1 and No. 2 by a total of 3.87 Bcf;
- construct three new gas storage caverns Nos. 4, 5, and 6 totaling approximately 30.0 Bcf of working gas capacity; [2]
- increase the certificated working gas capacity [3] at the MS Hub Storage Facility by approximately 33.9 Bcf per day;
- construct two electric motor-driven compressor units each rated at 7,000 horsepower (hp) and three Caterpillar

[1] The total gas capacity of a storage cavern including the working gas capacity plus the base gas capacity. Base gas capacity is defined as the capacity of the cavern that is used to provide pressure support for integrity and/or deliverability requirements.

[2] The capacity of the gas storage caverns used for jurisdictional service.

[3] The fraction of certificated capacity that is working gas capacity.

model G3616 A4 reciprocating internal combustion engine natural gas-fired compressor units each rated at 5,500 hp, and dehydration and ancillary equipment at the existing Gas Handling Facility; and

• expand the existing Leaching Facility for the solution mining of each cavern by installing additional pumps, water tanks and separators.

In addition, the MS Hub Capacity Expansion Project includes construction and operation of the following facilities:

Simpson County, Mississippi

• one meter skid and one filter separator on the existing Southern Natural Gas (SONAT) Metering and Regulation (M&R) Station site;

• four raw water wells Nos. 6 through 9;

• one new saltwater disposal well No. 9; and

• two saltwater disposal wells Nos. 5 and 7 collocated at the existing raw water well No. 3 and saltwater disposal well No. 3 wellpad.

Covington County, Mississippi

• two-meter skids, two flow control skids, and one filter separator on the existing Transcontinental Gas Pipeline (Transco) M&R Station site;

• one meter skid and one filter separator on the existing Southeast Supply Header (SESH) M&R Station site; and

• one booster compressor station (MS Hub Booster Station) and associated equipment approximately 18 miles south of the MS Hub Storage Facility and approximately 2 miles northwest of the existing Transco M&R Station consisting of three Solar Mars model 100–16000S natural gas-fired turbine compressor units each rated at 13,486 hp.

Jefferson Davis County, Mississippi

• two saltwater disposal wells Nos. 6 and 8 at the existing raw water well No. 4 and saltwater disposal well No. 4 wellpad.

As the MS Hub Storage Facility is currently operational, the facilities contemplated by the project would be added to complement the current infrastructure. With the additional injection and delivery capacity, the MS Hub Storage Facility would be capable of providing additional high-turn services to the Gulf Coast and Southeast market areas.

The Commission mailed a copy of the *Notice of Availability* to Federal, State, and local government representatives and agencies; elected officials; environmental and public interest groups; Native American tribes; potentially affected landowners and other interested individuals and groups; and newspapers and libraries in the project area. The EA is only available in electronic format. It may be viewed and downloaded from the FERC's website (*www.ferc.gov*), on the natural gas environmental documents page (*https://www.ferc.gov/industries-data/natural-gas/environment/environmental-documents*). In addition, the EA may be accessed by using the eLibrary link on the FERC's website. Click on the eLibrary link (*https://elibrary.ferc.gov/eLibrary/search*), select ''General Search'' and enter the docket number in the ''Docket Number'' field, excluding the last three digits (*i.e.,* CP24–80). Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at *FercOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659.

The EA is not a decision document. It presents Commission staff's independent analysis of the environmental issues for the Commission to consider when addressing the merits of all issues in this proceeding. Any person wishing to comment on the EA may do so. Your comments should focus on the EA's disclosure and discussion of potential environmental effects, reasonable alternatives, and measures to avoid or lessen environmental impacts. The more specific your comments, the more useful they will be. To ensure that the Commission has the opportunity to consider your comments prior to making its decision on this project, it is important that we receive your comments in Washington, DC on or before 5:00 p.m. Eastern Time on November 29, 2024.

For your convenience, there are three methods you can use to file your comments to the Commission. The Commission encourages electronic filing of comments and has staff available to assist you at (866) 208–3676 or *FercOnlineSupport@ferc.gov.* Please carefully follow these instructions so that your comments are properly recorded.

(1) You can file your comments electronically using the eComment feature on the Commission's website (*www.ferc.gov*) under the link to FERC Online. This is an easy method for submitting brief, text-only comments on a project;

(2) You can also file your comments electronically using the eFiling feature 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 must select the type of filing you are making. If you are filing a comment on a particular project, please select ''Comment on a Filing''; or

(3) You can file a paper copy of your comments by mailing them to the Commission. Be sure to reference the project docket number (CP24–80–000) on your letter. Submissions sent via the U.S. Postal Service must be addressed to: Debbie-Anne A. Reese, 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, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, MD 20852.

Filing environmental comments will not give you intervenor status, but you do not need intervenor status to have your comments considered. Only intervenors have the right to seek rehearing or judicial review of the Commission's decision. At this point in this proceeding, the timeframe for filing timely intervention requests has expired. Any person seeking to become a party to the proceeding must file a motion to intervene out-of-time pursuant to Rule 214(b)(3) and (d) of the Commission's Rules of Practice and Procedures (18 CFR 385.214(b)(3) and (d)) and show good cause why the time limitation should be waived. Motions to intervene are more fully described at *https://www.ferc.gov/how-intervene.*

Additional information about the project is available from the Commission's Office of External Affairs, at (866) 208–FERC, or on the FERC website (*www.ferc.gov*) using the eLibrary link. The eLibrary link also provides access to the texts of all formal documents issued by the Commission, such as orders, notices, and rulemakings.

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.*

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. Go to *https://www.ferc.gov/ferc-online/overview* to register for eSubscription.

Dated: October 30, 2024.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2024–26045 Filed 11–7–24; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–12350–01–R9]

Clean Air Act Operating Permit Program; Order on Petition for Objection to State Operating Permit for Ultramar Inc.

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of final order on petition.

SUMMARY: The Environmental Protection Agency (EPA) Administrator signed an order dated October 4, 2024, denying a petition dated July 13, 2024, from Dr. Genghmun Eng. The petition requested that the EPA object to a Clean Air Act (CAA) title V operating permit renewal issued by the South Coast Air Quality Management District (SCAQMD) to Ultramar Inc. for its refinery located in Wilmington, Los Angeles County, California.

FOR FURTHER INFORMATION CONTACT: Nidia K. Trejo, EPA Region 9, (415) 972–3968, *trejo.nidia@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 Dr. Genghmun Eng dated July 13, 2024, requesting that the EPA object to the issuance of operating permit renewal for Facility ID 800026, issued by SCAQMD to Ultramar Inc. in Wilmington, Los Angeles County, California. On October 4, 2024, the EPA Administrator issued an order denying 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 appropriate circuit no later than January 7, 2025.

Dated: November 2, 2024.

Martha Guzman Aceves,

Regional Administrator, Region IX.

[FR Doc. 2024–25944 Filed 11–7–24; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–R08–SFUND–2024–0470; FRL–12305–01–R8]

Cashout Settlement Agreement: Broderick Wood Products, Superfund Site, Adams County, Colorado, Broderick Investment Company

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed agreement; request for public comment.

SUMMARY: Notice is hereby given by the U.S. Environmental Protection Agency (EPA), Region 8, of a Cashout Agreement between the United States on behalf of the EPA, the State of Colorado (State), and Broderick Investment Company (Settling Party), at the Broderick Wood Products Superfund Site (Site) located in Adams County, Colorado. By entering into this Settlement Agreement, the mutual objective of the Parties is to avoid difficult and prolonged litigation by allowing Settling Party to make a cash payment to address its alleged civil liability for the Site.

DATES: Comments must be submitted on or before December 9, 2024.

ADDRESSES: The proposed agreement and additional background information relating to the agreement will be available upon request and will be posted at *https://www.epa.gov/superfund.* Comments and requests for an electronic copy of the proposed agreement should be addressed to Natalie Timmons, Enforcement Specialist, Superfund and Emergency Management Division, Environmental Protection Agency—Region 8, Mail Code 8SEM–PAC, 1595 Wynkoop Street, Denver, Colorado 80202, telephone number: (303) 312–6385 or email address: *timmons.natalie@epa.gov* and should reference the Broderick Wood Products Superfund Site. You may also send comments, identified by Docket ID No. EPA–R08–SFUND–2024–0470 to *https://www.regulations.gov.* Follow the online instructions for submitting comments.

FOR FURTHER INFORMATION CONTACT: Kayleen Castelli, General Attorney, Office of Regional Counsel, Environmental Protection Agency, Region 8, Mail Code 8 ORC–LEB–CES_ 1595 Wynkoop, Denver, Colorado 80202, telephone number: (303) 312–6174, email address: *castelli.kayleen@epa.gov.*

SUPPLEMENTARY INFORMATION: For thirty (30) days following the date of publication of this document, the Agency will receive written comments relating to the agreement. The Agency will consider all comments received and may modify or withdraw its consent to the agreement if comments received disclose facts or considerations that indicate that the agreement is inappropriate, improper, or inadequate.

(In accordance with the section 122(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (''CERLCA''))

Aaron Urdiales,

Division Director, Superfund and Emergency Management Division, Region 8.

[FR Doc. 2024–25830 Filed 11–7–24; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OAR–2024–0446; FRL–12398–01–OAR]

Notice of Pending Approval for Other Use of Phosphogypsum; Extension of Public Comment Period

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability.

SUMMARY: The Environmental Protection Agency (the EPA or the Agency) continues to seek public comment on its pending approval of a request for a *Small-scale Road Pilot Project on Private Land in Florida* submitted by Mosaic Fertilizer, LLC in March 2022, and updated by the *Revised Request for Approval of Use of Phosphogypsum in Small-scale Pilot Project,* submitted in August 2023. The Agency's review found that Mosaic's request is complete per the requirements of EPA's National Emissions Standards for Hazardous Air Pollutants under the Clean Air Act, and that the potential radiological risks from conducting the pilot project meet the regulatory requirement that the project is at least as protective of public health as maintaining the phosphogypsum in a stack. On October 1, 2024, the EPA issued a pending approval of the request subject to certain conditions, and also opened a 30-day public comment period. With this notice, the Agency is soliciting public comments for an additional 15 days.

DATES: Comments may be submitted on or before November 23, 2024.

ADDRESSES: You may send comments, identified by Docket ID No. EPA–HQ–OAR–2024–0446 by any of the following methods:

- *Federal eRulemaking Portal: https://www.regulations.gov* (our preferred method). Follow the online instructions for submitting comments.
- *Email: a-and-r-Docket@epa.gov.* Include Docket ID No. EPA–HQ–OAR–2024–0446 in the subject line of the message.
- *U.S. Postal Service Mail:* U.S. Environmental Protection Agency, EPA Docket Center, Air and Radiation Docket, Mail Code 28221T, 1200 Pennsylvania Avenue NW, Washington, DC 20460.
- *Hand Delivery/Courier:* EPA Docket Center, WJC West Building, Room 3334, 1301 Constitution Avenue NW, Washington, DC 20004. The Docket Center's hours of operations are 8:30 a.m.–4:30 p.m., Monday–Friday (except Federal Holidays).

Instructions: All submissions received must include the Docket ID No. EPA–HQ–OAR–2024–0446. Comments received may be posted without change to *https://www.regulations.gov/,* including any personal information provided. For detailed instructions on sending comments, see the **SUPPLEMENTARY INFORMATION** section of this document. Copies of Mosaic's request, supporting materials, and the EPA's analysis are available on the EPA's phosphogypsum website at *https://www.epa.gov/radiation/phosphogypsum#aaup.*

FOR FURTHER INFORMATION CONTACT: Jonathan Walsh, Radiation Protection Division, Office of Radiation and Indoor Air, Mail Code 6608T, Environmental Protection Agency, 1200 Pennsylvania Avenue NW, Washington, DC 20460; 202–343–9238; *Walsh.Jonathan@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Public Participation

Submit your comments, identified by Docket ID No. EPA–HQ–OAR–2024–0446, at *https://www.regulations.gov* (our preferred method), or the other methods identified in the **ADDRESSES** section.

Once submitted, comments cannot be edited or removed from the docket. The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA generally will not consider comments or their contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *https://www.epa.gov/dockets/commenting-epa-dockets.*

Tips for Preparing Your Comments. When submitting comments, remember to:

- Identify the notice by docket number, subject heading, **Federal Register** date, and page number.
- Provide a brief description of yourself and your role or organization.
- Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.
- Describe any assumptions and provide any technical information and/or data that you used.
- Illustrate your concerns with specific examples and suggest alternatives.
- Explain your views as clearly as possible, avoiding the use of profanity or personal threats.
- Make sure to submit your comments by the comment period deadline identified.

II. Background

Phosphogypsum is the waste byproduct of wet acid phosphorous production. It contains elevated concentrations of the radionuclide radium, which decays to form radon gas. The EPA's regulations under the Clean Air Act at 40 CFR part 61, subpart R (hereafter ''Subpart R'') require that phosphogypsum must be disposed of in engineered piles, called stacks, to limit public exposure to its radioactive components. Subpart R allows the removal of phosphogypsum from stacks for outdoor agricultural purposes and indoor research and development, subject to conditions and restrictions. Any other use of phosphogypsum requires prior approval from the EPA. The EPA may approve a request for a specific use of phosphogypsum if it determines that the proposed use is at least as protective of public health as placement of phosphogypsum in a stack. The processes for requesting such an approval are described in 40 CFR 61.206.

Mosaic Fertilizer, LLC submitted a request for a Small-scale Road Pilot Project on Private Land in Florida in March 2022, and submitted a Revised Request for Approval of Use of Phosphogypsum in Small-scale Pilot Project in August 2023. Mosaic has proposed to construct a small-scale pilot project at its New Wales facility in Polk County, Florida. Mosaic's plan is to construct four sections of test road having varying mixtures of phosphogypsum (PG) in the road base ''to demonstrate the range of PG road construction designs that meet the Florida Standard Specifications for Road and Bridge construction.'' The pilot project will be constructed in the place of an existing facility road near the phosphogypsum stack, and the study will be conducted in conjunction with researchers from the University of Florida.

The EPA has performed a complete review of Mosaic's request, documented in *Review of the Small-scale Road Pilot Project on Private Land in Florida Submitted by Mosaic Fertilizer, LLC.* The Agency's review found that Mosaic's request is complete per the requirements of 40 CFR 61.206(b). Further, the review found that Mosaic's risk assessment is technically acceptable, and that the potential radiological risks from the proposed project meet the regulatory requirements of 40 CFR 61.206(c); that is, the project is at least as protective of public health as maintaining the phosphogypsum in a stack. Therefore, the Agency has issued a pending approval of the small-scale pilot project per 40 CFR 61.206. The pending approval and all supporting documentation are available via the regulations.gov website (*www.regulations.gov;* Docket ID: EPA–HQ–OAR–2024–0446). This approval initially was pending a 30-day public comment period; with today's notice, the Agency is extending the comment period by an additional 15 days. Approval by the Agency is specific to the pilot project as described in the Mosaic request and indicates only that this project meets the approval requirements of Subpart R.

III. Request for Comments

The Agency is continuing to solicit public comment on its pending approval until November 23, 2024. Upon receipt of public comments, the EPA will review them for relevance to the pending design and determine if they contain information that would lead to a concern for human health or environmental impacts not previously considered. Comments must be specific to the small-scale pilot project as it is described in Mosaic's request and the EPA's pending approval. Should the EPA receive significant adverse comments on aspects of this specific

pilot project, the Agency will give the applicant the opportunity to amend the analysis or request. If the comments can be successfully addressed, the EPA will publish a response to comments and notify the public. The Agency's decision to approve or deny a request for other use under 40 CFR 61.206 is not a rulemaking. The EPA's complete process of soliciting and addressing comments is described in Section 2.4 of *Applying to EPA for Approval of Other Uses of Phosphogypsum: Preparing and Submitting a Complete Petition Under 40 CFR 61.206, A Workbook.*

Electronic copies of the application, the EPA's review, and relevant background materials are available in the public docket [1] and on the EPA phosphogypsum website.[2] Physical copies of the Mosaic request and the Agency's technical evaluation have been placed for public review in the Mulberry Public Library, 905 NE 5th Street, Mulberry, FL 33860.

Jonathan D. Edwards,

Director, Office of Radiation and Indoor Air.

[FR Doc. 2024–25746 Filed 11–7–24; 8:45 am]

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[1] Docket ID No. EPA–HQ–OAR–2024–0446.

[2] *https://www.epa.gov/radiation/phosphogypsum#aaup.*

ENVIRONMENTAL PROTECTION AGENCY

[FRL OP–OFA–151]

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 28, 2024 10 a.m. EST Through November 4, 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. 20240196, Final, NPS, FL, Big Cypress National Preserve, Final Backcountry Access Plan/Wilderness Study/Final Environmental Impact Statement, Review Period Ends: 12/09/2024, Contact: Thomas Forsyth 239–695–1101.

EIS No. 20240197, Final, BLM, OR, Lakeview Proposed Resource Management Plan Amendment and Final Environmental Impact Statement, Review Period Ends: 12/09/2024, Contact: Michael Collins 541–947–6112.

EIS No. 20240199, Final Supplement, USFWS, BLM, UT, Supplemental Environmental Impact Statement to Reconsider a Highway Right-of-Way and Associated Amendment of an Incidental Take Permit, Washington County, Utah, Review Period Ends: 12/09/2024, Contact: Dawna Ferris-Rowley 435–688–3216.

EIS No. 20240200, Draft, USACE, TX, Cedar Port Navigation District Channel Deepening Project, Baytown, Texas, Comment Period Ends: 12/23/2024, Contact: Christopher B. Ford 409–766–3079.

EIS No. 20240201, Final Supplement, USFWS, BLM, AK, Coastal Plain Oil and Gas Leasing Program, Review Period Ends: 12/09/2024, Contact: Serena Sweet 907–271–4543.

EIS No. 20240202, Final Supplement, USACE, MD, Mid-Chesapeake Bay Island Ecosystem Restoration at James Island, Review Period Ends: 12/09/2024, Contact: Dr. Angela Sowers 410–962–7440.

Dated: November 4, 2024.

Timothy Witman,

Acting Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 2024–25972 Filed 11–7–24; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OAR–2020–0312; FRL–7887–05–OAR]

Release of Planning Update in the Review of the Lead National Ambient Air Quality Standards

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability.

SUMMARY: On or about November 8, 2024, the Environmental Protection Agency (EPA) is making available to the public an update on two aspects of the approach for the quantitative human exposure and health risk analyses, *Update on Two Aspects of the Analytical Approach* (Update). This Update provides additional detail regarding aspects of the analysis plans described in Volume 3 of the *Integrated Review Plan for the Lead National Ambient Air Quality Standards* (IRP). The national ambient air quality standards (NAAQS) for lead (Pb) are set to protect the public health and the public welfare from Pb in ambient air. Volume 3 of the IRP is the planning document for quantitative analyses to be considered in the policy assessment (PA), including human exposure and health risk analyses.

DATES: Comments must be received on or before December 9, 2024.

ADDRESSES: You may send comments on this document, identified by Docket ID No. EPA–HQ–OAR–2020–0312, by any of the following methods:

- *Federal eRulemaking Portal: https://www.regulations.gov/* (our preferred method). Follow the online instructions for submitting comments.
- *Mail:* U.S. Environmental Protection Agency, EPA Docket Center, Office of Air and Radiation Docket, Mail Code 28221T, 1200 Pennsylvania Avenue NW, Washington, DC 20460.
- *Hand Delivery or Courier (by scheduled appointment only):* EPA Docket Center, WJC West Building, Room 3334, 1301 Constitution Avenue NW, Washington, DC 20004. The Docket Center's hours of operations are 8:30 a.m.–4:30 p.m., Monday–Friday (except Federal Holidays).

Instructions: All submissions received must include the Docket ID No. for this notice. Comments received may be posted without change to *https://www.regulations.gov,* including any personal information provided. For detailed instructions on sending comments, see the **SUPPLEMENTARY INFORMATION** section of this document. The document described here will be available on the EPA's website at *https://www.epa.gov/naaqs/lead-pb-air-quality-standards.* The document will be accessible under ''Planning Documents'' for the current review.

FOR FURTHER INFORMATION CONTACT: Dr. Deirdre L. Murphy, Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Mail Code: C504–06, 109 T.W. Alexander Drive, P.O. Box 12055, Research Triangle Park, NC 27711; telephone number: 919–541–0729; or email: *murphy.deirdre@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

Written Comments

Submit your comments, identified by Docket ID No. EPA–HQ–OAR–2020–0312, at *https://www.regulations.gov* (our preferred method), or the other methods identified in the **ADDRESSES** section. Once submitted, comments cannot be edited or removed from the docket. The EPA may publish any comment received to its public docket. Do not submit to EPA's docket at *https://www.regulations.gov* any

information you consider to be Confidential Business Information (CBI), Proprietary Business Information (PBI), or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). Please visit *https://www.epa.gov/dockets/commenting-epa-dockets* for additional submission methods; the full EPA public comment policy; information about CBI, PBI, or multimedia submissions; and general guidance on making effective comments.

II. Information About the Documents

Two sections of the Clean Air Act (CAA or the Act) govern the establishment and revision of the NAAQS. Section 108 directs the Administrator to identify and list certain air pollutants and then issue ''air quality criteria'' for those pollutants. The air quality criteria are to ''accurately reflect the latest scientific knowledge useful in indicating the kind and extent of all identifiable effects on public health or welfare which may be expected from the presence of such pollutant in the ambient air . . .'' (CAA section 108(a)(2)). Under section 109 of the Act, the EPA is then to establish primary (health-based) and secondary (welfare-based) NAAQS for each pollutant for which the EPA has issued air quality criteria. Section 109(d)(1) of the Act requires periodic review and, if appropriate, revision of existing air quality criteria. Revised air quality criteria are to reflect advances in scientific knowledge on the effects of the pollutant on public health and welfare. Under the same provision, the EPA is also to periodically review and, if appropriate, revise the NAAQS, based on the revised air quality criteria.

The Act additionally requires appointment of an independent scientific review committee that is to periodically review the existing air quality criteria and NAAQS and to recommend any new standards and revisions of existing criteria and standards as may be appropriate (CAA section 109(d)(2)(A)–(B)). Since the early 1980s, the requirement for an independent scientific review committee has been fulfilled by the Clean Air Scientific Advisory Committee (CASAC).

Presently the EPA is reviewing the air quality criteria and NAAQS for Pb.[1] The document announced in this notice has been developed as a follow-up to Volume 3 of the IRP. Like the IRP, this Update has been prepared by the EPA's Office of Air Quality Planning and Standards, within the Office of Air and Radiation. This document will be available on the EPA's website at *https://www.epa.gov/naaqs/lead-pb-air-quality-standards,* accessible under ''Planning Documents'' for the current Pb NAAQS review.

The IRP for the current review of the lead NAAQS is comprised of three volumes. Volume 3 is the planning document for quantitative analyses to be considered in the policy assessment (PA), including exposure and risk analyses. Volume 3 was the subject of a consultation with the CASAC Lead Panel on June 14, 2023, and is available on the EPA's website.[2] The Update provides additional updated detail on two aspects of the approach planned for quantitative human exposure and health risk analyses being performed in this NAAQS review. Comments on the Update should be submitted to the docket, as described above, by December 9, 2024. A separate **Federal Register** notice provided details about the CASAC Lead Panel consultation meeting and the process for participation in the consultation meeting on this document (89 FR 86801, October 31, 2024). The EPA will consider the consultation comments from the CASAC Lead Panel and public comments on this Update in its preparation of quantitative exposure and risk analyses for the PA. This document does not represent and should not be construed to represent any final EPA policy, viewpoint, or determination.

Erika N. Sasser,

Director, Health and Environmental Impacts Division.

[FR Doc. 2024–26125 Filed 11–7–24; 8:45 am]

BILLING CODE 6560–50–P

[1] The EPA's call for information for this review was issued on July 7, 2020 (85 FR 40641) and the Integrated Science Assessment for Lead was released on January 31, 2024 (89 FR 8425, February 7, 2024).

[2] Volume 3 of the IRP is already available on the EPA website, along volumes 1 and 2. Volume 1 of the IRP provides background or contextual and historical material for this NAAQS review. All three volumes are available at *https://www.epa.gov/naaqs/lead-pb-air-quality-standards,* accessible under ''Planning Documents'' for the current review.

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0423; FR ID 259979]

Information Collections Being Reviewed by the Federal Communications Commission Under Delegated Authority

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act of 1995 (PRA), the Federal Communications Commission (FCC or Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. Comments are requested concerning: whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees. The FCC may not conduct or sponsor a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

DATES: Written PRA comments should be submitted on or before January 7, 2025. If you anticipate that you will be submitting comments but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Cathy Williams, FCC, via email to *PRA@fcc.gov* and to *Cathy.Williams@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Cathy Williams at (202) 418–2918.

SUPPLEMENTARY INFORMATION: *OMB Control Number:* 3060–0423.

Title: Section 73.3588, Dismissal of Petitions to Deny or Withdrawal of Informal Objections.

Type of Review: Extension of a currently approved collection.

Respondents: Businesses or other for-profit entities.

Number of Respondents and Responses: 50 respondents; 50 responses.

Estimated Time per Response: 20 minutes.

Frequency of Response: On occasion reporting requirement.

Obligation To Respond: Required to obtain or retain benefits. The statutory authority for this collection is section 154(i) of the Communications Act of 1934, as amended.

Total Annual Burden: 17 hours.

Total Annual Cost: $63,750.

Needs and Uses: The information collection requirements contained in 47 CFR 73.3588 state whenever a petition to deny or an informal objection has been filed against any applications for renewal, new construction permits, modifications, and transfers/assignments, and the filing party seeks to dismiss or withdraw the petition to deny or the informal objection, either unilaterally or in exchange for financial consideration, that party must file with the Commission a request for approval of the dismissal or withdrawal. This request must include the following documents: (1) A copy of any written agreement related to the dismissal or withdrawal, (2) an affidavit stating that the petitioner has not received any consideration in excess of legitimate and prudent expenses in exchange for dismissing/withdrawing its petition, (3) an itemization of the expenses for which it is seeking reimbursement, and (4) the terms of any oral agreements related to the dismissal or withdrawal of the petitions to deny. Each remaining party to any written or oral agreement must submit an affidavit within 5 days of petitioner's request for approval stating that it has paid no consideration to the petitioner in excess of the petitioner's legitimate and prudent expenses. The affidavit must also include the terms of any oral agreements relating to the dismissal or withdrawal of the petition to deny.

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2024–25918 Filed 11–7–24; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[FR ID: 260100]

Privacy Act of 1974; System of Records

AGENCY: Federal Communications Commission.

ACTION: Notice of a modified system of records.

SUMMARY: The Federal Communications Commission (FCC or Commission or Agency) has modified an existing system of records, FCC/OGC–3, Adjudication of Internal Complaints Against Employees, subject to the Privacy Act of 1974, as amended. This action is necessary to meet the requirements of the Privacy Act to publish in the **Federal Register** notice of the existence and character of records maintained by the Agency. The Office of General Counsel (OGC) uses the personally identifiable information (PII) in this system for purposes that include settlement negotiations with opposing parties and litigation before an administrative body or a court of appropriate jurisdiction.

DATES: This modified system of records will become effective on November 8, 2024. Written comments on the routine uses are due by December 9, 2024. The routine uses in this action will become effective on December 9, 2024 unless comments are received that require a contrary determination.

ADDRESSES: Send comments to Brendan McTaggart, Federal Communications Commission, 45 L Street NE, Washington, DC 20554, or *privacy@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: Brendan McTaggart, (202) 418–1738, or *privacy@fcc.gov.*

SUPPLEMENTARY INFORMATION: This notice serves to update and modify FCC/OGC–3 as a result of various necessary changes and updates. The substantive changes and modifications to the previously published version of the FCC/OGC–3 system of records include:

1. Adding one new routine use: (10) Assistance to Federal Agencies and Entities Related to Breaches, the addition of which is required by OMB M–17–12.

2. Updating and/or revising language in three routine uses (listed by the routine use number provided in this notice): (1) Litigation and (2) Adjudication, which were formerly a single routine use; (3) Law Enforcement and Investigation; (4) Congressional Inquiries; (5) Government-wide Program Management and Oversight; (9) Breach Notification, the modification of which is required by OMB M–17–12; and (11) Nonfederal Personnel.

The system of records is also updated to reflect various administrative changes related to the system managers and system addresses; policy and practices for storage, retention, disposal and retrieval of the information; administrative, technical, and physical safeguards; and updated notification, records access, and contesting records procedures.

SYSTEM NAME AND NUMBER:

FCC/OGC–3, Adjudication of Internal Complaints Against Employees.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

OGC, FCC, 45 L Street NE, Washington, DC 20554.

SYSTEM MANAGER(S):

OGC, FCC, 45 L Street NE, Washington, DC 20554.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 47 U.S.C. 154.

PURPOSE(S) OF THE SYSTEM:

Commission attorneys in OGC use these records for purposes including settlement negotiations with opposing parties and litigation before an administrative body or a court of appropriate jurisdiction.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any FCC employee, former FCC employee, or applicant for employment with the FCC who files or is the subject of a complaint or investigation involving internal personnel actions or activities, which include discrimination, harassment, reprisal, grievance, political activity, separation, or adverse action.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information in this system of records may include correspondence, memoranda, transcripts of hearings, briefs, pleadings, investigative reports, orders, and decisions, in addition to identifying information such as names and contact information of FCC staff.

RECORD SOURCE CATEGORIES:

The sources for the information in this system of records include:

(a) Individuals filing complaints, and the individuals who are the subjects of such complaints;

(b) Attorneys or representatives of complainants and the subjects of complaints;

(c) Communication between FCC organizational units;

(d) Investigative materials and related documentation and decisions involved in final agency decisions, initial administrative law judge orders, appeals, amendments, and litigation concerning such complaints and/or claims; and

(e) Administrative agencies investigating complaints and/or claims (*e.g.,* the Equal Employment Opportunity Commission, Merit System Protection Board, etc.).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, all or a portion of the records or information contained in this system may be disclosed to authorized entities, as is determined to be relevant and necessary, outside the FCC as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows. In each of these cases, the FCC will determine whether disclosure of the records is compatible with the purpose(s) for which the records were collected:

1. Litigation—Records may be disclosed to the Department of Justice (DOJ) when: (a) the FCC or any component thereof; (b) any employee of the FCC in his or her official capacity; (c) any employee of the FCC in his or her individual capacity where the DOJ or the FCC has agreed to represent the employee; or (d) the United States Government is a party to litigation or has an interest in such litigation, and by careful review, the FCC determines that the records are both relevant and necessary to the litigation, and the use of such records by the DOJ is for a purpose that is compatible with the purpose for which the FCC collected the records.

2. Adjudication—Records may be disclosed in a proceeding before a court or adjudicative body, when: (a) the FCC or any component thereof; or (b) any employee of the FCC in his or her official capacity; or (c) any employee of the FCC in his or her individual capacity; or (d) the United States Government, is a party to litigation or has an interest in such litigation, and by careful review, the FCC determines that the records are both relevant and necessary to the litigation, and that the use of such records is for a purpose that is compatible with the purpose for which the agency collected the records.

3. Law Enforcement and Investigation—When the FCC investigates any violation or potential violation of a civil or criminal law, regulation, policy, executed consent decree, order, or any other type of compulsory obligation and determines that a record in this system, either alone or in conjunction with other information, indicates a violation or potential violation of law, regulation, policy, consent decree, order, or other compulsory obligation, the FCC may disclose pertinent information as it deems necessary to the target of an investigation, as well as with the appropriate Federal, State, local, Tribal, international, or multinational agencies, or a component of such an agency, responsible for investigating, prosecuting, enforcing, or implementing a statute, rule, regulation, or order.

4. Congressional Inquiries—Information may be provided to a Congressional office in response to an inquiry from that Congressional office made at the written request of the individual to whom the information pertains.

5. Government-wide Program Management and Oversight—Information may be disclosed to the DOJ to obtain that department's advice regarding disclosure obligations under the Freedom of Information Act (FOIA); or to the Office of Management and Budget (OMB) to obtain that office's advice regarding obligations under the Privacy Act.

6. Certain Disclosures to Other Federal Agencies—Information may be disclosed to a Federal agency, in response to its request in connection with the hiring or retention of an employee, the issuance of a security clearance, the conducting of a suitability or security investigation of an individual, the classifying of jobs, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

7. Employment, Clearances, Licensing, Contract, Grant, or other Benefits Decisions by the Agency—Information may be disclosed to a Federal, State, local, foreign, Tribal, or other public agency or authority maintaining civil, criminal, or other relevant enforcement records, or other pertinent records, or to another public authority or professional organization, if necessary to obtain information relevant to an investigation concerning the hiring or retention of an employee or other personnel action, the issuance or retention of a security clearance, the classifying of jobs, the letting of a contract, or the issuance or retention of a license, grant, or other benefit by the Commission, to the extent that the information is relevant and necessary to the requesting agency's decisions on the matter.

8. Labor Relations—Information may be disclosed to officials of labor organizations recognized under 5 U.S.C. chapter 71 upon receipt of a formal request and in accord with the conditions of 5 U.S.C. 7114 when relevant and necessary to their duties of exclusive representation concerning personnel policies, practices, and matters affecting working conditions.

9. Breach Notification—Records may be disclosed to appropriate agencies, entities, and persons when: (a) the Commission suspects or has confirmed that there has been a breach of the system of records; (b) the Commission has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, the Commission (including its information system, programs, and operations), the Federal Government, or national security; and; and (c) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Commission's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

10. Assistance to Federal Agencies and Entities Related to Breaches—Records may be disclosed to another Federal agency or Federal entity, when the Commission determines that information from this system is reasonably necessary to assist the recipient agency or entity in: (a) Responding to a suspected or confirmed breach or (b) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, program, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

11. Non-Federal Personnel—Records may be disclosed to non-Federal personnel, including contractors, other vendors (*e.g.,* identity verification services), grantees, and volunteers who have been engaged to assist the FCC in the performance of a service, grant, cooperative agreement, or other activity related to this system of records and who need to have access to the records in order to perform their activity.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Information in this system includes both paper and electronic records. The paper records, documents, and files are maintained in file cabinets that are located in OGC and in the FCC Bureaus

and Offices (B/Os) of the FCC staff who provide the responses to covered complaints. Electronic records in this system reside on the FCC or a vendor's network.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Records are retrieved by the name of individuals who are the subjects of complaints or investigations and by the names of individuals who have filed complaints.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

Records are retained and disposed of in accordance with the FCC records control schedules NC1–173–84–05, Item 3 and N1–173–91–001, Item 6, both of which have been approved by the National Archives and Records Administration (NARA).

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

The file cabinets containing paper records in this system are maintained in file cabinets in ''non-public'' rooms in the OGC and B/O suites. The OGC and B/O file cabinets are locked at the end of the business day. Access to these office suites is through card-coded main doors. Only authorized OGC and B/O supervisors and staff who are responsible for responding to these complaints, have access to these paper records.

Electronic records, files, and data are stored within FCC or a vendor's accreditation boundaries and maintained in a database housed in the FCC's or vendor's computer network databases. Access to the electronic files is restricted to authorized employees and contractors; and to IT staff, contractors, and vendors who maintain the IT networks and services. Other employees and contractors may be granted access on a need-to-know basis. The electronic files and records are protected by the FCC and third-party privacy safeguards, a comprehensive and dynamic set of IT safety and security protocols and features that are designed to meet all Federal privacy standards, including those required by the Federal Information Security Modernization Act of 2014 (FISMA), the Office of Management and Budget (OMB), and the National Institute of Standards and Technology (NIST).

RECORD ACCESS PROCEDURES:

Individuals wishing to request access to and/or amendment of records about themselves should follow the Notification Procedures below.

CONTESTING RECORD PROCEDURES:

Individuals wishing to request access to and/or amendment of records about themselves should follow the Notification Procedures below.

NOTIFICATION PROCEDURES:

Individuals wishing to determine whether this system of records contains information about themselves may do so by writing to *privacy@fcc.gov.* Individuals requesting access must also comply with the FCC's Privacy Act regulations regarding verification of identity to gain access to records as required under 47 CFR part 0, subpart E.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY:

83 FR 7721 (Feb. 22, 2018).

Federal Communications Commission.

Marlene Dortch,

Secretary.

[FR Doc. 2024–25919 Filed 11–7–24; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–1263; FR ID 260093]

Information Collection Being Reviewed by the Federal Communications Commission Under Delegated Authority

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act of 1995 (PRA), the Federal Communications Commission (FCC or Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. Comments are requested concerning: whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees. The FCC may not conduct or sponsor a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

DATES: Written PRA comments should be submitted on or before January 7, 2025. If you anticipate that you will be submitting comments but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Cathy Williams, FCC, via email to *PRA@fcc.gov* and to *Cathy.Williams@fcc.gov*.

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Cathy Williams at (202) 418–2918.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–1263.

Title: Sections 74.1203(a)(3), Interference, and 74.1204(f), Protection of FM broadcast, FM Translator and LP100 stations.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities; Not-for-profit institutions; State, Local or Tribal Government.

Number of Respondents and Responses: 270 respondents; 270 responses.

Estimated Time per Response: 3–5 hours.

Frequency of Response: Third party disclosure requirement and on occasion reporting requirement.

Total Annual Burden: 1,080 hours.

Total Annual Cost: $924,100.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this collection of information is contained in sections 1, 4(i), 4(j), 301, 303, 307, 308, 309, 316, and 319 of the Communications Act, 47 U.S.C. 151, 154(i), 154(j), 301, 303, 307, 308, 309, 316, and 319.

Needs and Uses: The Commission is requesting an extension of this information collection in order to receive approval/clearance from the Office of Management and Budget for three years. On May 9, 2019, the Commission adopted a Report and Order, Amendment of part 74 of the Commission's Rules Regarding FM Translator Interference, FCC 19–40, MB Docket No. 18–119 (FM Translator Interference Report and Order),

adopting proposals to streamline the rules relating to interference caused by FM translators and to expedite the translator interference complaint resolution process. These measures were designed to limit or avoid protracted and contentious interference disputes, provide translator licensees additional investment certainty and flexibility to remediate interference, and provide affected stations expedited resolution of interference complaints. When the FM Translator Interference Report and Order was adopted, the following information collection requirements required OMB approval.

Specifically, the FM Translator Interference Report and Order, as it pertains to this Information Collection, codified the translator interference listener complaint requirements under rule § 74.1201(k) and §§ 74.1203(a)(3) (actual interference) and 74.1204(f) (predicted interference). The Commission set forth the requirements for a listener complaint submitted with a translator interference claim in § 74.1201(k), as a complaint that is signed and dated by the listener, and contains the following information: (1) the complainant's full name, address, and phone number; (2) a clear, concise, and accurate description of the location where the interference is alleged or predicted to occur; (3) a statement that the complainant listens to the desired station using an over-the-air signal at least twice a month, to demonstrate the complainant is a regular listener; and (4) a statement that the complainant has no legal, employment, financial, or familial affiliation or relationship with the desired station, to demonstrate the complainant is disinterested. Electronic signatures are acceptable for this purpose.

The FM Translator Interference Report and Order established a minimum number of listener complaints, ranging from 6 to 25, depending on the population served within the protected contour of the complaining station. In addition to the required minimum number of valid listener complaints, a station submitting a translator interference claim package pursuant to either § 74.1203(a)(3) or 74.1204(f) must include: (1) a map plotting the specific locations of the alleged interference in relation to the 45 dBu contour of the complaining station; (2) a statement that the complaining station is operating within its licensed parameters; (3) a statement that the complaining station licensee has used commercially reasonable efforts to inform the relevant translator licensee of the claimed interference and attempted private resolution; and (4) U/D data demonstrating that at each listener location the ratio of undesired to desired signal strength exceeds −20 dB for co-channel situations, −6 dB for first-adjacent channel situations or 40 dB for second- or third-adjacent channel situations, calculated using the Commission's standard contour prediction methodology set out in § 73.313.

In the FM Translator Interference Report and Order, the Commission outlined two paths for resolving interference. First, a translator operator may resolve each listener complaint by working with the listener to resolve reception issues. The translator operator must then document and certify that the desired station can now be heard on the listener's receiver, *i.e.,* that the adjustment to or replacement of the listener's receiving equipment actually resolved the interference. Second, the translator operator may work with the complaining station to resolve station signal interference issues using rule-compliant suitable technical techniques. Once agreement is reached, the translator operator submits the agreed-upon remediation showing to the Commission.

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2024–26011 Filed 11–7–24; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–1302; FR ID 259002]

Information Collection Being Reviewed by the Federal Communications Commission

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995, the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

DATES: Written PRA comments should be submitted on or before January 7, 2025. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Nicole Ongele, FCC, via email *PRA@fcc.gov* and to *nicole.ongele@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Nicole Ongele, (202) 418–2991.

SUPPLEMENTARY INFORMATION: The FCC may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid Office of Management and Budget (OMB) control number.

OMB Control Number: 3060–1302.

Title: Wireless Emergency Alerts (WEA) False Alert Reporting.

Form No.: N/A.

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

Respondents: State, Local, Territorial, Tribal, or Federal Government.

Number of Respondents and Responses: 23,201 respondents; 15 responses.

Estimated Time per Response: 1 hour.

Frequency of Response: On occasion reporting requirement.

Obligation to Respond: Voluntary. Statutory authority for this information collection is contained in 47 U.S.C. 151, 152, 154(i), 154(o), 301, 303(r), 303(v), 307, 309, 335, 403, 544(g), 606, 613, 1201, 1202, 1203, 1204 and 1206. *Total Annual Burden:* 15 hours.

Total Annual Cost: No cost.

Needs and Uses: This is a request for a revision of a currently approved information collection related to two regulations under the Commission's part 10 Wireless Emergency Alert (WEA) rules. No other information collections contained in the Commission's regulations will be impacted by the rules described herein.

The WEA system is a mechanism under which Commercial Mobile

Service (CMS) providers may elect to transmit emergency alerts to the public. The Commission created WEA (previously known as the Commercial Mobile Service Alert System) as required by Congress in the Warning Alert and Response Network (WARN) Act and to satisfy the Commission's mandate to promote the safety of life and property through the use of wire and radio communication.

On January 1, 2021, Congress passed the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (NDAA21). Section 9201 of the NDAA21 required the Commission to complete a rulemaking and adopt rules within 180 days to make certain changes to its WEA regulations, and also to its separate Emergency Alert System (EAS) regulations governing broadcast, cable television, and direct satellite media emergency alerts.

With respect to the WEA rule changes, Section 9201 directed the Commission to ensure that the mobile devices of CMS providers that have elected to participate in WEA cannot opt out of receiving WEA alerts from the Federal Emergency Management Agency (FEMA) Administrator, and to enable reporting by the FEMA Administrator and State, Tribal, or Local governments of false WEA alerts. On June 21, 2021, the Commission released its Report and Order in PS Dockets 15–91 and 15–94 (NDAA21 Alerting Order), FCC 21–77, adopting the WEA and EAS changes directed by Congress in the NDAA21. The EAS changes are the subject of a different notice to be published separately.

The NDAA21 Alerting Order implemented Congresses' new directives for WEA, in part, with two new regulations that impose new burdens on respondents: the handset display update, and false alert reporting. The handset display update requirement has since been fulfilled by respondents and the burdens will be removed from this collection pursuant to the revisions in this information collection. With respect to false alert reporting, the Commission adopted a rule permitting the FEMA Administrator or a State, Local, Tribal, or Territorial government to voluntarily report WEA false alerts to the FCC Operations Center at *FCCOPS@fcc.gov,* informing the Commission of the event and any relevant details. This rule created a voluntary mechanism for collection of information so that the Commission can monitor these false alert events which can undermine public confidence in the reliability of emergency alerting and WEA. Email reporting was adopted as a minimally-burdensome way for government entities to report false alerts. The WEA false alert reporting regulation is codified at 47 CFR 10.520(d)(2).

Federal Communications Commission.

Marlene Dortch,

Secretary.

[FR Doc. 2024–25916 Filed 11–7–24; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

[OMB No. 3064–NEW]

Agency Information Collection Activities: Proposed Collection Renewal; Comment Request

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Notice and request for comment.

SUMMARY: The FDIC, as part of its obligations under the Paperwork Reduction Act of 1995, invites the general public and other Federal agencies to take this opportunity to comment on the request to obtain OMB approval of the new information collection described below. The initial notice for the creation of this new information collection was previously published in the **Federal Register** on March 5, 2024, allowing for a 60-day comment period.

DATES: Comments must be submitted on or before December 9, 2024.

ADDRESSES: Interested parties are invited to submit written comments to the FDIC by any of the following methods:

- *Agency website: https://www.fdic.gov/resources/regulations/federal-register-publications/.*
- *Email: comments@fdic.gov.* Include the name and number of the collection in the subject line of the message.
- *Mail:* Manny Cabeza (202–898–3767), Regulatory Counsel, MB–3128, Federal Deposit Insurance Corporation, 550 17th Street NW, Washington, DC 20429.
- *Hand Delivery:* Comments may be hand-delivered to the guard station at the rear of the 17th Street NW building (located on F Street NW), on business days between 7 a.m. and 5 p.m.

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Manny Cabeza, Regulatory Counsel, 202–898–3767, *mcabeza@fdic.gov,* MB–3128, Federal Deposit Insurance Corporation, 550 17th Street NW, Washington, DC 20429.

SUPPLEMENTARY INFORMATION: The FDIC is requesting OMB approval for the following new collection of information:

Title: Visitor Notification form.

OMB Number: 3064–NEW.

Frequency of Response: On occasion.

Affected Public: Individuals intending to enter FDIC facilities.

Estimated Annual Burden:

TABLE 1—SUMMARY OF ESTIMATED ANNUAL BURDEN

[OMB No. 3064–NEW]

Information Collection (IC) (obligation to respond)	Type of burden (frequency of response)	Number of respondents	Number of responses per respondent	Time per response (HH:MM)	Annual burden (hours)
Visitor Notification form, (Mandatory)	Recordkeeping (Annual)	598	1.087	00:15	163
Total Annual Burden (Hours)					163

Source: FDIC.

Note: The estimated annual IC time burden is the product, rounded to the nearest hour, of the estimated annual number of responses and the estimated time per response for a given IC. The estimated annual number of responses is the product, rounded to the nearest whole number, of the estimated annual number of respondents and the estimated annual number of responses per respondent. This methodology ensures the estimated annual burdens in the table are consistent with the values recorded in OMB's consolidated information system.

General Description of Collection: The FDIC proposes to use the Visitor Notification form to collect biographical, passport (for foreign nationals), and employment information from certain [1] visitors to the FDIC in order to assess the risk to FDIC facilities and personnel. The FDIC will require certain visitors to FDIC facilities, including support staff and interpreters, to complete and submit the form. Interested members of the public may obtain a copy of the proposed Visitor Notification form at the following web page: *https://www.fdic.gov/federal-register-publications/fdic-visitor-notification-form.*

Request for Comment

Comments are invited on (a) whether the collection of information is necessary for the proper performance of the FDIC's functions, including whether the information has practical utility; (b) the accuracy of the estimates of the burden of the information collection, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. All comments will become a matter of public record.

Federal Deposit Insurance Corporation.

Dated at Washington, DC, on November 5, 2024.

James P. Sheesley,

Assistant Executive Secretary.

[FR Doc. 2024–26056 Filed 11–7–24; 8:45 am]

BILLING CODE 6714–01–P

[1] Excluding U.S. Government, State, local, Tribal, or territorial employees and those who hold a national security clearance.

GENERAL SERVICES ADMINISTRATION

[OMB Control No. 3090–XXXX; Docket No. 2024–0001; Sequence No. 15]

Information Collection; Learning From Tribal Governments' Experiences With American Rescue Plan Programs

AGENCY: Office of Evaluation Sciences; Office of Government-wide Policy (OGP), General Services Administration (GSA).

ACTION: Notice and request for comments regarding a request for a new OMB clearance.

SUMMARY: Under the provisions of the Paperwork Reduction Act, the Regulatory Secretariat Division will be submitting to the Office of Management and Budget (OMB) a request to review and approve a new information collection request regarding new data collection activities conducted by OES. The objective of this project is to record and amplify key lessons learned from the American Rescue Plan Act of 2021 (ARP) programs that provided dedicated funding for Tribal governments. This project will include in-depth evaluations of three selected ARP programs that supported Tribal governments during the pandemic. We will conduct a set of qualitative, descriptive studies that aim to understand Tribal governments' awareness of, access to, and allocation of ARP-funded programs and resources.

DATES: Submit comments on or before January 7, 2025.

ADDRESSES: Submit comments identified by ''Information Collection 3090–XXXX; Learning from Tribal Governments' Experiences with American Rescue Plan Programs'' to *https://www.regulations.gov.*

Submit comments via the Federal eRulemaking portal by searching for ''Information Collection 3090–XXXX; Learning from Tribal Governments' Experiences with American Rescue Plan Programs''. Select the link ''Submit a Comment'' that corresponds with ''Information Collection 3090–XXXX; Learning from Tribal Governments' Experiences with American Rescue Plan Programs''. Follow the instructions provided at the ''Submit a Comment'' screen. Please include your name, company name (if any), and ''Information Collection 3090–XXXX; Learning from Tribal Governments' Experiences with American Rescue Plan Programs'' on your attached document. If your comment cannot be submitted using *regulations.gov,* call or email the points of contact in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions.

Instructions: Please submit comments only and cite ''Information Collection 3090–XXXX; Learning from Tribal Governments' Experiences with American Rescue Plan Programs'' in all correspondence related to this collection. Comments received generally will be posted without change to *regulations.gov,* including any personal and/or business confidential information provided. To confirm receipt of your comment(s), please check *regulations.gov,* approximately two-to-three business days after submission to verify posting.

FOR FURTHER INFORMATION CONTACT: Blair Read, Portfolio Lead, Office of Evaluation Sciences, at telephone 617–459–5428 or via email to *blair.read@gsa.gov* for clarification of content.

SUPPLEMENTARY INFORMATION:

A. Purpose

The Office of Evaluation Sciences (OES) at GSA has a mission to build and use evidence to better serve the public. The goal of this study is to look across several American Rescue Plan-funded programs that provided dedicated funding for Tribal governments. ARP represented the largest ever infusion of resources into Native nations by the federal governments. In some instances, the ARP was the first time Tribal governments and federal program teams worked together on a dedicated and direct transfer of program funds, requiring rapid innovation and experimentation in program design and intergovernmental partnership. Thus, it is vital to record and amplify key lessons learned, in order for the federal government to be better-positioned to support Native nations in future crises.

Through three data collection methods (interviews, focus groups, and a survey), we seek to learn about and report on the experiences of Tribal government employees or representatives, and the broader communities served by Tribal governments, as it relates to programs funded by ARP for which those Tribal governments were eligible.

With this effort, we seek to understand and highlight successes and challenges in learning about, applying for, and implementing these programs. This effort will be led by a Tribal Engagement Fellow and will be rooted in community engagement to ensure that the studies are informed by the priorities and perspectives of Tribal governments. The study aims to address the following research questions:

- What are Tribes' experiences with accessing ARP-funded programs?
- What are Tribes' experience with implementing ARP-funded programs?

As case studies, we will focus on three different ARP-funded programs in Tribal communities programs as case studies. From this data, we will produce 1–3 descriptive reports that share learnings about Tribal governments' experiences with specific programs. These summaries of the interviews, focus groups, and survey data will be included in a series of public facing reports, which will seek to highlight areas of success and lessons learned for improving federal agency support for Tribal nations going forward. In addition, we plan to produce a report that will synthesize these findings. It

will include broader insights and shared learnings across these studies.

Respondents: Representatives from Native nations who were involved in applying to or implementing the ARP-funded programs.

B. Annual Reporting Burden

The estimates below are calculated based on three data collection activities: 24 60-minute interviews (8 per program), 9 two-hour focus groups with 5 participants (3 per program), and a brief survey (100 respondents) of approximately 15 questions. These research activities will take place across the three ARP-funded programs included in our study. Respondents will only be asked to participate in one data collection activity.

Respondents: 169.

Responses per Respondent: 13.

Total Annual Responses: 2,250.

Hours per Response: 0.11.

Total Burden Hours: 239.

C. Public Comments

Public comments are particularly invited on: Whether this collection of information is necessary, whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; ways to enhance the quality, utility, and clarity of the information to be collected; and ways in which we can minimize the burden of the collection of information on those who are to respond, through the use of appropriate technological collection techniques or other forms of information technology.

Obtaining Copies of Proposals: Requesters may obtain a copy of the information collection documents from the Regulatory Secretariat Division by calling 202–501–4755 or emailing *GSARegSec@gsa.gov.* Please cite OMB Control No. 3090–XXXX, Title, in all correspondence.

Lois Mandell,

Director, Regulatory Secretariat Division, General Services Administration.

[FR Doc. 2024–26012 Filed 11–7–24; 8:45 am]

BILLING CODE 6820–TZ–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Toxic Substances and Disease Registry

[Docket No. ATSDR–2024–0004]

Availability of Five Draft Toxicological Profiles

AGENCY: Agency for Toxic Substances and Disease Registry (ATSDR), Department of Health and Human Services (HHS).

ACTION: Notice with comment period.

SUMMARY: The Agency for Toxic Substances and Disease Registry (ATSDR), within the Department of Health and Human Services (HHS), announces the opening of a docket to obtain comments on drafts of five updated toxicological profiles: benzene, carbon disulfide, cyanide, thallium, and chlorinated dibenzo-*p*-dioxins. This action is necessary as this is the opportunity for members of the public and organizations to submit comments on drafts of the profiles. The intended effect of this action is to ensure that the public can note any pertinent additional information or reports on studies about the health effects caused by exposure to the substances covered in these five profiles for review.

DATES: Written comments must be received on or before February 6, 2025.

ADDRESSES: You may submit comments, identified by Docket No. ATSDR–2024–0004 by either of the methods listed below. Do not submit comments by email. ATSDR does not accept comments by email.

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Agency for Toxic Substances and Disease Registry, Office of Innovation and Analytics, 4770 Buford Highway, Mail Stop S106–5, Atlanta, GA 30341–3717. Attn: Docket No. ATSDR–2024–0004.

Instructions: All submissions received must include the agency name and Docket Number. All relevant comments received will be posted without change to *https://www.regulations.gov,* including any personal information provided. For access to the docket to read background documents or comments received, go to *https://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Farhana Rahman, Agency for Toxic Substances and Disease Registry, Office of Innovation and Analytics, 4770 Buford Highway, Mail Stop S106–5, Atlanta, GA 30341–3717; Email: *ATSDRToxProfileFRNs@cdc.gov;* Phone: 1–800–232–4636.

SUPPLEMENTARY INFORMATION: ATSDR has prepared drafts of five updated toxicological profiles based on current understanding of the health effects and availability of new studies and other information since their initial release. All toxicological profiles issued as ''Drafts for Public Comment'' represent the result of ATSDR's evidence-based evaluations of the available literature to provide important toxicological information on priority hazardous substances to the public and health professionals. ATSDR considers key studies for these substances during the profile development process, using a systematic review approach. To that end, ATSDR is seeking public comments and additional information or reports on studies about the health effects of these substances for review and potential inclusion in the profiles. ATSDR will evaluate the quality and relevance of such data or studies for possible inclusion in the final profiles which will be available in the docket (ATSDR–2024–0004) and online at *https://www.atsdr.cdc.gov/ToxProfiles.*

Legislative Background

The Superfund Amendments and Reauthorization Act of 1986 (SARA) (42 U.S.C. 9601 *et seq.*) amended the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA or Superfund) (42 U.S.C. 9601 *et seq.*) by establishing certain requirements for ATSDR and the U.S. Environmental Protection Agency (EPA) regarding the hazardous substances most commonly found at facilities on the CERCLA National Priorities List. Among these statutory requirements is a mandate for the Administrator of ATSDR to prepare toxicological profiles for each substance included on the priority list of hazardous substances (also called the Substance Priority List (SPL)). This list identifies 275 hazardous substances that ATSDR has determined pose the most significant potential threat to human health. The SPL is available online at *https://www.atsdr.cdc.gov/SPL.* ATSDR is also mandated to revise and publish updated toxicological profiles, as necessary, to reflect updated health effects and other information.

In addition, CERCLA provides ATSDR with the authority to prepare toxicological profiles for substances not found on the SPL. CERCLA authorizes ATSDR to establish and maintain an inventory of literature, research, and studies on the health effects of toxic substances (CERCLA section

104(i)(1)(B); 42 U.S.C. 9604(i)(1)(B)); to respond to requests for health consultations (CERCLA section 104(i)(4); 42 U.S.C. 9604(i)(4)); and to support the site-specific response actions conducted by the agency (CERCLA section 104(i)(6); 42 U.S.C. 9604(i)(6)).

Availability

The draft toxicological profiles are available online at *https://www.regulations.gov,* Docket No. ATSDR–2024–0004 and at *https://www.atsdr.cdc.gov/ToxProfiles.*

Public Participation

Interested persons or organizations are invited to participate by submitting written views, recommendations, and data. Please note that comments received, including attachments and other supporting materials, are part of the public record and are subject to public disclosure. Comments will be posted on *https://www.regulations.gov.* Therefore, do not include any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure. If you include your name, contact information, or other information that identifies you in the body of your comments, that information will be on public display. ATSDR will review all submissions and may choose to redact, or withhold, submissions containing private or proprietary information such as Social Security numbers, medical information, inappropriate language, or duplicate/near duplicate examples of a mass-mail campaign. If you submit comments with reference to studies that are not publicly available such as unpublished research, those studies must be attached with your comment for review. Otherwise ATSDR may be unable to respond to portions of your comment referencing any material that is not publicly available. Do not submit comments by email. ATSDR does not accept comments by email.

Donata Green,

Associate Director, Office of Policy, Planning and Partnerships, Agency for Toxic Substances and Disease Registry.

[FR Doc. 2024–26010 Filed 11–7–24; 8:45 am]

BILLING CODE 4163–70–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day-25–0530; Docket No. CDC–2024–0091]

Proposed Data Collection Submitted for Public Comment and Recommendations

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice with comment period.

SUMMARY: The Centers for Disease Control and Prevention (CDC), as part of its continuing effort to reduce public burden and maximize the utility of government information, invites the general public and other federal agencies the opportunity to comment on a continuing information collection, as required by the Paperwork Reduction Act of 1995. This notice invites comment on a proposed information collection project titled EEOICPA Dose Reconstruction Interviews and Forms. This data collection permits claimants under the Energy Employees Occupational Illness Compensation Program Act (EEOICPA) to provide information potentially useful in reconstructing radiation doses, and to confirm that they have no further information to submit.

DATES: CDC must receive written comments on or before January 7, 2025.

ADDRESSES: You may submit comments, identified by Docket No. CDC–2024–0091 by either of the following methods:

- *Federal eRulemaking Portal: www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS H21–8, Atlanta, Georgia 30329.

Instructions: All submissions received must include the agency name and Docket Number. CDC will post, without change, all relevant comments to *www.regulations.gov.*

Please note: Submit all comments through the Federal eRulemaking portal (*www.regulations.gov*) or by U.S. mail to the address listed above.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the information collection plan and instruments, contact Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS H21–8, Atlanta, Georgia 30329; Telephone: 404–639–7570; Email: *omb@cdc.gov.*

SUPPLEMENTARY INFORMATION:

Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. In addition, the PRA also requires federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each new proposed collection, each proposed extension of existing collection of information, and each reinstatement of previously approved information collection before submitting the collection to the OMB for approval. To comply with this requirement, we are publishing this notice of a proposed data collection as described below.

The OMB is particularly interested in comments that will help:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
3. Enhance the quality, utility, and clarity of the information to be collected;
4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses; and
5. Assess information collection costs.

Proposed Project

EEOICPA Dose Reconstruction Interviews and Forms (OMB Control No. 0920–0530, Exp. 2/28/2025)—Extension—National Institute for Occupational Safety and Health (NIOSH), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

On October 30, 2000, the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA) (42 U.S.C. 7384–7385) was enacted. This Act established a federal compensation program for employees of the Department of Energy (DOE) and certain of its contractors, subcontractors

and vendors, who have suffered cancers and other designated illnesses as a result of exposures sustained in the production and testing of nuclear weapons.

Executive Order 13179, issued on December 7, 2000, delegated authorities assigned to ''the President'' under the Act to the Departments of Labor, Health and Human Services, Energy and Justice. The Department of Health and Human Services (DHHS) was delegated the responsibility of establishing methods for estimating radiation doses received by eligible claimants with cancer applying for compensation. NIOSH is applying the following methods to estimate the radiation doses of individuals applying for compensation.

In performance of its dose reconstruction responsibilities under the Act, NIOSH is providing voluntary interview opportunities to claimants (or their survivors) individually and providing them with the opportunity to assist NIOSH in documenting the work history of the employee by characterizing the actual work tasks performed. In addition, NIOSH and the claimant may identify incidents that may have resulted in undocumented radiation exposures, characterizing radiological protection and monitoring practices, and identify co-workers and other witnesses as may be necessary to confirm undocumented information. In this process, NIOSH uses a computer assisted telephone interview (CATI) system, which allows interviews to be conducted more efficiently and quickly as opposed to a paper-based interview instrument. Both interviews are voluntary and failure to participate in either or both interviews will not have a negative effect on the claim, although voluntary participation may assist the claimant by adding important information that may not be otherwise available.

NIOSH uses the data collected in this process to complete an individual dose reconstruction that accounts, as fully as possible, for the radiation dose incurred by the employee in the line of duty for DOE nuclear weapons production programs. After dose reconstruction, NIOSH also performs a brief, voluntary final interview with the claimant to explain the results and to allow the claimant to confirm or question the records NIOSH has compiled. This will also be the final opportunity for the claimant to supplement the dose reconstruction record.

At the conclusion of the dose reconstruction process, the claimant submits a form to confirm that the claimant has no further information to provide to NIOSH about the claim at this time. The form notifies the claimant that signing the form allows NIOSH to forward a dose reconstruction report to DOL and to the claimant, and closes the record on data used for the dose reconstruction. Signing this form does not indicate that the claimant agrees with the outcome of the dose reconstruction. The dose reconstruction results will be supplied to the claimant and to the DOL, the agency that will utilize them as one part of its determination of whether the claimant is eligible for compensation under the Act.

CDC requests OMB approval for an estimated annual 3,900 burden hours. There is no cost to respondents other than their time to participate.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden (in hours)
Claimant	Initial Interview	3,600	1	1	3,600
Claimant	Conclusion Form OCAS–1	3,600	1	5/60	300
Total					3,900

Jeffrey M. Zirger,

Lead, Information Collection Review Office, Office of Public Health Ethics and Regulations, Office of Science, Centers for Disease Control and Prevention.

[FR Doc. 2024–25987 Filed 11–7–24; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–25–1268; Docket No. CDC–2024–0093]

Proposed Data Collection Submitted for Public Comment and Recommendations

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice with comment period.

SUMMARY: The Centers for Disease Control and Prevention (CDC), as part of its continuing effort to reduce public burden and maximize the utility of government information, invites the general public and other Federal agencies the opportunity to comment on a continuing information collection, as required by the Paperwork Reduction Act of 1995. This notice invites comment on a proposed information collection project titled Drug Overdose Surveillance and Epidemiology (DOSE). This data collection is designed to facilitate rapid identification and tracking of Emergency Department (ED) data on eight drug overdose indicators.

DATES: CDC must receive written comments on or before January 7, 2025.

ADDRESSES: You may submit comments, identified by Docket No. CDC–2024–0093 by either of the following methods:

- *Federal eRulemaking Portal: www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS H21–8, Atlanta, Georgia 30329.

Instructions: All submissions received must include the agency name and Docket Number. CDC will post, without change, all relevant comments to *www.regulations.gov.*

Please note: Submit all comments through the Federal eRulemaking portal (*www.regulations.gov*) or by U.S. mail to the address listed above.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the information collection plan and instruments, contact Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS H21–8, Atlanta, Georgia 30329; Telephone: 404–639–7570; Email: *omb@cdc.gov.*

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. In addition, the PRA also requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each new proposed collection, each proposed extension of existing collection of information, and each reinstatement of previously approved information collection before submitting the collection to the OMB for approval. To comply with this requirement, we are publishing this notice of a proposed data collection as described below.

The OMB is particularly interested in comments that will help:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
3. Enhance the quality, utility, and clarity of the information to be collected;
4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses; and
5. Assess information collection costs.

Proposed Project

Drug Overdose Surveillance and Epidemiology (DOSE) (OMB Control No. 0920–1268, Exp. 9/30/2025)—Revision—National Center for Injury Prevention and Control (NCIPC), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

In 2022, a total of 107,941 drug overdose deaths occurred, corresponding to an age-adjusted rate of 32.6 per 100,000 population, quadruple from the 2002 rate (8.2). From 2021 to 2022, the synthetic opioid-involved death rate other than methadone increased 4.1%, from 21.8 to 22.7 per 100,000. The psychostimulant-involved age-adjusted death rate increased more than 34 times, from 0.3 in 2002 to 10.4 in 2022, and two states had a significant increase in non-fatal overdoses between 2023 and 2024. In response to the growing severity of the opioid overdose epidemic, the US government declared the opioid overdose epidemic a public health emergency (PHE) on October 26, 2017. The opioid overdose epidemic is one of the U.S. Department of Health and Human Services (HHS) top priorities. In 2021, HHS expanded their Overdose Prevention Strategy to focus on four strategic priorities: primary prevention, harm reduction, evidence-based treatment, and recovery support.

Drug Overdose Surveillance and Epidemiology (DOSE) 2.0 is made possible because the vast majority of the participating health departments are already rapidly collecting extensive data on Emergency Department (ED) visits in their jurisdiction and using these data for the identification of public health concerns including flu and other respiratory illnesses, heat-related illness, and hurricane-related health issues. DOSE 1.0 ensured participating jurisdictions use their data to track suspected overdoses by providing participating jurisdictions standardized definitions of ED visits involving all drug, all opioid, heroin and all stimulant overdoses. To further advance overdose surveillance, for DOSE 2.0, CDC added four additional drug indicators—fentanyl, cocaine, methamphetamine, and benzodiazepine. This facilitates rapid identification and tracking of ED data on a total of eight drug overdose indicators.

Also, no single ED surveillance system has national coverage, but almost all participating health departments use one of three systems—the NSSP BioSense System, local ED syndromic surveillance, or ED/inpatient hospital discharge overdose data files. DOSE 2.0 integrates data across these three types of ED surveillance to quickly build a national surveillance system while leveraging existing ED data collection efforts. DOSE 2.0 can use data across the three types of ED surveillance systems because the key data requirement is the ability to detect change over time (*e.g.,* data consistently collected within the jurisdiction overtime) and not comparability across participating health departments (*e.g.,* same data collection methods deployed across state health departments overtime).

CDC is requesting OMB approval for three years with an annual estimated burden of 655 hours. There is no cost to respondents other than their time to participate.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondent	Form name	Number of respondents	Responses per respondent	Average burden per response (hours)	Total annual burden (hours)
Participating health departments sharing aggregate data from NSSP BioSense.	Rapid ED overdose data form.	45	12	0.5	270
Participating health departments sharing aggregate data from local syndromic data file.	Rapid ED overdose data form.	3	12	3	108
Participating health department sharing finalized *ED and inpatient hospitalization* aggregate data on total ED/inpatient hospitalization visits, and metadata on a yearly basis.	ED and hospitalization discharge overdose data form.	32	1	3	96
Participating health department sharing finalized aggregate data on total inpatient hospitalization visits, and metadata on a yearly basis.	Inpatient hospitalization discharge overdose data form.	3	1	2	6
Participating health department sharing line-level *ED/inpatient hospitalization* discharge data (.csv) on drug overdose-related visits (*i.e.,* any visit with an ICD–10–CM code between T36–T50, including all intents, encounters, underdosing, and adverse effects.	.....	35	1	5	175

ESTIMATED ANNUALIZED BURDEN HOURS—Continued

Type of respondent	Form name	Number of respondents	Responses per respondent	Average burden per response (hours)	Total annual burden (hours)
Total					655

Jeffrey M. Zirger,

Lead, Information Collection Review Office, Office of Public Health Ethics and Regulations, Office of Science, Centers for Disease Control and Prevention.

[FR Doc. 2024–25989 Filed 11–7–24; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–25–1105; Docket No. CDC–2024–0092]

Proposed Data Collection Submitted for Public Comment and Recommendations

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice with comment period.

SUMMARY: The Centers for Disease Control and Prevention (CDC), as part of its continuing effort to reduce public burden and maximize the utility of government information, invites the general public and other Federal agencies the opportunity to comment on a continuing information collection, as required by the Paperwork Reduction Act of 1995. This notice invites comment on a proposed information collection project titled One Health Harmful Algal Bloom System (OHHABS). This data collection is designed to support the understanding and prevention of Health Harmful Algal Blooms (HAB) and HAB-associated illnesses.

DATES: CDC must receive written comments on or before January 7, 2025.

ADDRESSES: You may submit comments, identified by Docket No. CDC–2024–0092 by either of the following methods:

- *Federal eRulemaking Portal: www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS H21–8, Atlanta, Georgia 30329.

Instructions: All submissions received must include the agency name and Docket Number. CDC will post, without change, all relevant comments to *www.regulations.gov.*

Please note: Submit all comments through the Federal eRulemaking portal (*www.regulations.gov*) or by U.S. mail to the address listed above.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the information collection plan and instruments, contact Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS H21–8, Atlanta, Georgia 30329; Telephone: 404–639–7570; Email: *omb@cdc.gov.*

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. In addition, the PRA also requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each new proposed collection, each proposed extension of existing collection of information, and each reinstatement of previously approved information collection before submitting the collection to the OMB for approval. To comply with this requirement, we are publishing this notice of a proposed data collection as described below.

The OMB is particularly interested in comments that will help:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
3. Enhance the quality, utility, and clarity of the information to be collected;
4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses; and
5. Assess information collection costs.

Proposed Project

One Health Harmful Algal Bloom System (OHHABS) (OMB Control No. 0920–1105, Exp. 11/30/2025)—Revision—National Center for Emerging and Zoonotic Infectious Diseases (NCEZID), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

Harmful algal blooms (HABs) are the rapid growth of algae or cyanobacteria (also called blue-green algae) that can cause harm to people, animals, or the local ecology. Algal toxins from harmful algal blooms (HABs) include some of the most potent natural chemicals; these toxins can contaminate surface water used for recreation and drinking, as well as food sources. HABs pose a threat to both humans and animals. Human and animal illnesses from exposures to HABs in fresh and marine waters have been documented in the United States. Animal illness may be an indicator of bloom toxicity; thus, it is necessary to provide a One Health approach for reporting HAB-associated illnesses and events.

OHHABS was approved for data collection in 2016. The system was launched in June 2016 along with a CDC HAB-associated illnesses website to provide more information for the general public about potential illnesses and to share resources for HAB awareness and OHHABS with public health partners. Since 2016, CDC has provided technical assistance and training to states and territories interested in OHHABs and worked with contractors to implement new features for OHHABS.

CDC estimates the annualized burden hours based on historical data of the actual number of respondents to OHHABS. Specifically, CDC estimates 300 annual environmental reports, 90 human reports, and 130 animal reports, by taking the average number of reports submitted to OHHABS during 2018–2022. CDC had six employees use mock

scenarios to complete the forms and then document time to complete the form in order to calculate burden time averages: the environmental form averaged 10 minutes, the human form eight minutes, and the animal form five minutes. Actual response times may vary based on the number of cases associated with an event. Based on these figures, the total estimated annualized burden is 73 hours, and there is no cost to respondents other than their time to participate.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden (in hours)
State/Territory	One Health Harmful Algal Bloom System (OHHABS) Environmental Form.	300	1	10/60	50
State/Territory	One Health Harmful Algal Bloom System (OHHABS) Human Form.	90	1	8/60	12
State/Territory	One Health Harmful Algal Bloom System (OHHABS) Animal Form.	130	1	5/60	11
Total					73

Jeffrey M. Zirger,

Lead, Information Collection Review Office, Office of Public Health Ethics and Regulations, Office of Science, Centers for Disease Control and Prevention.

[FR Doc. 2024–25988 Filed 11–7–24; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Meeting of the Advisory Board on Radiation and Worker Health, National Institute for Occupational Safety and Health

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, the Centers for Disease Control and Prevention (CDC) announces the following meeting of the Advisory Board on Radiation and Worker Health (ABRWH or the Advisory Board). This is a virtual meeting. It is open to the public, with a public comment period. The public is also welcome to submit written comments in advance of the meeting, to the contact person listed in the addresses section below. The public is also welcomed to listen to the meeting by joining the teleconference (information below), limited only by the number of audio conference lines available (150).

DATES: The meeting will be held on December 5, 2024, from 10 a.m. to 6 p.m., EST. A public comment session will be held on December 5, 2024, at 5 p.m., EST, and will conclude at 6 p.m., EST, or following the final call for public comment, whichever comes first.

Written comments must be received on or before November 28, 2024.

ADDRESSES: You may submit comments by mail to: Rashaun Roberts, National Institute for Occupational Safety and Health, 1090 Tusculum Avenue, Mailstop C–24, Cincinnati, Ohio 45226.

Meeting Information: The USA toll-free dial-in numbers are: +1 669 254 5252 US (San Jose); and +1 646 828 7666 US (New York). The meeting ID is: 160 6763 3819; the Passcode is: 98685439; and the Web conference by Zoom meeting connection is: *https://cdc.zoomgov.com/j/16067633819?pwd=RUdiYXlZZHFKanpJOHZrcGJIbTlaZz09amp;omn=1602240447.*

FOR FURTHER INFORMATION CONTACT: Rashaun Roberts, Ph.D., Designated Federal Officer, National Institute for Occupational Safety & Health, Centers for Disease Control and Prevention, 1090 Tusculum Avenue, Mailstop C–24, Cincinnati, Ohio 45226, Telephone: (513) 533–6800; Toll Free 1(800) 232–4636; Email: *ocas@cdc.gov.*

SUPPLEMENTARY INFORMATION:

Background: The Advisory Board was established under the Energy Employees Occupational Illness Compensation Program Act of 2000 to advise the President on a variety of policy and technical functions required to implement and effectively manage the new compensation program. Key functions of the Advisory Board include providing advice on the development of probability of causation guidelines, that have been promulgated by the Department of Health and Human Services (HHS) as a final rule, advice on methods of dose reconstruction which have also been promulgated by HHS as a final rule; advice on the scientific validity and quality of dose estimation and reconstruction efforts being performed for purposes of the compensation program, and advice on petitions to add classes of workers to the Special Exposure Cohort (SEC). In December 2000, the President delegated responsibility for funding, staffing, and operating the Advisory Board to HHS, which subsequently delegated this authority to the CDC. NIOSH implements this responsibility for CDC.

The charter was issued on August 3, 2001, renewed at appropriate intervals, and rechartered under Executive Order 13179 on March 22, 2024. Unless continued by the President the Board will terminate on September 30, 2025, consistent with E.O. 14109 of September 29, 2023.

Purpose: This Advisory Board is charged with (a) providing advice to the Secretary, HHS, on the development of guidelines under Executive Order 13179; (b) providing advice to the Secretary, HHS, on the scientific validity and quality of dose reconstruction efforts performed for this program; and (c) upon request by the Secretary, HHS, advising the Secretary on whether there is a class of employees at any Department of Energy (DOE) facility who were exposed to radiation but for whom it is not feasible to estimate their radiation dose, and on whether there is reasonable likelihood that such radiation doses may have endangered the health of members of this class.

Matters to be Considered: The agenda will include discussions on the following: National Institute for Occupational Safety & Health Program Update; Department of Labor Program Update; Department of Energy Program Update; SEC Petitions Status Update;

Procedures Review Finalization/ Document Approvals; Savannah River Site Workgroup update, Lawrence Livermore National Lab Addendum, and a Board Work Session. Agenda items are subject to change as priorities dictate. For additional information, please contact Toll Free 1–800–232–4636.

The Director, Office of Strategic Business Initiatives, Office of the Chief Operating Officer, Centers for Disease Control and Prevention, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Kalwant Smagh,

Director, Office of Strategic Business Initiatives, Office of the Chief Operating Officer, Centers for Disease Control and Prevention.

[FR Doc. 2024–26007 Filed 11–7–24; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day–25–24FI]

Agency Forms Undergoing Paperwork Reduction Act Review

In accordance with the Paperwork Reduction Act of 1995, the Centers for Disease Control and Prevention (CDC) has submitted the information collection request titled ''Comprehensive Evaluations for the Well-Integrated Screening and Evaluation for Women Across the Nation Program (WISEWOMAN), The National Cardiovascular Health Program (The National CVH Program), and The Innovative Cardiovascular Health Program (The Innovative CVH Program)'' to the Office of Management and Budget (OMB) for review and approval. CDC previously published a ''Proposed Data Collection Submitted for Public Comment and Recommendations'' notice on 5/7/2024 to obtain comments from the public and affected agencies. CDC did not receive comments related to the previous notice. This notice serves to allow an additional 30 days for public and affected agency comments.

CDC will accept all comments for this proposed information collection project. The Office of Management and Budget is particularly interested in comments that:

(a) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(b) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(c) Enhance the quality, utility, and clarity of the information to be collected;

(d) Minimize the burden of the collection of information on those who are to respond, including, through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses; and

(e) Assess information collection costs.

To request additional information on the proposed project or to obtain a copy of the information collection plan and instruments, call (404) 639–7570. Comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function. Direct written comments and/or suggestions regarding the items contained in this notice to the Attention: CDC Desk Officer, Office of Management and Budget, 725 17th Street NW, Washington, DC 20503 or by fax to (202) 395–5806. Provide written comments within 30 days of notice publication.

Proposed Project

Comprehensive Evaluations for the Well-Integrated Screening and Evaluation for Women Across the Nation Program (WISEWOMAN), The National Cardiovascular Health Program (The National CVH Program), and The Innovative Cardiovascular Health Program (The Innovative CVH Program)—New—National Center for Chronic Disease Prevention and Health Promotion (NCCDPHP), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

The Centers for Disease Control and Prevention (CDC) Division for Heart Disease and Stroke Prevention (DHDSP) are submitting this new three-year information collection request (ICR) for an evaluation of the three recently launched cooperative agreements: Well-Integrated Screening of Women Across the Nation (WISEWOMAN), The National Cardiovascular Health Program (The National CVH Program), and The Innovative Cardiovascular Health Program (The Innovative CVH Program). The WISEWOMAN program supports the early detection and treatment of hypertension in low-income, uninsured, and underinsured participants, ages 35–64. The National CVH Program implements evidence-based strategies to manage CVD in populations impacted by the high prevalence of CVD, exacerbated by health inequities and disparities, social determinants, such as low incomes, poor health care, and unfair opportunity structures, emphasizing hypertension and high cholesterol control among adults aged 18–85. The Innovative CVH Program focuses on implementing innovative evidence-based strategies assess and address the disparities and inequities in communities at highest risk, where there is a particular need for equity-focused health system interventions to prevent, detect, control, and manage hypertension and high cholesterol, specifically among populations with a crude hypertension prevalence rate of 53% or higher at the census tract level. For two of the cooperative agreements, recipients collaborate with public health entities, health systems, health care providers, community leaders, and other partners through Learning Collaboratives to facilitate sustainable change and improvement in cardiovascular health outcomes, particularly for those at the highest risk of poorer health outcomes. These cooperative agreements build upon CDC's previous work of identify promising CVD prevention and management practices and funding various organizations, including State and County governments, American Indian or Alaska Native tribal governments, non-government organizations, institutions of higher education, to implement evidence-based strategies in their jurisdictions. Since the cooperative agreements are a substantial investment of federal funds, it is important to demonstrate the types of interventions being implemented and what is being accomplished using these funds through a comprehensive evaluation.

The comprehensive evaluation of these programs includes process and outcome evaluations, and a cross-program analysis to assess the unique contributions of each program towards evidence-based strategies, health equity advancement, and health system transformation over the five program

years. The evaluation aims to describe the implementation of the programs, assess the extent to which short-term, intermediate, and long-term outcomes have been met, and estimate the costs involved in implementing the programs. The comprehensive evaluation is designed to complement the evaluations already being conducted by program recipients. The data collection focuses on obtaining qualitative and cost information at the organizational and community levels about strategy implementation, facilitators and barriers, and other contextual information that affects program implementation and participant outcomes. Data collection activities of the comprehensive evaluation include qualitative interviews for evaluability assessments, exploratory assessments, and cost data collected for a cost study. During the qualitative data collection, semi-structured interviews will be conducted with recipients, their partnering sites, and Learning Collaborative members, providing a multifaceted view of the program's implementation and outcomes. Cost data will be used to estimate the implementation costs and value of resources invested by program recipients and their partners. Cost data will be collected through an excel-based cost inventory tool, key informant interviews, and document reviews. There are no costs to respondents except their time. Data collection tools are crafted to ensure relevance and to capture essential information needed to evaluate the effectiveness and impact of the program strategies, while minimizing respondent burden.

The findings from the data collection will provide tailored, action-oriented, and timely recommendations for program improvement throughout the program period. It will foster documentation and sharing of lessons learned, contribute to the evidence base, and support replication and scaling of promising program strategies. Without collection of evaluative data, CDC will not be able to capture critical information needed to continuously improve programmatic efforts and clearly demonstrate the use of federal funds. CDC requests OMB approval for 484 annual burden hours. There is no cost to respondents other than their time to participate.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
Recipients	Evaluability Assessment Nomination Form_NCHP_ICHP	24	1	0.5
	Evaluability Assessment Nomination Form_WW	12	1	0.5
	Eval Assessment CQM Recipient Interview Guide NCHP_ICHP.	6	1	1.5
	Eval Assessment CQM Recipient Interview Guide WW	3	1	1.5
	Eval Assessment TBC Recipient Interview Guide NCHP_ICHP.	6	1	1.5
	Eval Assessment TBC Recipient Interview Guide WW	3	1	1.5
	Eval Assessment CCL Recipient Interview Guide NCHP_ICHP.	3	1	1.5
	Eval Assessment CCL Recipient Interview Guide WW	3	1	1.5
	Ex Assessment CQM Recipient Interview Guide NCHP_ICHP.	3	1	1.5
	Ex Assessment CQM Recipient Interview Guide_WW	2	1	1.5
	Ex Assessment TBC Recipient Interview Guide NCHP_ICHP	3	1	1.5
	Ex Assessment TBC Recipient Partner Interview Guide_WW	2	1	1.5
	Ex Assessment CCL Recipient Interview Guide NCHP_ICHP	3	1	1.5
	Ex Assessment CCL Recipient Interview Guide_WW	2	1	1.5
	Cost Study Interview Guide_Recipient	37	1	1
	Comprehensive Evaluation Resource Use and Cost Inventory Tool_Recipient.	37	1	2.5
Partners	Eval Assessment CQM Partner Interview Guide NCHP_ICHP.	6	1	1.5
	Eval Assessment CQM Partner Interview Guide WW	3	1	1.5
	Eval Assessment TBC Partner Interview Guide NCHP_ICHP	6	1	1.5
	Eval Assessment TBC Partner Interview Guide WW	3	1	1.5
	Eval Assessment CCL Partner Interview Guide NCHP_ICHP	6	1	1.5
	Eval Assessment CCL Partner Interview Guide WW	3	1	1.5
	Ex Assessment CQM Partner Interview Guide NCHP_ICHP	3	1	1.5
	Ex Assessment CQM Partner Interview Guide_WW	1	1	1.5
	Ex Assessment CCL Partner Interview Guide NCHP_ICHP	3	1	1.5
	Ex Assessment CCL Partner Interview Guide_WW	1	1	1.5
	Ex Assessment TBC Partner Interview Guide NCHP_ICHP	3	1	1.5
	Ex Assessment TBC Partner Interview Guide_WW	1	1	1.5
	Cost Study Interview Guide_Partner	55	1	1
	Comprehensive Evaluation Resource Use and Cost Inventory Tool_Partner.	55	1	2.5
Learning Collaborative	Eval Assessment LC Interview Guide NCHP ICHP	12	1	1
	Ex Assessment LC Interview Guide NCHP_ICHP	6	1	1

Jeffrey M. Zirger,

Lead, Information Collection Review Office, Office of Public Health Ethics and Regulations, Office of Science, Centers for Disease Control and Prevention.

[FR Doc. 2024–25986 Filed 11–7–24; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Docket No. CDC–2024–0072]

Advisory Committee on Immunization Practices; Amended Notice of Meeting

AGENCY: Centers for Disease Control and Prevention, Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: In accordance with the Federal Advisory Committee Act, the Centers for Disease Control and Prevention (CDC) announces an amendment to the following meeting of the Advisory Committee on Immunization Practices (ACIP). This meeting was open to the public.

FOR FURTHER INFORMATION CONTACT: Stephanie Thomas, Committee Management Specialist, Advisory Committee on Immunization Practices, National Center for Immunization and Respiratory Diseases, Centers for Disease Control and Prevention, 1600 Clifton Road NE, Mailstop H24–8, Atlanta, Georgia 30329–4027. Telephone: (404) 639–8836; Email: *ACIP@cdc.gov.*

SUPPLEMENTARY INFORMATION: Notice is hereby given of a change in the meeting of the Advisory Committee on Immunization Practices (ACIP); October 23, 2024, from 8 a.m. to 5:30 p.m., EDT, and October 24, 2024, from 8 a.m. to 5:30 p.m., EDT (times subject to change; see the ACIP website for updates: *https://www.cdc.gov/vaccines/acip/index.html*), in the original **Federal Register** notice.

Notice of the virtual meeting was published in the **Federal Register** on September 30, 2024, 89 FR 79610–79611.

The meeting notice is being amended to update the recommendation votes in the matters to be considered, which should read as follows:

Matters to be Considered: The agenda will include discussions on chikungunya vaccines, COVID–19 vaccines, cytomegalovirus (CMV) vaccine, Human papillomavirus (HPV) vaccines, influenza vaccines, meningococcal vaccines, mpox vaccines, pneumococcal vaccines, Respiratory Syncytial Virus (RSV) vaccines for adults, RSV vaccines for maternal and pediatric populations, and the adult and child/adolescent immunization schedules. Recommendation votes are scheduled for COVID–19 vaccines, meningococcal vaccines, pneumococcal vaccines, and the adult and child/adolescent immunization schedules. A Vaccines for Children (VFC) vote is scheduled for influenza vaccines and meningococcal vaccines. For more information on the meeting agenda, visit *https://www.cdc.gov/acip/meetings/index.html.*

The Director, Office of Strategic Business Initiatives, Office of the Chief Operating Officer, Centers for Disease Control and Prevention, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Kalwant Smagh,

Director, Office of Strategic Business Initiatives, Office of the Chief Operating Officer, Centers for Disease Control and Prevention.

[FR Doc. 2024–26000 Filed 11–7–24; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[CMS–5054–N]

Medicare, Medicaid, Children's Health Insurance Program, Private Health Insurance Program; Health Equity Advisory Committee; Establishment & Nomination Request

AGENCY: Centers for Medicare & Medicaid Services (CMS), HHS.

ACTION: Notice.

SUMMARY: This notice announces the establishment of the Centers for Medicare and Medicaid Services (CMS) Health Equity Advisory Committee (the ''Committee'') and solicits nominations for members to be appointed to the Committee by the Director of the CMS Office of Minority Health. The Committee is established to advise and make recommendations to CMS on the identification and resolution of systemic barriers to accessing CMS programs that hinder quality of care for beneficiaries and consumers. The Committee will focus on health disparities in underserved communities, which are populations sharing a particular characteristic, as well as geographic communities, that have been systematically denied a full opportunity to participate in aspects of economic, social, and civic life, such as but not limited to Black, Latino, and Indigenous and Native American persons, Asian Americans and Pacific Islanders and other persons of color; members of religious minorities; lesbian, gay, bisexual, transgender, and queer persons; persons with disabilities; persons who live in rural areas; and persons otherwise adversely affected by persistent poverty or inequality as defined in the Executive Order, *Advancing Racial Equity and Support for Underserved Communities Through the Federal Government.*

DATES: Nominations must be received no later than December 12, 2024.

ADDRESSES: Nominations and requests for copies of the Health Equity Advisory Committee (HEAC) Charter may be submitted to the address specified below. Please do not submit duplicates. Nominations or requests for copies of the HEAC Charter must be submitted by email to *HEAC@cms.hhs.gov* with the subject line ''HEAC Nomination'' or ''HEAC Request for Charter,'' depending on the content of the email.

FOR FURTHER INFORMATION CONTACT: Iris Allen, Centers for Medicare & Medicaid Services, HHS, at (410) 786–1633.

Press inquiries may be submitted by phone at (202) 690–6145 or by email *press@cms.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

The Health Equity Advisory Committee (the ''Committee'' or ''HEAC'') is established to advise and make recommendations to the Centers for Medicare & Medicaid Services (CMS) on the identification and resolution of systemic barriers to accessing CMS programs that hinder quality of care for beneficiaries and consumers. Consistent with Executive Order (E.O.) 13985, *Advancing Racial Equity and Support for Underserved Communities through the Federal Government,*[1] the Committee will seek to advise and make recommendations to CMS on ensuring all eligible individuals can access CMS programs and identify how CMS can deliver benefits equitably to all people enrolled in CMS programs. The Committee will also serve as a dedicated platform for CMS collaboration with key interested persons to advance health equity by identifying how CMS can promote quality and access for

[1] 86 FR 7009, January 25, 2021.

beneficiaries of all CMS programs. The Committee will help CMS consider a broad range of views and information from interested and impacted audiences of CMS programs. The Committee's focus on health equity will address health disparities in underserved communities, which are populations sharing a particular characteristic, as well as geographic communities, that have been systematically denied a full opportunity to participate in aspects of economic, social, and civic life, such as but not limited to Black, Latino, and Indigenous and Native American persons, Asian Americans and Pacific Islanders and other persons of color; members of religious minorities; lesbian, gay, bisexual, transgender, and queer (LGBTQ+) persons; persons with disabilities; persons who live in rural areas; and persons otherwise adversely affected by persistent poverty or inequality.[2]

II. Charter, General Responsibilities, and Composition of the CMS Health Equity Advisory Committee

A. Charter Information and General Responsibilities

On July 26, 2024, the Secretary of Health and Human Services finalized the Charter establishing the HEAC. The HEAC shall advise the Secretary and the CMS Administrator concerning optimal strategies for those enrolled in, or eligible for Medicare, Medicaid and CHIP, or health coverage available through the Health Insurance Marketplace and other CMS programs, that eliminate or reduce systemic barriers including:

- Enhancing the federal government's effectiveness in understanding and promoting the consistent and systemic fair, just and impartial treatment of *all* individuals as outlined in the Executive Order within their health program policies.
- Developing and implementing opportunities to increase coordination and engagement with community-based organizations.
- Developing and implementing strategies to assess whether, and to what extent, the agency's programs and policies perpetuate systemic barriers to opportunities and benefits.

A copy of the Charter for the HEAC may be obtained by submitting a written request to the email address specified in the **ADDRESSES** section of this notice.

B. Composition of the Health Equity Advisory Committee (HEAC)

The Committee must consist of individuals that have expertise working with underserved communities that have been denied fair, just, and impartial treatment, such as Black, Latino, American Indian and Alaska Native persons, Asian and Pacific Islanders and other persons of color; members of religious minorities; LGBTQ+ persons; persons with disabilities; persons who live in rural areas; and persons who are otherwise adversely affected by persistent poverty or inequality. The members may be selected by the CMS Administrator, or their designee, and must be knowledgeable in the fields of health equity; outreach to underserved populations; community/safety net providers; disability policy and access; and/or other relevant health equity matters that are presented or addressed by the agency. The Committee may also be comprised of Special Government Employees and Representative Members.

III. Submissions of Nominations

The Secretary is requesting nominations for membership in the HEAC. The Secretary also requests nominations for a member to serve as the chairperson of the HEAC. When selecting those members, the Secretary will consider qualified individuals who are nominated by individuals or organizations representing affected stakeholders. The Secretary will make every effort to appoint members to serve on the HEAC from among those candidates determined to have the technical expertise (including expertise from professional and lived experience) required to meet specific agency needs and to ensure an appropriate balance of expertise and experience among the membership. The diversity of expertise in such membership includes expertise on matters such as race, ethnicity, gender, disability, sexual orientation, religious affiliation, geographic location, political status, and gender identity. The Secretary reserves the discretion to appoint members who were not nominated in response to this notice to serve on the HEAC if necessary to meet specific agency needs in a manner that ensures an appropriate balance of membership that is reflective of all of CMS' programs as well as a variety of experiences and backgrounds.

Any interested person or organization may nominate one qualified individual (self-nominations will not be accepted). Each nomination must include the following information:

- A letter of nomination that contains contact information for both the nominator and nominee. One-page maximum.
- A statement from the nominee with an explanation of interest in serving on the HEAC and that they are willing to serve on the HEAC for at least two years. The nominee should also indicate which category or categories of underserved communities specified in section II.B their expertise can represent. One-page maximum.
- A resumé or curriculum vitae that indicates the nominee's educational experience and relevant professional and/or lived experience. Two-pages maximum.
- Two letters of reference that support the nominee's qualifications for membership on the HEAC and how their educational, professional, and/or lived experience aligns with at least one or more of the 5 priority areas within the CMS Framework for Health Equity or one or more of the 6 priority areas within the CMS Framework for Advancing Health Care in Rural, Tribal and Geographically Isolated Communities. Please choose only one framework to align the nominee's experience with a CMS priority area. One-page maximum per letter.
- The 5 Priority Areas within the CMS Framework for Health Equity are—

++ *Priority 1:* Expand the Collection, Reporting, and Analysis of Standardized Data.

++ *Priority 2:* Assess Causes of Disparities Within CMS Programs and Address Inequities in Policies and Operations to Close Gaps.

++ *Priority 3:* Build Capacity of Health Care Organizations and the Workforce to Reduce Health and Health Care Disparities.

++ *Priority 4:* Advance Language Access, Health Literacy, and the Provision of Culturally Tailored Services.

++ *Priority 5:* Increase All Forms of Accessibility to Health Care Services and Coverage.

- The 6 Priority Areas within the CMS Framework for Advancing Health Care in Rural, Tribal and Geographically Isolated Communities are—

++ *Priority 1:* Apply a Community-Informed Geographic Lens to CMS Programs and Policies.

++ *Priority 2:* Increase Collection and Use of Standardized Data to Improve Health Care for Rural, Tribal, and Geographically Isolated Communities.

++ *Priority 3:* Strengthen and Support Health Care Professionals in Rural, Tribal, and Geographically Isolated Communities.

++ *Priority 4:* Optimize Medical and Communication Technology for Rural, Tribal, and Geographically Isolated Communities.

[2] 86 FR 7009, January 25, 2021.

++ *Priority 5:* Expand Access to Comprehensive Health Care Coverage, Benefits, and Services and Supports for Individuals in Rural, Tribal, and Geographically Isolated Communities.

++ *Priority 6:* Drive Innovation and Value-Based Care in Rural, Tribal, and Geographically Isolated Communities.

To ensure that a nomination is considered, CMS must receive all the nomination information specified in section III of this notice by December 12, 2024. Nominations should be emailed to the appropriate address specified in the **ADDRESSES** section of this notice.

The Administrator of the Centers for Medicare & Medicaid Services (CMS), Chiquita Brooks-LaSure, having reviewed and approved this document, authorizes Vanessa Garcia, who is the Federal Register Liaison, to electronically sign this document for purposes of publication in the **Federal Register**.

Vanessa Garcia,

Federal Register Liaison, Centers for Medicare & Medicaid Services.

[FR Doc. 2024–25966 Filed 11–7–24; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier: CMS–10914, CMS–10237 and CMS–10631]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Centers for Medicare & Medicaid Services, Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (PRA), Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, and to allow a second opportunity for public comment on the notice. Interested persons are invited to send comments regarding the burden estimate or any other aspect of this collection of information, including the necessity and utility of the proposed information collection for the proper performance of the agency's functions, the accuracy of the estimated burden, ways to enhance the quality, utility, and clarity of the information to be collected, and the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

DATES: Comments on the collection(s) of information must be received by the OMB desk officer by December 9, 2024.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, please access the CMS PRA website by copying and pasting the following web address into your web browser: *https://www.cms.gov/Regulations-and-Guidance/Legislation/PaperworkReductionActof1995/PRA-Listing.*

FOR FURTHER INFORMATION CONTACT: William Parham at (410) 786–4669.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term ''collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal agencies to publish a 30-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice that summarizes the following proposed collection(s) of information for public comment:

1. *Type of Information Collection Request:* Revision of a currently approved information collection; *Title of Information Collection:* Reform of Long-Term Care Facilities Requirements for Respiratory Illness Reporting; *Use:* Sections 1818 and 1919 of the Act (42 U.S.C. 1395i–3 and 42 U.S.C. 1396r, respectively) specify certain requirements that a LTC facility must meet to participate in the Medicare and Medicaid programs. In particular, sections 1819(d)(4)(B) and 1919(d)(4)(B) require that a SNF or NF must meet such other requirements relating to the health, safety, and well-being of residents or relating to the physical facilities thereof as the Secretary many find necessary.

Under the authority of sections 1819, 1919, 1128I (b) and (c), and 1150B of the Act, the Secretary proposes to establish in regulation the requirements that an LTC facility must meet to participate in the Medicare and Medicaid programs. We are revising the information collection requirements for the proposed respiratory illness reporting that would replace the current requirement on COVID–19 reporting at § 483.80(g) based on the proposed rule, Medicare Program; Calendar Year (CY) 2025 Home Health Prospective Payment System (HH PPS) Rate Update; HH Quality Reporting Program Requirements; HH Value-Based Purchasing Expanded Model Requirements; Home Intravenous Immune Globulin (IVIG) Items and Services Rate Update; and Other Medicare Policies (July 2, 2024/89 FR 55312). In this proposed rule, we revised the LTC requirements for COVID–19 reporting to establish a new requirement for respiratory illness reporting that includes COVID–19, RSV, and influenza. The title, OMB Control Number, and CMS identification number for this 30-day notice has been revised. The 60-day FR Notice (89 FR 67442) was inadvertently published with collection identifiers associated with the PRA request which accounts for all of the Requirements for Long-term Care Facilities collections of information (COIs) (CMS–10573/OMB 0938–1363). Since this information collection only addresses the COIs for § 483.80(g) Respiratory Illness Reporting, this **Federal Register** Notice and the related PRA package have been assigned newly issued identification numbers, specifically OMB Control Number 0938–NEW and CMS–10914. *Form Number:* CMS–10914 (OMB control number: 0938–NEW); *Frequency:* Occasionally; *Affected Public:* Private Sector, Business or other for-profits, Not-for-profits; *Number of Respondents:* 14,926; *Number of Responses:* 14,926; *Total Annual Hours:* 6,253,995. (For policy questions regarding this collection contact Diane Corning at 410–786–8486).

2. *Type of Information Collection Request:* Revision of a currently approved information collection; *Title*

of Information Collection: Applications for Part C Medicare Advantage, 1876 Cost Plans, and Employer Group Waiver Plans to Provide Part C Benefits; *Use:* Collection of this information is mandated by the Code of Federal Regulations, MMA, and CMS regulations at 42 CFR part 422, subpart K, in ''*Application Procedures and Contracts for Medicare Advantage Organizations.*'' In addition, the Medicare Improvement for Patients and Providers Act of 2008 (MIPPA) further amended titles XVII and XIX of the Social Security Act.

This information collection includes the process for organizations wishing to provide healthcare services under MA plans. These organizations must complete an application annually (if required), file a bid, and receive final approval from CMS. The MA application process has two options for applicants that include (1) request for new MA product or (2) request for expanding the service area of an existing product. CMS utilizes the application process as the means to review, assess and determine if applicants are compliant with the current requirements for participation in the MA program and to make a decision related to contract award. This collection process is the only mechanism for organizations to complete the required MA application process. *Form Number:* CMS–10237 (OMB control number: 0938–0935); *Frequency:* Yearly; *Affected Public:* Private Sector, Business or other for-profits, not for-profits and Federal Government; *Number of Respondents:* 500; *Number of Responses:* 500; *Total Annual Hours:* 9,173. (For policy questions regarding this collection contact Jackie Ford at 410–786–7767 or *Jacqueline.Ford@cms.hhs.gov*).

3. *Type of Information Collection Request:* Revision of an approved information collection; *Title of Information Collection:* The PACE Organization Application Process in 42 CFR part 460; *Use:* The Programs of All-Inclusive Care for the Elderly (PACE) consist of pre-paid, capitated plans that provide comprehensive health care services to frail, older adults in the community who are eligible for nursing home care according to state standards. PACE organizations (PO) must provide all Medicare and Medicaid covered services; financing of this model is accomplished through prospective capitation of both Medicare and Medicaid payments. Upon approval of a PACE application, CMS executes a 3-way program agreement with the applicant entity and the applicable State Administering Agency (SAA). CMS regulations at 42 CFR 460.98(b)(2) require a PO to provide PACE services in at least the PACE center, the home, and inpatient facilities. The PACE center is the focal point for the delivery of PACE services; the center is where the interdisciplinary team (IDT) is located, services are provided, and socialization occurs with staff that is consistent and familiar to participants.

Collection of this information is mandated by statute under sections 1894(f) and 1934(f) of the Act and at 42 CFR part 460, subpart B, which addresses the PO application and waiver process. In general, PACE services are provided through a PO. An entity wishing to become a PO must submit an application to CMS that describes how the entity meets all the requirements in the PACE program. An entity's application must be accompanied by an assurance from the SAA of the State in which the PO wishes to operate its PACE program. CMS accepts applications on a designated date four times per year (*i.e.,* on a quarterly basis, generally the last Friday of March, June, September and December). *Form Number:* CMS–10631 (OMB control number: 0938–1326); *Frequency:* Occasionally; *Affected Public:* Private Sector, Business or other for-profits, not for-profits and Federal Government State, Local; *Number of Respondents:* 72; *Number of Responses:* 109; *Total Annual Hours:* 7,271. (For policy questions regarding this collection contact Jackie Ford at 410–786–7767 or *Jacqueline.Ford@cms.hhs.gov*).

William N. Parham, III,

Director, Division of Information Collections and Regulatory Impacts, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2024–26018 Filed 11–7–24; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Community Living

Agency Information Collection Activities: Proposed Collection; Public Comment Request; for the National Center on Law and Elder Rights—Resource Support and User Satisfaction Information Collection (OMB Control Number 0985–0060)

AGENCY: Administration for Community Living, Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: The Administration for Community Living (ACL) is announcing an opportunity for the public to comment on the proposed collection of information listed above. Under the Paperwork Reduction Act of 1995 (PRA), Federal agencies are required to publish a notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice. This Information Collection (IC) extension solicits comments on the information collection requirements relating to the National Center on Law and Elder Rights—Resource Support and User Satisfaction information collection (OMB Control Number 0985–0060).

DATES: Comments on the collection of information must be submitted electronically by 11:59 p.m. (ET) or postmarked by January 7, 2025.

ADDRESSES: Submit electronic comments on the collection of information to: Sara Planthaber at *Sara.Planthaber@acl.hhs.gov.* Submit written comments on the collection of information to Administration for Community Living, 330 C Street SW, Washington, DC 20201, Attention: Sara Planthaber.

FOR FURTHER INFORMATION CONTACT: Sara Planthaber, email *Sara.Planthaber@acl.hhs.gov* or by phone at (202) 795–7365.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. The PRA requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, ACL is publishing a notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, ACL invites comments on our burden estimates or any other aspect of this collection of information, including:

(1) whether the proposed collection of information is necessary for the proper performance of ACL's functions,

including whether the information will have practical utility;

(2) the accuracy of ACL's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used to determine burden estimates;

(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 using automated collection techniques when appropriate, and other forms of information technology.

The National Center on Law and Elder Rights—Resource Support and User Satisfaction information collection is authorized through legal assistance programs under section 420—*Demonstration and Support Projects for Legal Assistance for Older Individuals*—of the Older Americans Act (OAA). Section 420(a)(1) is intended to create a national legal assistance support system to assist states and area agencies on aging in providing, developing, or supporting legal assistance for older individuals. ACL contracts with the National Center on Law and Elder Rights (NCLER), to provide the required services. Through the NCLER contract, ACL provides aging, disability, and related legal professionals with training, complex case consultations and support for demonstration projects regarding contractually identified priority legal topics. When legal and aging/disability providers request legal training, case consultation, or technical assistance, NCLER asks a series of basic questions related to service requests and follow-up surveys which properly assess resource support needs, audience targeting, participant satisfaction, and outcomes of the training and technical assistance delivered.

The purpose of the information requested is for ACL to ensure that NCLER creates and prioritizes the training, case consultations, and technical assistance resources it is contracted to provide and to ensure the resource center targets designated aging and disability network practitioners about the priority subject matters. This approach enables ACL to make data-informed decisions about deployment of its resource center assets.

Section 2—*Descriptions and Specifications* (Objective 7) under the NCLER contract addresses performance outcome measurement of the services provided. The contractor is required to achieve anticipated outcomes as measured by a series of performance indicators. Section 2.8 of the NCLER contract references the *Quality Assurance Surveillance Plan* (QUASP) and sets forth the performance indicators. The information collected by the contractor from recipients of resource support through NCLER will be provided to ACL in a report submitted annually to determine contractual compliance in view of requirements in the QUASP.

These data are necessary for ACL to evaluate contractual compliance with established performance indicators under the NLCER contract (Section 2—*Descriptions and Specifications*—Objective 7) and delineated in the QUASP. These metrics include quantifiable increases in uptake by stakeholders of training, case consultation and technical assistance, and measures of satisfaction with and perceived benefit from these services. For example, the metrics measure successful problem resolution because of the services provided, and present quantifiable data on the fulfillment of requests for training, technical assistance, and consultation related to contractually designated legal and systems development topic areas. The information requested by ACL from legal, aging, and disability professionals falls into the following areas: (1) requests for training, case consultation, and technical assistance through an online, secure Uniform Resource Support Request Tool (URSRT); general requests for legal training (including the volume of webinar registrations), case consultation and technical assistance; and (2) information about satisfaction and use of the services and support received in order to enable ACL to measure performance outcomes.

Resource Support Requests

ACL proposes (through NCLER) to ask aging/disability service providers and legal service providers who may need various forms of resource support a series of questions regarding appropriate delivery of needed assistance in a targeted and efficient manner.

These questions will be presented through a web based URSRT that will be used for soliciting and accepting requests for legal training, case consultation, and technical assistance.

Legal Training, Case Consultation, Technical Assistance Requests

ACL proposes to ask legal and aging/disability providers who request legal training, case consultation, or technical assistance (through the NCLER website using the URSRT) for background information and the following substantive data:

- Type of Organization (Title III–B attorney, Legal Services Corporation attorney, other legal services attorney, other elder law attorney, other legal services professional, aging and/or disability network professional, other); and
- Services requested: (legal training, case consultation, technical assistance on legal services delivery, or general information).

Performance Outcome Measurement

ACL proposes to ask legal and aging/disability providers who request legal training, case consultation, or technical assistance the following series of survey questions in order to properly assess audience targeting, participant satisfaction, and anticipated outcomes of the training and technical assistance delivered:

- Type of Organization (Title III–B attorney, Legal Services Corporation attorney, other legal services attorney, other elder law attorney, other legal services professional, aging and/or disability network professional, and other job title (*e.g.,* executive director, management, staff attorney, counselor);
- Please rank the quality of assistance provided in this (legal training/case consultation/technical assistance);
- Did the assistance provided by this (legal training/case consultation/technical assistance) contribute to a successful resolution of a specific client issue?
- If requesting assistance on legal services delivery, will the assistance provided contribute to the successful completion of legal needs and capacity assessments, legal services delivery plans, legal service delivery guidelines, or data collection/reporting systems?

These questions will be presented through a web-based User Satisfaction Form that will be used for accepting user feedback on the legal training, case consultation, and technical assistance received through NCLER. The information under all categories will be collected by NCLER and provided to ACL's Office of Elder Justice and Adult Protective Services (OEJAPS) on a regular basis through the submittal of monthly reports and an annual report. The data will be reviewed by ACL and analyzed for the following programmatic purposes:

To determine the resource support requested and legal issues presented: Section 420(a) of the OAA and the NCLER contract require that professionals within the aging network have access to resource support in the form of training, case consultations, and technical assistance in the development of legal assistance delivery systems. The information collected on requests for resource support from aging and

disability networks will be analyzed to determine resource needs in legal subject matter areas and systems development topics indicated by the target audience. The information collected will be used by ACL and the Contract Officer Representative (COR) to tailor the resource support provided through the NCLER contract to the ongoing and emerging priority needs of aging and disability networks.

To determine effectiveness in reaching intended target audience: The NCLER contract and OAA section 420(a) requires that support services are provided to specific groups of providers within the aging and disability networks. The audience in need of comprehensive resource support through NCLER includes a broad range of legal, elder rights, and aging/disability services professionals, advocates, and organizations. These include legal assistance providers, legal assistance developers, long-term care ombudsmen, adult protective services, state units on aging, area agencies on aging, aging and disability resource centers, and others involved in protecting the legal rights of older persons. The information collected on requests for resource support from aging and disability networks will be reviewed and analyzed by ACL and the COR to determine whether the appropriate target audiences are requesting and receiving resource support through NCLER. ACL and the COR will also use the information to determine if the use of resource support through NCLER by intended target audiences is increasing at a set percentage annually in compliance with contractual performance indicators.

To determine the quality of legal resource support provided: The NCLER contract performance indicators require that the quality of resource support provided be measured through voluntary recipient feedback. The Contractor is required to assure that a set percentage of recipients of resource support responding to evaluative tools will rate the quality of the assistance provided as good to excellent. The Contractor will have processes in place to ensure the integrity of information received by target audience. The information collected on quality of resource support received by target audiences will be analyzed by ACL and the COR to determine whether minimum performance standards are met and whether necessary actions need to be taken to improve the quality of resource support provided through NCLER.

To determine the usefulness of resource support provided: The NCLER contract performance indicators require the anticipated usefulness of resource support provided be measured through voluntary recipient feedback. The Contractor is required to assure that a set percentage of recipients of resource support responding to evaluative tools will agree or strongly agree that the assistance provided contributed to the successful resolution of a specific legal issue.

The information collected on the usefulness of resource support received by target audiences will be analyzed by ACL and the COR to determine whether minimum performance standards are met and whether necessary actions need to be taken to improve the practical usefulness of resource support provided through NCLER.

The data collected will be reviewed by the COR on monthly basis through contractually required monthly reports provided by NCLER. Review of the data will be the focus of monthly calls with the Contractor to guide ongoing program improvements and adjustments as directed by the COR. The data will also be incorporated into the contractually required Summary of Stakeholder Input Document (SSID) designed to guide the ongoing evolution and improvement of NCLER into subsequent contract option years. The data will also be compiled in a final annual report provided by the Contractor and reviewed by the COR against the QUASP to determine contractual compliance.

This IC does not collect demographic data from grantees receiving programs and services funded by HHS. This includes guidance specific to the collection of sexual orientation and gender identity items that align with Executive Order 13985 on Advancing Racial Equity and Support for Underserved Communities Through the Federal Government, Executive Order 14075 on Advancing Equality for Lesbian, Gay, Bisexual, Transgender, Queer, and Intersex Individuals, and Executive Order 13988 on Preventing and Combating Discrimination on the Basis of Gender Identity and Sexual Orientation, and the updated Statistical Policy Directive No. 15: Standards for Maintaining, Collecting, and Presenting Federal Data on Race and Ethnicity (effective March 28, 2024).

The proposed data collection tools may be found on the ACL website for review at: *https://www.acl.gov/about-acl/public-input.*

Estimates of Burden: Burden calculation for each category of information:

Respondent/data collection activity	Number of respondents	Minutes per response	Annual burden hours
Resource Support Requests	80	2	2.53
Legal Training, Case Consultation, Technical Assistance Requests-User Satisfaction.	14,000	2	397
Total	14,080	4 min 39 sec	399.53 hours

Dated: November 4, 2024.

Maura Calsyn,

Principal Deputy Administrator for the Administration for Community Living, performing the delegable duties of the Administrator and the Assistant Secretary for Aging.

[FR Doc. 2024–25931 Filed 11–7–24; 8:45 am]

BILLING CODE 4154–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2024–N–4776]

Export Lists for Human Food: Request for Information

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; request for information.

SUMMARY: The Food and Drug Administration (FDA, the Agency, or we) invites comment relating to the listing requirements of other countries and FDA's approach to facilitating U.S. industry compliance with these requirements through the issuance of export certification for human food products provided in the form of lists (export lists).

DATES: Submit either electronic or written comments on the request for

information by January 7, 2025 to ensure that the Agency considers your comment.

ADDRESSES: You may submit comments in the following way:

Electronic Submissions

Submit electronic comments in the following way:

• *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*

• If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

• *Mail/Hand Delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

• For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2024–N–4776 for ''Export Lists for Human Food: Request for Information.'' 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.'' We will review this copy, including the claimed confidential information, in our 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: Peter Fricke, Human Foods Program, Office of International Engagement, Food and Drug Administration, 5001 Campus Dr., College Park, MD 20740, 240–402–2307.

SUPPLEMENTARY INFORMATION:

I. Background

Under section 801(e)(4)(A) of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 381(e)(4)(A)), any person who exports a food, drug, animal drug, or device may request that FDA:

• certify in writing that the exported food, drug, animal drug, or device meets the requirements of section 801(e)(1) or section 802 of the FD&C Act (21 U.S.C. 382) or

• certify in writing that the food, drug, animal drug, or device being exported meets the applicable requirements of the FD&C Act upon a showing that the food, drug, or device meets the applicable requirements of the FD&C Act.

If we issue a written export certification within 20 days, we may then charge a fee up to $175 for each certification (see section 801(e)(4)(B) of the FD&C Act). The statute also authorizes us to issue certifications on a basis and in a form that we determine to be appropriate and expressly mentions publicly available listing as a form of certification (see section 801(e)(4)(C) of the FD&C Act).

Regarding export certification for human foods, FDA issues various types of export certificates and certification in the form of export lists. (For more information on the types of export certificates we issue for human foods, see *https://www.fda.gov/food/exporting-food-products-united-states/food-export-certificates.*) To request inclusion on an export list, parties can use our Export Listing Module, which can be accessed through our website at *https://www.access.fda.gov/.* Certification in the form of export lists is an intensive process due to both the development of a mutually acceptable listing procedure with foreign countries and then the maintenance of the export lists. FDA provides such certification to help ensure foreign market access for U.S. exporters of FDA-regulated food products. FDA export certification provides information concerning a product's regulatory status, often including information about the establishment in which the product was manufactured, packaged, prepared and/or held, based on available information at the time FDA issues the certification (including, as appropriate, attestations provided by the person seeking the export certification). In many cases, foreign governments are seeking official assurance that products exported from the United States to their countries can be marketed in the United States or that the products meet specific U.S. regulations, for example, as applicable, current good manufacturing practice regulations. A foreign government may also require export certification as part of the process to register or import a product into that country.

FDA does not currently charge firms to be included on export lists for human food, but as authorized by the FD&C Act, we are considering charging fees for our export list services to offset our costs. As of August 2024, we provide certification in the form of export lists that cover 19 categories of products for six destinations: Chile, China, the European Union, Saudi Arabia, Taiwan, and the United Kingdom.

To better inform the continuing development of our export list program for human foods, we invite public comment on the following:

• There are many different types of establishment listing and certification procedures for establishments that produce human food products. Please share your experience with other countries' establishment listing, certification, and registration requirements.

• FDA requires those on export lists to reapply regularly if they wish to remain listed. Do reapplicants experience any challenges with the renewal process? If you have experienced challenges, how were those challenges resolved?

• For those included on export lists, please describe any challenges you have experienced with exporting human food products included on the export lists.

• FDA is authorized to collect up to $175 per certification for each company and its human food products that FDA certifies through inclusion on an export list. For those that would be charged a fee, do you have any specific suggestions about how FDA should approach the implementation of fees? Please provide details relating to any suggestions you might have.

Dated: November 4, 2024.

Kimberlee Trzeciak,

Deputy Commissioner for Policy, Legislation, and International Affairs.

[FR Doc. 2024–26040 Filed 11–7–24; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2024–N–4734]

Amending Over-the-Counter Monograph M012: Cold, Cough, Allergy, Bronchodilator, and Antiasthmatic Drug Products for Over-the-Counter Human Use

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability on its website of the proposed administrative order (proposed order) (OTC000036) entitled ''Amending Over-the-Counter Monograph M012: Cold, Cough, Allergy, Bronchodilator, and Antiasthmatic Drug Products for Over-the-Counter Human Use.'' This proposed order, if finalized, will amend Final Administrative Order OTC000026, to remove orally administered phenylephrine hydrochloride and phenylephrine bitartrate in an effervescent dosage as nasal decongestant active ingredients because they are not effective.

DATES: Submit electronic comments on the proposed administrative order by May 7, 2025.

ADDRESSES: The *https://www.regulations.gov* electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of May 7, 2025. Please note that late, untimely filed comments will not be considered. Instructions for submitting comments are contained in the proposed order OTC000036, which can be viewed in the OTC Monographs@FDA portal at *https://dps.fda.gov/omuf.* Comments must be submitted electronically.

FOR FURTHER INFORMATION CONTACT: Dan Brum, Center for Drug Evaluation and Research (HFD–600), Food and Drug Administration, 10903 New Hampshire Ave., Silver Spring, MD 20993–0002, 301–796–0578.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is issuing this proposed order OTC000036 to amend the requirements for cold, cough, allergy, bronchodilator, and antiasthmatic drug products for over-the-counter (OTC) human use, as currently described in Over-the-Counter Monograph M012: Cold, Cough, Allergy, Bronchodilator, and Antiasthmatic Drug Products for Over-the-Counter Human Use (OTC Monograph M012), as set forth in the Final Administrative Order OTC000026. FDA is issuing the proposed order pursuant to section 505G(b)(1) of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 355h(b)(1)).

OTC Monograph M012 describes the conditions under which OTC cold, cough, allergy, bronchodilator, and antiasthmatic drug products are generally recognized as safe and effective. OTC Monograph M012 is set forth in Final Administrative Order OTC000026, which was deemed established by section 505G(b)(8) of the FD&C Act, and was effective upon enactment of the Coronavirus Aid, Relief, and Economic Security Act (Pub. L. 116–136) on March 27, 2020. The conditions described in OTC Monograph M012, as set forth in final order(s), may be amended, revoked, or otherwise modified in accordance with the procedures of section 505G(b) of the FD&C Act.

The proposed order, if finalized, will amend the conditions described in OTC Monograph M012 as set forth in the Final Administrative Order OTC000026 to remove orally administered phenylephrine hydrochloride and phenylephrine bitartrate in an effervescent dosage from OTC Monograph M012 as nasal decongestant active ingredients because they are not effective. This proposed order also includes minor stylistic and formatting changes to improve the readability and presentation of OTC Monograph M012, including removing references to historical **Federal Register** documents because OTC monographs are no longer modified through notice and comment rulemaking.

The proposed order can be viewed in the OTC Monographs@FDA portal at *https://dps.fda.gov/omuf.* The proposed order contains instructions for commenting on the proposed order. Comments to the proposed order must be submitted electronically to the Federal eRulemaking Portal at *https://www.regulations.gov.*

OTC Monographs@FDA provides a resource for the public to view Administrative Orders (Proposed, Final, and Interim Final Orders) for OTC Monograph Drugs and view OTC Monographs. In the future, OTC Monographs@FDA will facilitate the public's ability to submit, search, and view comments and data for Proposed and Interim Final Orders.

II. Paperwork Reduction Act of 1995

The proposed order is issued under section 505G(b)(1) of the FD&C Act. Under section 505G(o) of the FD&C Act, the Paperwork Reduction Act of 1995 (PRA) (Chapter 35 of title 44, United States Code) does not apply to collections of information made under section 505G of the FD&C Act. Therefore, clearance by the Office of Management and Budget under the PRA is not required for collections of information, if any, in a final order issued under section 505G of the FD&C Act that results from this proposed order.

Dated: October 31, 2024.

Kimberlee Trzeciak,

Deputy Commissioner for Policy, Legislation, and International Affairs.

[FR Doc. 2024–25910 Filed 11–7–24; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

[Document Identifier: OS–0990–new]

Agency Information Collection Request; 30-Day Public Comment Request

AGENCY: Office of the Secretary, HHS.

ACTION: Notice.

SUMMARY: In compliance with the requirement of the Paperwork Reduction Act of 1995, the Office of the Secretary (OS), Department of Health and Human Services, is publishing the following summary of a proposed collection for public comment.

DATES: Comments on the ICR must be received on or before December 9, 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: Sherrette Funn, *Sherrette.Funn@hhs.gov* or (202) 264–0041, or *PRA@HHS.GOV.* When submitting comments or requesting information, please include the document identifier 0990–New–30D and project title for reference.

SUPPLEMENTARY INFORMATION: Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Title of the Collection: Performance and Evaluation Measurement System (PEMS).

Type of Collection: New Data Collection.

OMB No. 0990–NEW.

Abstract: The U.S. Department of Health and Human Services (HHS) Office of Minority Health (OMH) is requesting OMB approval on a new information collection, Performance and Evaluation Measurement System (PEMS). The proposed information collection activity will allow OMH to collect grant management and performance data and disparity impact information for all OMH-funded projects. The clearance is needed to support data collection using Grant Solutions, a system that enables OMH to comply with Federal reporting requirements and monitor and evaluate performance by enabling the efficient collection of performance-oriented data tied to OMH-wide performance reporting needs. The ability to monitor and evaluate performance in this manner, and to work towards continuous program improvement are basic functions that OMH must be able to accomplish to carry out its mandate with the most effective and appropriate use of resources.

This information collection includes two new web-based data collection tools:

- OMH Performance Progress Report
- Disparity Impact Statement

The OMH Performance Progress Report is a supplement to the Office of the Assistant Secretary for Health (OASH) periodic Performance Progress Report, and recipients will submit reports on a quarterly basis. Recipients will submit the Disparity Impact Statement once during the period of performance.

Likely Respondents: Members and staff from academia, community organizations, private non-profit organizations, local/state/federal government, and tribal government and services organizations including those who serve American Indian and Alaska Native and/or racial and ethnic minorities.

ESTIMATED ANNUALIZED BURDEN TABLE

Type of respondent	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden hours
OMH grant recipients—Disparity Impact Statement	125	1	1	125
OMH grant recipients—OMH Performance Progress Report	125	4	1.5	750
Total	250	5	2.5	875

Sherrette A. Funn,

Paperwork Reduction Act Reports Clearance Officer, Office of the Secretary.

[FR Doc. 2024–26057 Filed 11–7–24; 8:45 am]

BILLING CODE 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; Limited Interaction Targeted Epidemiology: Epidemiology of Transmission and Treatment of HIV Among People Who Are at Increased Risk for HIV Infection in Latin America (LITE–LA) (UG3/UH3 Clinical Trial Optional).

Date: December 3, 2024.

Time: 12:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3F40, Rockville, MD 20892 (Video Assisted Meeting).

Contact Person: Robert C. Unfer, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3F40, Rockville, MD 20892 240–669–5035, *unferrc@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: November 4, 2024.

Lauren A. Fleck,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2024–25936 Filed 11–7–24; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business: Clinical Care, Behavioral Processes and Health Interventions.
Date: December 5–6, 2024.
Time: 9:00 a.m. to 6:30 p.m.
Agenda: To review and evaluate grant applications.
Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.
Meeting Format: Virtual Meeting.
Contact Person: Aruna K. Behera, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4211, MSC 7814, Bethesda, MD 20892, (301) 435–6809, *beheraak@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business: Computational, Modeling, and Biodata Management.
Date: December 5–6, 2024.
Time: 9:30 a.m. to 6:30 p.m.
Agenda: To review and evaluate grant applications.
Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.
Meeting Format: Virtual Meeting.
Contact Person: Joonil Seog, SCD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, 301–402–9791, *joonil.seog@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR Panel: Resource Development for Animal Models and Biological Systems.
Date: December 5, 2024.
Time: 10:00 a.m. to 7:00 p.m.
Agenda: To review and evaluate grant applications.
Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.
Meeting Format: Virtual Meeting.
Contact Person: Maqsood A. Wani, DVM, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2114, MSC 7814, Bethesda, MD 20892, 301–435–2270, *wanimaqs@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR Panel: High End, Shared, and Basic Instrumentation Microscopy Grants (S10).
Date: December 5–6, 2024.
Time: 10:00 a.m. to 6:00 p.m.
Agenda: To review and evaluate grant applications.
Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.
Meeting Format: Virtual Meeting.
Contact Person: Ezgi Kunttas-Tatli, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 594–7047, *ezgi.kunttas-tatli@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Health Services and Systems.
Date: December 6, 2024.
Time: 10:00 a.m. to 7:00 p.m.
Agenda: To review and evaluate grant applications.
Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.
Meeting Format: Virtual Meeting.
Contact Person: Thomas Beres, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5148, MSC 7840, Bethesda, MD 20892, 301–435–1175, *berestm@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: November 5, 2024.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2024–25996 Filed 11–7–24; 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 Resource Related Research Projects (R24 Clinical Trial Not Allowed).
Date: December 10, 2024.
Time: 1:00 p.m. to 3:00 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3E70A, Rockville, MD 20892 (Video Assisted Meeting).
Contact Person: Annie Walker-Abbey, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3E70A, Rockville, MD 20892, 240–627–3390, *aabbey@niaid.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: November 4, 2024.

Lauren A. Fleck,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2024–25935 Filed 11–7–24; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Topics in Environmental Determinants of Disease.
Date: December 2, 2024.
Time: 10:00 a.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Stacey Nicole Williams, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 867–5309, *stacey.williams@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Research Grants in Hemostasis, Thrombosis, Coagulation, and Blood Transfusion.

Date: December 4, 2024.

Time: 9:00 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Courtney Elaine Watkins, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 496–3093, *courtney.watkins2@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Collaborative R01—Clinical Studies of Mental Illness.

Date: December 4, 2024.

Time: 2:00 p.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Emily Megan Kilroy, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Dr., Bethesda, MD 20892, (301) 594–0813, *kilroyem@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflicts: Pulmonary Diseases.

Date: December 4, 2024.

Time: 12:00 p.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Bradley Nuss, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4142, MSC7814 Bethesda, MD 20892, 301–451–8754, *nussb@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel Member Conflict: Topics in Nephrology and Urology,

Date: December 5, 2024,

Time: 9:30 a.m. to 8:30 p.m.

Agenda: To review and evaluate grant applications,

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Frederique Yiannikouris, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 594–3313, *frederique.yiannikouris@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business: Cell, Molecular Biology, Instrumentation, and Assay Development.

Date: December 5, 2024.

Time: 10:00 a.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Tatiana V. Cohen, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5213, Bethesda, MD 20892, 301–455–2364, *tatiana.cohen@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Fellowships: HIV/AIDS Behavioral Panel.

Date: December 5, 2024.

Time: 10:00 a.m. to 4:30 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Mark P. Rubert, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5218, MSC 7852, Bethesda, MD 20892, 301–806–6596, *rubertm@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Cancer Biology.

Date: December 5, 2024.

Time: 1:00 p.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Jian Cao, MD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 827–5902, *caojn@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Topics in Metabolism.

Date: December 5, 2024.

Time: 12:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Jonathan Michael Peterson, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 867–5309, *jonathan.peterson@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: November 4, 2024.

David W. Freeman,

Supervisory Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2024–25937 Filed 11–7–24; 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 Research Education Program Advancing the Careers of a Diverse Research Workforce (R25 Clinical Trial Not Allowed).

Date: December 3, 2024.

Time: 1:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3F58, Rockville, MD 20892 (Video Assisted Meeting).

Contact Person: Mario Cerritelli, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3F58, Rockville, MD 20892, 240–669–5199, *cerritem@mail.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: November 4, 2024.

Lauren A. Fleck,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2024–25938 Filed 11–7–24; 8:45 am]

BILLING CODE 4140–01–P

ADVISORY COUNCIL ON HISTORIC PRESERVATION

Notice of Approval of Exemption for Indigenous-Knowledge Informed Activities by Native Hawaiian Organizations

AGENCY: Advisory Council on Historic Preservation.

ACTION: Notice.

SUMMARY: The Advisory Council on Historic Preservation (ACHP) has approved an exemption that would relieve Federal agencies from the historic preservation review requirements under Section 106 of the National Historic Preservation Act regarding the effects of various undertakings in Hawaii that are proposed or directed by a Native Hawaiian Organization (NHO), or substantially led, designed, or managed by an NHO, informed by Indigenous Knowledge of that NHO, and related to traditional cultural practices of Native Hawaiians.

DATES: The exemption went into effect on October 18, 2024.

FOR FURTHER INFORMATION CONTACT: William Dancing Feather, (202) 517–0195, *wdancingfeather@achp.gov.*

SUPPLEMENTARY INFORMATION: Section 106 of the National Historic Preservation Act, 54 U.S.C. 306108 (Section 106 and NHPA), requires Federal agencies to consider the effects of projects they carry out, license/permit/approve, or assist (undertakings) on historic properties, and provide the Advisory Council on Historic Preservation (ACHP) a reasonable opportunity to comment with regard to such undertakings. Historic properties are those properties that are listed in the National Register of Historic Places (National Register) or eligible for such listing.

The NHPA authorizes the ACHP to promulgate regulations for exempting undertakings from any or all of the requirements of Section 106. 54 U.S.C. 304108(c). The section 106 regulations, found at 36 CFR part 800, detail the process for the approval of such exemptions at 36 CFR 800.14(c).

After following that process, on October 18, 2024, the ACHP membership, by a vote of 17 in favor, none against, and three abstentions, approved the exemption reproduced at the end of this notice.

I. Background

The ACHP acknowledges that Native knowledge and expertise are crucial to a full understanding of historic properties that must be recognized in the Section 106 review process. Accordingly, the ACHP published the 2021 *Traditional Knowledge and the Section 106 Process: Information for Federal Agencies and Other Participants* document to keep Federal agencies apprised of their duty to incorporate traditional knowledge in Section 106 decisions. Most recently, in March 2024, the ACHP adopted a *Policy Statement on Indigenous Knowledge and Historic Preservation* calling for the respectful integration of Indigenous Knowledge at all levels of the Section 106 review process. In particular, Principle 3 of this policy describes ''Indigenous Knowledge'' for purposes of Section 106 to include, but is not limited to, the ''experiences, insights, and knowledge held by Indian Tribes and NHOs that can assist Federal agencies in identifying, evaluating, assessing, and resolving adverse effects to historic properties that may be of religious and cultural significance to them.'' Moreover, Principle 4 of the policy explains that section 106 agreement documents and program alternatives that relate to historic properties of religious and cultural significance to an Indian Tribe or NHO should recognize Indigenous Knowledge in informed decision making.

II. Exemption Criteria

As mentioned, exemptions are a program alternative under 36 CFR 800.14(c) which may be proposed by a Federal agency or by the ACHP. Exempted categories must meet the following three criteria: (i) the actions within the program or category would otherwise qualify as ''undertakings'' as defined in § 800.16; (ii) the potential effects of the undertakings within the program or category upon historic properties are foreseeable and likely to be minimal or not adverse; and (iii) the exemption of the program or category is consistent with the purposes of the NHPA.

The actions covered by the exemption are undertakings. The ACHP identified that certain Federal agencies reviewing undertakings involving NHOs, specifically those utilizing Indigenous Knowledge, were experiencing challenges in meeting section 106 requirements despite clear compliance with the broad goals and outlines of Federal historic preservation policy. Examples of such projects have included, in the past, Federal grant activities to NHOs, such as grants for agricultural restoration in He'eia and maintenance activities at Ulupō Heiau in Kailua, and select Federal land management actions.

The exemption applies to certain types of undertakings to be carried out, licensed, permitted, or assisted by Federal agencies that are (1) proposed, directed, or authorized by an NHO, or substantially led, designed, or managed by an NHO, (2) informed by Indigenous Knowledge of that NHO, (3) related to traditional cultural practices of Native Hawaiians, and (4) preceded by the submission of an attestation statement by the NHO to the relevant Federal agency. The types of activities that are included are landscaping practices; agricultural practices; rehabilitation, preservation, restoration, or reconstruction of water features and systems, including fishponds, historic pathways, sacred and traditional sites, traditional Native Hawaiian buildings and structures, properties of religious and cultural significance to NHOs; installation of interpretative signage; and transfer of Federal property or interest in Federal property to an NHO.

The undertaking's potential effects are likely to be minimal or not adverse. In considering the likely potential effects of the undertakings informed by NHOs on historic properties, the ACHP Chair and staff met with many representatives of NHOs, Federal agencies, the Hawai'i State Historic Preservation Office, and other preservation partners. In addition, the ACHP conducted public engagement and consultation as further described below.

Based on this input and input from ACHP members, the likely effects of the exempted undertakings on historic properties (including those not of religious and cultural significance to NHOs), would be minimal or not adverse, as such effects are defined in 36 CFR 800.16(i) and 800.5 respectively. The exemption includes several safeguards to limit the covered undertakings' effects to those that are minimal or not adverse, including: the requirements that covered activities include only those informed by Indigenous Knowledge of the NHO and related to the traditional cultural practices of Native Hawaiians; a requirement that the NHO attest to its involvement in the undertaking and the undertaking's relationship to Native Hawaiian cultural practice; a carefully prescribed list of covered activities, each tied to Indigenous Knowledge of the NHO and traditional cultural

practice of Native Hawaiians; and careful limits on the types of materials, construction techniques, and activities of the covered activities.

Overall, the exemption aims to exempt those activities that are themselves cultural preservation. By the terms of the exemption, these are activities for the preservation, restoration, rehabilitation, reconstruction, repair, maintenance, and stabilization of historic properties of significance to NHOs, utilizing their expert Indigenous Knowledge about such properties. Deference to an NHO's understanding of their own cultural preservation activities is consistent with the formal position of the ACHP as expressed in its *Policy Statement on Indigenous Knowledge and Historic Preservation* which states that Federal agencies should ''recognize and defer to Tribal or NHO interpretation of the property's significance and integrity. Members of the preservation community are not the experts on what constitutes Indigenous Knowledge or how it should be utilized to identify or evaluate the eligibility of a property that may be of religious and cultural significance to an Indian Tribe or NHO.''

The exemption does not apply to demolition or removal of properties listed or known to be eligible for listing on the National Register of Historic Places, unless the demolition or removal decision has previously completed review pursuant to Section 106; the construction of new buildings or structures not expressly allowed in the covered activities section; the treatment or disposition of burial sites, human remains, and funerary objects in a manner contrary to the ACHP *Policy Statement on Burial Sites, Human Remains, and Funerary Objects;* agency decisions to provide or retract permission to access agency owned or controlled land; and undertakings known by a Federal agency or the relevant NHO to be contrary to or limiting of the Indigenous Knowledge-informed traditional cultural practice of another NHO or to demolish or remove properties on or eligible for the National Register of Historic Places. Moreover, the exemption includes language, similar to that in other exemptions, where Federal agencies remain responsible for considering the effects of undertakings on historic properties other than those directly addressed by the activities covered by the exemption.

In sum, the ACHP consulted with and took into account the views of stakeholders—including Federal and State officials, NHOs, historic preservation organizations, and individuals—to identify a limited set of undertakings whose potential effects upon historic properties are foreseeable and likely to be minimal or not adverse and where exemption of the undertakings would be consistent with the purposes of the NHPA. The exemption includes several safeguards to limit the covered undertakings' effects to those that are minimal or not adverse, including: the requirements that covered activities include only those informed by Indigenous Knowledge of the NHO and related to the traditional cultural practices of Native Hawaiians; a requirement that the NHO attest to its involvement in the undertaking and its relationship to the property, and the undertaking's relationship to Native Hawaiian cultural practice; a carefully prescribed list of covered activities, each tied to Indigenous Knowledge of the NHO and traditional cultural practice of Native Hawaiians; and careful limits on the types of materials, construction techniques, and activities of the covered activities.

The exemption is consistent with the purposes of the NHPA. Among other things, the NHPA establishes as the policy of the government to ''provide leadership in the preservation of the historic property of the United States and . . . in the administration of the national preservation program'', to ''administer federally owned, administered, or controlled historic property in the spirit of stewardship for the inspiration and benefit of present and future generations'', and to ''contribute to the preservation of nonfederally owned historic property in a spirit of stewardship for the inspiration and benefit of present and future generations.'' 54 U.S.C. 30101(2), (3), (4).

The exemption aligns with the requirements of the NHPA reflecting an effort to promote historic preservation by enabling types of restoration and rehabilitation projects that are essentially preservation activities. This effort also aligns with ACHP's work over the course of three decades to expand the participation of NHOs in the historic preservation review process under Section 106 and its implementing regulations. In 1992, Congress amended the NHPA to clarify that properties of religious and cultural importance to NHOs may be eligible for listing in the National Register of Historic Places and that Federal agencies, in carrying out their Section 106 responsibilities, must consult with any NHO that attaches religious and cultural significance to historic properties that may be affected by an undertaking. The ACHP incorporated the provisions in the Section 106 regulations, 36 CFR part 800, ''Protection of Historic Properties.''

The ACHP in 2008 adopted the ACHP *Policy Statement on the ACHP's interaction with Native Hawaiian Organizations.* This policy set forth the ACHP's commitments to ensure that NHOs are fully included and allowed the opportunity to effectively participate in the Federal historic preservation program. The policy also set forth the ACHP's consideration of Native Hawaiian values, such as a deep love and understanding of the land and a respect for the powerful forces of nature, and its recognition of the significant contribution Native Hawaiians make towards the enrichment of this nation. In 2010, President Obama announced U.S. support for the United Nations Declaration on the Rights of Indigenous Peoples and in 2013 the ACHP became the first agency to formally adopt its intent with the ACHP *Plan to Support the U.N. Declaration on the Rights of Indigenous Peoples* (Declaration). The plan calls for the ACHP to incorporate the principles and aspirations of the Declaration into its work regarding Native Hawaiian historic preservation issues.

In 2021, the ACHP published the guidance document entitled *Traditional Knowledge and the Section 106 Process: Information for Federal Agencies and Other Participants* to help inform Federal agencies of their obligation to incorporate traditional knowledge in the Section 106 decision making and noting the ACHP's position that Native knowledge and expertise is essential to a full understanding of historic properties that must be considered in the Section 106 review process. In 2022, the White House Office of Science and Technology Policy and the Council on Environmental Quality issued government-wide Guidance for Federal Departments and Agencies on Indigenous Knowledge.

To further elaborate on this guidance, and advance and encourage the use and integration of Indigenous Knowledge in the Section 106 process, in 2024 the ACHP adopted the ACHP *Policy Statement on Indigenous Knowledge and Historic Preservation.* The policy includes principles that should be applied by Federal agencies, State and local governments, and nongovernmental institutions, including private contractors, to advance the integration of Indigenous Knowledge into historic preservation decision making. Principle 3 of that policy states:

For purposes of Section 106, the term ''Indigenous Knowledge'' includes, but is not limited to, the experiences, insights, and knowledge held by Indian

Tribes and NHOs that can assist Federal agencies in identifying, evaluating, assessing, and resolving adverse effects to historic properties that may be of religious and cultural significance to them. While the NHPA directs Federal agencies to make the final decisions in the Section 106 review, the law also directs agencies to consult with Indian Tribes and NHOs in carrying out the review process. Deference can and should be provided to the expertise of designated representatives about Indigenous Knowledge that is provided to inform decision making in the Section 106 process. A reasonable and good faith effort includes the responsibility that Federal agencies, consistent with 36 CFR 800.2(c)(2)(ii)(A), consider Indigenous Knowledge in a successive and cumulative manner throughout the four-step Section 106 process.

Principle 4 of that policy states: ''Section 106 agreement documents and program alternatives that relate to or include the identification of, assessment of effects to, or resolution of adverse effects to historic properties of religious and cultural significance to an Indian Tribe or NHO should include language or stipulations that address the role of Indigenous Knowledge in informed decision making and how designated representatives would be involved in any ongoing reviews or consultation.''

This exemption constitutes a Section 106 program alternative that is designed to advance the recognition of Indigenous Knowledge in informed decision making by Federal agencies and to advance the ACHP's application of these and other principles within the ACHP *Policy Statement on Indigenous Knowledge and Historic Preservation* and prior relevant ACHP documents and statements.

The exemption is restricted to only specific activities undertaken with or by NHOs, and to those projects that benefit historic preservation and cultural perpetuation by reconstructing, interpreting, restoring, rehabilitating, and preserving historic properties significant to NHOs. Further, this exemption offers NHOs engaged with Federal agencies the ability to identify the appropriate paradigm, cultural methods, and practices in which proposed undertakings would be carried out in order to support the cultural perpetuation goals of NHOs as well as meeting the policy principles within the ACHP's *Policy Statement on Indigenous Knowledge.* Accordingly, the proposed exemption meets the final criterion for an exemption.

III. Summary of Consultation and Public Participation

In accordance with 36 CFR 800.14(c)(2), public participation regarding exemptions must be arranged on a level appropriate to the subject and scope of the exemption. The exemption is not a nationwide action and would only have effect within the State of Hawai'i. The AHCP determined that consultation requirements of Executive Order 13175 were not triggered for the development of this exemption as there are no Indian Tribes with a government-to-government relationship located within, nor have interests in Hawaii.

In mid-April 2024, Chair Bronin met with representatives of NHOs while visiting several historic sites on Oahu with leaders from the State of Hawaii Office of Hawaiian Affairs, Historic Hawai'i Foundation, and the Department of the Interior (DOI) Office of Native Hawaiian Relations. Chair Bronin and former ACHP Member Reno Franklin further met with numerous Native Hawaiians on Maui, including the Cultural Monitor of Federal Emergency Management Agency (FEMA) recovery efforts in Lahaina. During these meetings, Chair Bronin and Member Franklin heard comments about improving the Section 106 process for certain undertakings involving one or more NHOs that propose or direct, or substantially lead, design, or manage such undertakings. The NHOs identified issues related to unnecessary delays and expenses associated with Federal historic preservation reviews of Native Hawaiian cultural practices, and potential interference by non-Indigenous authorities in Indigenous Knowledge-informed activities. In addition, there was concern that Section 106 reviews of any proposed reconstruction and restoration of traditional Native Hawaiian sites in and around Lahaina could delay or thwart the implementation of such undertakings.

In mid-May, Chair Bronin announced her intent to draft an exemption at the ACHP Tribal and Indigenous Peoples Committee meeting with the stated support of Chairman Franklin and creation of a proposed working group consisting of Vice Chair Jordan Tannenbaum and representatives of the Department of Homeland Security (DHS), the Department of Defense (DOD), the DOI, the National Trust for Historic Preservation (NTHP), and the National Association of Tribal Historic Preservation Officers (NATHPO).

After circulating a draft of the exemption to the above-referenced working group on May 16, 2024, Chair Bronin met with the NATHPO and NTHP. Based on these meetings and exchanges among the working group, Chair Bronin addressed comments and incorporated feedback into the draft. On May 22, the Office of Tribal and Indigenous Peoples distributed to the ACHP's NHO 106 contacts listserv a notice of intent to propose an exemption, including a link to the ACHP's web page explaining the proposal, notification of two NHO consultations and one public meeting on the proposal, and a notice that written comments would be taken until July 7. After Chair Bronin met with Hawai'i State Historic Preservation Officer Dawn Chang on May 28 to discuss the draft exemption, the draft of the exemption consolidating all preliminary input was posted on the ACHP website.

The ACHP and Chair Bronin promoted the proposal and opportunities for public engagement and NHO consultation on social media, including LinkedIn, X, and Facebook. Chair Bronin further published an op-ed in Hawai'i's largest newspaper, the Honolulu Star-Advertiser (circulation 107,191), describing the proposed exemption, explaining its history and rationale, and inviting public comment with a link to the ACHP web page. This newspaper piece was promoted by Chair Bronin and the ACHP on the above-referenced social media platforms.

On May 31, 2024, a second notice of the proposed exemption was distributed to the ACHP's NHO listserv, restating key information in the May 22 notice and pointing out that the final draft of the proposed NHO Exemption had been posted on the ACHP website. Chair Bronin further explained the proposed exemption while urging feedback and ACHP engagement in a webinar of the American Planning Association Division on Urban Design and Historic Preservation on May 22. More than 1,000 people registered for this event. On June 12, Chair Bronin led a public engagement meeting about the proposed exemption with participating members including representatives of Federal agencies, the State of Hawai'i State Historic Preservation Division, and members of the general public. Chair Bronin addressed comments and questions from participants, including several representatives of the SHPO, Federal agencies, and cultural resources practitioners.

The ACHP developed and executed a plan to consult with Native Hawaiian Organizations. The plan included the conduct of two NHO consultations organized by the ACHP and directly facilitated by Chair Bronin. On June 14,

Chair Bronin led a first NHO consultation meeting with a second meeting on June 27. At the first consultation meeting, representatives of NHOs were in attendance. At the second consultation meeting, representatives of NHOs were again in attendance.

At both meetings, attendees expressed support for the intent and overall content of the exemption and raised specific suggestions about covered activities to include in the list (including, among others, fencing to protect cultural sites, climate change-related adaptation measures, and new construction of traditional structures such as hale and hālau waʻa), urged that there be safeguards (such as public notice or reporting) on the exemption, and that the exemption provide for documentation that the NHO proponent meets the definition of an NHO (pursuant to NHPA and 36 CFR 800.16(s)(1)). In addition, attendees asked that undertakings known to have the potential to infringe on the Indigenous Knowledge-informed cultural practice by other NHOs not be included in the scope of the exemption and asked for clarification about the applicability of other State and Federal laws. Chair Bronin addressed comments and questions from the attendees, and those unable to attend had the opportunity to contact staff through a dedicated email address monitored by staff to guarantee a timely response.

The first consultation period closed on July 7. Chair Bronin and ACHP staff reviewed the comments and questions from NHOs and the general public and made adjustments to create a second draft of the exemption.

ACHP members discussed the public comments and preliminary version of the second draft at the ACHP Tribal and Indigenous Peoples Committee meeting on July 11 and at the ACHP Business Meeting on July 18. Members discussed a timeline for a second round of consultation on a second draft, and an updated draft was posted to the ACHP website.

On August 15, Chair Bronin led a third NHO consultation meeting. Representatives of NHOs were in attendance.

At this meeting, certain individuals expressed general support for the exemption, stating that it would simplify the process for restoration and preservation activities. Many participants shared that it would be helpful in Lahaina specifically, with others remarking it had broader utility. A few participants asked for more specific details about exactly which organizations could use this exemption, and flagged concern that agency contractors are also reflected on the DOI NHO list or otherwise may meet the criteria. Some participants expressed a concern that the exemption would allow actors who do not properly represent Native Hawaiian communities or lineal descendants in an area to take advantage of the exemption, while others noted that recent ACHP changes to the draft exemption may address these concerns. A few participants flagged a desire for public information about ongoing use of the exemption and public notice about the use of application of the exemption before it is applied, so that lineal descendants are aware of its use on properties of significance to their family and communities and can raise a dispute if needed. Some individuals requested additional outreach to consult on the proposed exemption. Chair Bronin again responded to comments and questions from the attendees and encouraged the submission of written comments.

The second consultation period closed on August 26. Chair Bronin and ACHP staff reviewed the comments and made adjustments to create a third draft of the exemption to be considered by ACHP members. Members of the ACHP-Initiated Program Alternatives Forum Committee held a meeting on September 5 to discuss a preliminary third draft. Members provided additional feedback between that discussion and September 25.

Chair Bronin and staff revised the proposed exemption extensively as a result of consultation. Below is a summary of how Chair Bronin and staff integrated suggestions or considered them in the revisions.

Comments from members of the public, State and Federal agencies, and NHOs covered a range of topics, including: strengthening protections for historic and cultural properties not involved with a covered undertaking; requesting additional consultation and outreach; addressing several issues related to NHO connections to properties at issue and NHO capacity; refining the scope of covered activities and excluded activities; confirming Federal agency responsibilities; adding notice to the public, periodic reporting, and reviews; and several minor suggestions. In response to these comments, the ACHP revised the exemption to more clearly define the range of actions that can occur using the exemption and added additional detail to the conditions under which an undertaking may fall within the scope of this exemption.

Several comments suggested strengthening the provisions in the exemption to clarify how historic and cultural properties not involved with a covered undertaking would be protected against adverse effects. In response, the ACHP revised the exemption to: require a statement by an NHO participating in the exemption that explains the NHO's connection to the property and its members' current or ancestors' prior relationship to the property, as well as a statement that the NHO knows of no other NHO's traditional cultural practice being infringed upon and that no other properties on or eligible for the National Register will be potentially demolished, removed, or modified in a manner that adversely affects character-defining features; indicate that the Federal agency remains responsible for identification and considering the effects of the covered activities on other surrounding sites; and explicitly exclude from the exemption undertakings known by the agency or NHO to be contrary to or limiting of another NHO's traditional cultural practice. Such provisions were added to other existing protections, including the explicit exclusion from the exemption the demolition or removal of properties listed or known to be eligible for the National Register.

Several comments queried how NHOs identified by a Federal agency might be asked to demonstrate their connection to a particular historic property at issue. Revisions to the NHO attestation provisions in section II refine the types of connections that must be attested to, including statements about the property's ongoing or prior traditional cultural practices related to the property and about the prior connections (including activities, support, and relationships) between key individual decision-makers and members of the NHO and the Native Hawaiian community and individuals known to have ancestral connections to the property. In addition, as a threshold matter, it was noted that some NHOs may not have the capacity to directly manage a project, though they could nonetheless propose, direct, or authorize such a project. Thus, the provision in the exemption originally requiring both direct project management and proposal, direction, or authorization were combined to allow for a broader range of NHOs to participate in this exemption. This change was made in the first sentence of section III.

Many comments addressed the list of covered activities in section III. The draft exemption was revised to include several Native Hawaiian terms and to identify more precisely certain activities, as well as revised to acknowledge the description of

Indigenous Knowledge. A comment suggesting that undertakings with the potential to affect ''properties with religious and cultural significance to NHOs'' was an overly broad category of actions to include in the proposed exemption, and this comment resulted in the deletion of that provision given that other activities in the section were described in greater detail. Commenters suggested that the provision on new construction be narrowed, and specific buildings and structures identified (or excluded); that provision was modified to include hale, hālau waʻa, and boundary structures in response to specific suggestions. Several NHOs and a State agency suggested that minor adaptations to the covered activities to respond to climate change, pollution, and invasive species be expressly allowed. A provision on this was included. Language on natural habitat conservation practices, fishing, and aquaculture was also added, reflecting the agency's stated commitment to advancing the fact that natural resources are cultural resources.

Commenters had questions and suggestions about activities not to be covered by the exemption. In response, the ACHP clarified that Federal agency decisions regarding land access, undertakings known to be contrary to or limiting of NHO or Native Hawaiian cultural practices, undertakings outside the State of Hawaiʻi, undertakings conducted during emergency situations, and National Historic Landmarks were not covered by the exemption.

Commenters wanted clearer language confirming Federal agency responsibilities for Section 106 compliance. New language in section II clarifies that the exemption may only be applied after a Federal agency identifies an NHO for participation in an undertaking, and only after the Federal agency initiates any necessary consultation. A new section V confirms that Federal agencies remain responsible for Section 106 compliance and for considering the effects of undertakings on historic properties other than those directly addressed by covered activities. It also provides clarity regarding dispute resolution if a Federal agency learns of an unexpected conflict after it decides to use the exemption.

Commenters from the Federal Government and NHOs suggested public notice, periodic reporting, and reviews to assess the effectiveness of the exemption. To address these comments, the ACHP added a recommendation for public notice to the State of Hawaiʻi or a newspaper of statewide circulation in section II. In addition, the ACHP added section X, which includes annual reporting by Federal agencies that use the exemption and biannual reporting for a subsequent period. It also requires the ACHP to schedule a meeting with Federal agencies that used the exemption, representatives of the State Historic Preservation Office, NHOs, Federal preservation officers, and others.

During the second round of consultation, comments recommended that the ACHP consider additional consultation with Native Hawaiian Organizations to address difficulty of attending consultations during working hours and to raise awareness about the proposed exemption and encourage questions and discussions about it. The ACHP did not foresee additional substantive concerns would be raised during additional consultation sessions that had not been responded to during the course of consultation.

Public comments also included a range of typographical and similarly minor suggestions, such as including a reference to Chapter 6(E) of the Hawaii Revised Statutes in section VI. The ACHP largely incorporated these suggestions. In addition, commenters suggested the inclusion of definitions from the Secretary of the Interior Standards for the Treatment of Historic Properties, and section XI now includes these. Finally, it was suggested that a reference to the provision in the policy statement promoting consultation with and deference for descendant communities in the ACHP Policy Statement on Burial Sites, Human Remains, and Funerary Objects be included; such a reference was added.

The ACHP declined to include several suggestions. Several NHOs suggested that the provision on new buildings and structures be expanded to include various support facilities, such as offices and housing. The ACHP declined to expand the provision on new buildings and structures in this manner, because the potential adverse effects of these buildings and structures could not be readily ascertained, and similarly declined to include a suggestion by a Federal agency to add wildland fire management. At least two comments requested there be an appeals process to the ACHP of agency determinations. The ACHP declined to include an appeals process into this exemption. The exemption, as a type of program alternative, removes the requirement for Section 106 review for specified undertakings; therefore, it is not the appropriate administrative vehicle to provide for a dispute resolution process. Each Federal agency should consult meaningfully with NHOs in proposing and developing undertakings that may be subject to this exemption. In doing so, each agency should utilize, and update as needed, its own NHO consultation policy and procedures. Should conflicts arise in determining whether use of the exemption is appropriate, the agency should work to resolve that conflict in accordance with its consultation policy and procedures prior to utilizing the exemption. The ACHP also declined to include reference to blood quantum in the definition of Native Hawaiian, instead retaining the definition of Native Hawaiian in the NHPA. And finally, the ACHP declined to include reference to NAGPRA, as requested by one commentator, to avoid conflating statutory regimes.

A comment also requested a definite end date for the exemption. The ACHP declined to include an end date, noting that according to section VII of the exemption, the ACHP membership may terminate the exemption at any time. Another commenter suggested that the definition for NHO should refer specifically to, and allow NHOs listed on, the DOI list. Because NHOs and others requested that the DOI list not be referenced or used to qualify organizations for use of this exemption, the ACHP decided to maintain the definition of NHO as in the NHPA regulations and to add additional requests for the NHO in section II of the exemption, on attestation.

IV. Text of Exemption

The full text of the approved exemption is reproduced below:

Exemption for Indigenous-Knowledge Informed Activities by Native Hawaiian Organizations

Section I. Exemption From Section 106

Except as noted in Section IV, all federal agencies are exempt from the Section 106 requirements of taking into account the effects of undertakings identified in Section III.

Section II. Applicability and Initiation of Exemption

a. Applicability.

This exemption applies only to undertakings identified in Section III that take place in the state of Hawaiʻi. This exemption applies to undertakings where, prior to [date of adoption], the relevant federal agency has not yet made a final decision about carrying out, licensing, or assisting the undertaking, as applicable.

b. Prior Decision to Identify an NHO.

The exemption is not intended to guide the federal agency in actually identifying a Native Hawaiian

Organization (NHO) for participation in a covered undertaking. It is anticipated that the federal agency will have already made this identification, pursuant to its own processes consistent with 36 CFR 800.2, and only after that identification will consider whether to use this exemption. Such a process may include the federal agency initiation of consultation with the NHOs known to have an interest in the property or properties that are the subject of the proposed undertaking to determine whether the proposed undertaking will be contrary to or limiting of the Indigenous Knowledge-informed traditional cultural practice of an NHO. The federal agency shall not proceed with the use of this exemption if it determines that such a conflict is likely to occur.

c. Submission of Formal Statement by an NHO.

After the federal agency identifies an NHO that will be proposing or directing, or substantially leading, designing, or managing the relevant undertaking, but before a federal agency may use this exemption, the federal agency must request and receive from the identified NHO a formal statement detailing how such activities meet the terms of this exemption. Such a formal statement must include, subject to Section IX of this exemption:

i. An attestation that the entity meets the definition of an NHO in the NHPA, including expertise in aspects of historic preservation that are significant to Native Hawaiians, which the federal agency should consider in light of the ACHP Policy Statement on Indigenous Knowledge and Historic Preservation;

ii. A description of the NHO's proposal, direction, leadership, design, or management vis-à-vis the covered activities;

iii. A description of the extent to which the covered activities are informed by the Indigenous Knowledge of the NHO;

iv. A statement identifying the property upon which the covered activities are proposed to occur as a property of religious and cultural significance to the NHO and explaining the NHO's ongoing or prior traditional cultural practices related to the property;

v. An explanation of current or prior connections (including activities, support, and relationships), if any, between (i) key individual decision-makers and members of the NHO and (ii) the Native Hawaiian community and individuals known to have ancestral connections to the property;

vi. A statement indicating that, to the best of the knowledge of the NHO and its authorized representative (i) no other NHO has asserted or would likely assert that the covered activities are or would be contrary to or limiting of the Indigenous Knowledge-informed traditional cultural practice of another NHO and (ii) the activities will not lead to demolition or removal of properties listed or known to be eligible for listing on the National Register of Historic Places, unless the demolition or removal decision was previously completed during a review pursuant to Section 106;

vii. A statement identifying the individual (such as a chair, executive director, president, or other person) who is authorized to represent and submit on behalf of the NHO; and

viii. A signature or other attribution by the above-mentioned authorized representative.

As a federal agency may identify more than one NHO that will propose or direct, or substantially lead, design, or manage the covered activities, this statement must be submitted by each such NHO.

d. Federal Agency Review and Documentation.

The federal preservation officer of the federal agency, or another agency staff member with experience in historic preservation or Native Hawaiian issues, shall review the formal statement from the NHO and advise the lead agency official on the agency decision as to whether to proceed with the use of this exemption. The lead agency official shall document the agency decision to apply the exemption to an undertaking and shall maintain the formal statement as part of the administrative record.

e. Federal Agency Notice.

The federal agency is encouraged to submit notice of its decision and invite public comment for a thirty-day period, to (1) the State of Hawaii Office of Planning and Sustainable Development Environmental Review Program for publication to ''Environmental Notice''; (2) a newspaper of statewide circulation; or (3) any publication with similar purpose or scope if the aforementioned publications cease to exist. Such submission should include the name of the NHO proposing, directing, or substantially leading, designing, or managing the undertaking, a reasonable description of the proposed undertaking(s), a description of the property sufficient for identification purposes, and a mechanism for contacting the federal agency.

f. Federal Agency Discretion.

Nothing in this exemption shall be interpreted to require a federal agency to permit, license, fund, or provide other assistance to any covered activities.

Section III. Covered Activities

This exemption applies to the following categories of undertakings when they are (1) proposed or directed by an NHO, or substantially led, designed, or managed by an NHO, (2) informed by Indigenous Knowledge of that NHO, (3) related to traditional cultural practices of Native Hawaiians, and (4) preceded by the submission of the statement described in Section II by the NHO to the relevant federal agency:

a. Conduct of landscaping practices or activities, including but not limited to arboreal practices, invasive species removal, and other landscape maintenance, reestablishment, or facilitation.

b. Conduct of agricultural or aquacultural practices or activities, including but not limited to planting and crop rotation, harvesting, native species propagation, soil management, and fishing.

c. Conduct of species conservation and habitat conservation and management activities that are necessary to perpetuate traditional Native Hawaiian cultural practices.

d. Rehabilitation, preservation, restoration, or reconstruction of any the following:

i. Water features and systems, including but not limited to fishponds (loko iʻa) and other traditional aquaculture.

ii. Loʻi kalo and agricultural terraces.

iii. Historic pathways using natural materials, including gravel and other rock, sand, mulch, and wood.

iv. Sacred and traditional sites and objects including but not limited to heiau, burial sites, shrines, ahu, and similar sites and objects.

v. Traditional Native Hawaiian buildings and structures built and designed primarily by Native Hawaiians, and using traditional techniques and primarily natural materials.

e. New construction, using traditional Native Hawaiian techniques and primarily natural materials, of the following, to the extent such new construction is for the express purpose of maintaining or reestablishing traditional cultural or religious practices informed by Indigenous Knowledge:

i. Hale.

ii. Hālau waʻa.

iii. Fencing, walls, natural buffer zones, flood mitigation, and other boundary techniques to protect religious and traditional sites or burial sites, within the NHO-defined boundary area of the property of religious and cultural significance to the NHO.

f. Minor adaptations to the elevation and dimension of buildings, structures,

and sites recognized by the NHO as a property of religious and cultural significance to it; minor relocations of any buildings, structures, and sites within the NHO-defined boundary area of the property of religious and cultural significance to the NHO; or minor adaptations to any of the landscaping or agricultural practices and activities, related to any of the covered activities enumerated in Section III, subsections a through e, where such adaptations are necessary to mitigate the impact of sea level rise, increased precipitation, erosion, wildfire, pollution, and invasive species, and notwithstanding any requirements as to location contained in the definitions of rehabilitation, preservation, restoration, or reconstruction.

g. Installation of interpretive signage related to any of the covered activities enumerated in Section III, subsections a through f.

h. The lease, provision of an easement, or other limited transfer of property rights in federal property to a NHO, or the grant of a nonpossessory interest in real property to a NHO, for use of the property solely to carry out any of the covered activities enumerated in Section III, subsections a through g or for education, outreach, and planning related to the covered activities.

While the preceding categories of action have been identified as appropriate activities for this exemption, nothing in this section should be construed as to suggest that practices not herein contained are not in line with traditional practices informed by Indigenous Knowledge, but rather that the preceding categories of action are expressly eligible for this particular exemption.

Section IV. Activities Not Covered and Exceptions

This exemption shall not cover any activities not identified in Section III, nor activities involving:

a. Demolition, removal, or modifications that adversely affect character-defining features of properties listed or known to be eligible for listing on the National Register of Historic Places, unless the demolition, removal, or modification decision was previously completed during a review pursuant to Section 106.

b. The construction of new buildings or structures not enumerated in Section III.e.

c. The treatment or disposition of burial sites, human remains, and funerary objects in a manner contrary to the ACHP Policy Statement on Burial Sites, Human Remains, and Funerary Objects, including but not limited to the provisions in that policy statement requiring consultation with and deference for descendant communities.

d. Components of an undertaking beyond those listed in Section III, meaning that a federal agency may follow the terms of this exemption for a covered activity that is a component of a larger undertaking, but must follow other applicable Section 106 procedures or agreements for any other components of such larger undertaking.

e. Federal agency decisions to provide or retract permission to access agency owned or controlled land, except as outlined in Section III.h.

f. Undertakings known by a federal agency or the relevant NHO to be contrary to or limiting of the Indigenous Knowledge-informed traditional cultural practice of one or more other NHO, or Native Hawaiian traditional cultural practice more generally, which cannot be resolved through consultation and dispute resolution processes referenced in Section V of this exemption.

g. Undertakings conducted during emergency situations and subject to 36 CFR 800.12.

h. Undertakings that may affect any site, object, building, or structure individually designated as National Historic Landmarks or designated as a contributing property to a National Historic Landmark district.

Section V. Federal Agency Responsibilities

The federal agency will remain responsible for Section 106 compliance with regard to any activities not covered by this exemption, including appropriate identification, scoping, evaluation, and consultation activities, among others.

Each federal agency remains responsible for considering the effects of undertakings on historic properties other than those directly addressed by the activities covered by this exemption (such as historic properties adjacent to, on, or intermingled with the property upon which the covered properties are proposed to occur or archaeological sites that may lie within undisturbed areas) in accordance with subpart B of the Section 106 regulations or according to an applicable program alternative executed pursuant to 36 CFR 800.14.

This exemption is anticipated to be utilized in good faith by agencies and NHOs without knowledge of potential conflicts with or potential adverse effects on other historic properties (including traditional cultural properties) listed on or eligible for the National Register, the Indigenous-Knowledge informed traditional cultural practice of one or more NHOs, or Native Hawaiian traditional cultural practice more generally, and as noted in Sections IV(a) and IV(f) of this exemption, any such knowledge would bar the use of this exemption.

If a federal agency learns of an unexpected conflict or dispute after it decides to use this exemption, the federal agency will make a reasonable and good faith effort to resolve the conflict or dispute in accordance with its consultation policies and procedures (including its NHO consultation policies and procedures) or in accordance with procedures specifically adopted in relation to this exemption. Federal agencies are encouraged to develop and utilize procedures that are respectful of NHOs' rights to maintain, control, protect and develop their traditional cultural heritage, Indigenous Knowledge, intellectual property, traditional cultural expressions, sciences, and technologies, and that reflect the principles contained in the 2013 ACHP guidance, ''Section 106 and the U.N. Declaration on the Rights of Indigenous Peoples: General Information and Guidance.''

Section VI. Existing Agreements, Property Rights, and State and Local Reviews

This exemption does not amend, invalidate, or otherwise modify Section 106 agreements in existence at the time this exemption goes into effect, provided, however, that federal agencies are strongly encouraged to use the applicable amendment provisions of Section 106 Memoranda of Agreement, Programmatic Agreements, or agreements executed with NHOs in accordance with 36 CFR 800(c)(2)(ii)(E) executed prior to [date of adoption] for undertakings that would otherwise be covered by this exemption, to consider making such agreements consistent with this exemption. This exemption does not modify or supersede existing property rights, including access rights. This exemption does not modify, preempt, or replace any other federal laws, or any applicable state or local laws or regulations, including but not limited to Hawaii Revised Statutes, Title 1, Chapter 6E, Historic Preservation.

Section VII. Termination

The ACHP may terminate this exemption in accordance with 36 CFR 800.14(c)(7) if it determines that the purposes of Section 106 are not adequately met.

Section VIII. Amendments

This exemption may be amended by the ACHP membership. Such

amendments must be consistent with the criteria at 36 CFR 800.14(c)(1) and preceded by consultation appropriate to the scope of the amendments.

Section IX. Confidential Information

Nothing in the terms of this exemption shall be construed to require the disclosure of confidential information or sensitive information, or the publication of Indigenous Knowledge. Federal agencies shall follow the guidance contained in the ACHP 2016 Frequently Asked Questions on Protecting Sensitive Information about Historic Properties Under Section 304 of the National Historic Preservation Act, as applicable, and shall comply with applicable laws regarding the protection and dissemination of records.

Section X. Reports and Evaluations

For five years after the date of the adoption of this exemption, the federal agencies that use this exemption will provide a report to the ACHP for the previous reporting year, ending September 30 annually, then every two years for six additional years. Each agency's report will provide a brief summary of the locations and nature of covered activities, any significant issues that arose while implementing the exemption, the manner in which such issues were addressed, and suggestions to avoid such issues in the future. Federal agencies are invited to include an assessment of the overall effectiveness of the exemption in meeting its intent in this report. Reports are due on or before December 31 of each year, starting December 31, 2025 annually through December 31, 2029, and then biannually on or before December 31, 2031 through December 31, 2035.

Within ninety days of each report due date, the ACHP will schedule a meeting with the federal agencies that used the exemption during the relevant reporting year or biennium, as applicable, and invite representatives of the State of Hawaii Historic Preservation Division, NHOs, federal preservation officers, and others it deems appropriate, to discuss implementation of the exemption. The meetings shall provide an opportunity for attendees to provide their views on the overall effectiveness of the exemption in meeting its intent and may inform decisions such as those regarding amendments to the exemption. The meetings may take place in-person, by phone, virtually using electronic meeting platforms, or any combination of such means.

Section XI. Definitions and Descriptions

For purposes of this Exemption, the following definitions apply:

a. *Agency:* As provided by 5 U.S.C. 551, including state, local, or tribal government officials who have been delegated legal responsibility for compliance with Section 106 in accordance with federal law.

b. *Effect:* As provided in 36 CFR 800.5(a)(1) and 800.16(i), means a direct, indirect, reasonably foreseeable, or cumulative alteration to the characteristics of a historic property qualifying it for inclusion in or eligibility for the National Register of Historic Places.

c. *Historic property:* As provided in 36 CFR 800.16(l), any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the National Register of Historic Places maintained by the Secretary of the Interior. It includes artifacts, records, and remains that are related to and located within such properties, and it includes properties of religious and cultural significance to an Indian Tribe or NHO that meet the National Register of Historic Places criteria.

d. *Native Hawaiian:* As provided in 36 CFR 800(16)(s)(2), any individual who is a descendant of the aboriginal people who, prior to 1778, occupied and exercised sovereignty in the area that now constitutes the state of Hawaii.

e. *Native Hawaiian Organization (NHO):* As provided in 36 CFR 800(16)(s)(1), any organization which serves and represents the interests of Native Hawaiians; has as a primary and stated purpose the provision of services to Native Hawaiians; and has demonstrated expertise in aspects of historic preservation that are significant to Native Hawaiians.

f. *Undertaking:* As provided in 36 CFR 800(16)(y), a project, activity, or program funded in whole or in part under the direct or indirect jurisdiction of a Federal agency, including those carried out by or on behalf of a federal agency; those carried out with federal financial assistance; and those requiring a Federal permit, license or approval.

This exemption uses the definitions for the following words found in 36 CFR 68.2, and for convenience these definitions are provided here:

g. *Preservation:* The act or process of applying measures necessary to sustain the existing form, integrity and materials of an historic property. Work, including preliminary measures to protect and stabilize the property, generally focuses upon the ongoing maintenance and repair of historic materials and features rather than extensive replacement and new construction.

h. *Rehabilitation:* The act or process of making possible an efficient compatible use for a property through repair, alterations and additions while preserving those portions or features that convey its historical, cultural or architectural values.

i. *Restoration:* The act or process of accurately depicting the form, features and character of a property as it appeared at a particular period of time by means of the removal of features from other periods in its history and reconstruction of missing features from the restoration period. The limited and sensitive upgrading of mechanical, electrical and plumbing systems and other code-required work to make properties functional is appropriate within a restoration project.

j. *Reconstruction:* The act or process of depicting, by means of new construction, the form, features and detailing of a non-surviving site, landscape, building, structure or object for the purpose of replicating its appearance at a specific period of time and in its historic location.

Native Hawaiian terms in this exemption, including ahu, hale, hālau waʻa, heiau, loko iʻa, and loʻi kalo, shall be interpreted in a manner consistent with accepted understanding of these terms by Native Hawaiians, as informed by any NHO using this exemption.

A description of Indigenous Knowledge to be used in guiding application of this exemption is set forth in the ACHP *Policy Statement on Indigenous Knowledge and Historic Preservation.*

(END OF DOCUMENT)

(Authority: 36 CFR 800.14(c))

Dated: November 4, 2024.

Javier Marqués,

General Counsel.

[FR Doc. 2024–25984 Filed 11–7–24; 8:45 am]

BILLING CODE 4310–K6–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID: FEMA–2024–0020; OMB No. 1660–0039]

Agency Information Collection Activities: Submission for OMB Review, Comment Request; National Fire Academy Long-Term Evaluation Form for Supervisors and National Fire Academy Long-Term Evaluation Form for Students/Trainees

AGENCY: Federal Emergency Management Agency, Department of Homeland Security.

ACTION: 30-Day notice of extension and request for comments.

SUMMARY: The Federal Emergency Management Agency (FEMA) will submit the information collection abstracted below to the Office of Management and Budget for review and clearance in accordance with the requirements of the Paperwork Reduction Act of 1995. FEMA invites the general public to take this opportunity to comment on an extension, without change, of a currently approved information collection. In accordance with the requirements of the Paperwork Reduction Act of 1995, this notice seeks comments concerning the long-term evaluation forms used to evaluate all National Fire Academy training.

DATES: Comments must be submitted on or before December 9, 2024.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection should be made to Director, Information Management Division, 500 C Street SW, Washington, DC 20472, email address *FEMA-Information-Collections-Management@fema.dhs.gov* or Dawn Long, Statistician, Federal Emergency Management Agency, United State Fire Administration, National Fire Academy, (301) 447–1488, and *dawn.long@fema.dhs.gov.*

SUPPLEMENTARY INFORMATION: The National Fire Academy is mandated under the Fire Prevention and Control Act of 1974 (Pub. L. 93–498) to provide training and education to the Nation's fire service and emergency service personnel. The state of-the-art programs offered by the National Fire Academy serve as models of excellence and State and local fire service agencies rely heavily on the curriculum to train their personnel. To maintain the quality of these training programs, it is critical that courses be evaluated after students have had the opportunity to apply the knowledge and skills gained from their training. Information collected from the evaluation forms enables the U.S. Fire Administration and National Fire Academy staff to monitor and recommend changes in course materials, individual subject selection criteria, and to make curriculum-wide reviews and assessments.

This proposed information collection previously published in the **Federal Register** on July 22, 2024, at 89 FR 59128 with a 60-day public comment period. FEMA received zero public comments. The purpose of this notice is to notify the public that FEMA will submit the information collection abstracted below to the Office of Management and Budget for review and clearance.

Collection of Information

Title: National Fire Academy Long-Term Evaluation Form for Supervisors and National Fire Academy Long-Term Evaluation Form for Students/Trainees.

Type of Information Collection: Extension, without change, of a currently approved information collection.

OMB Number: 1660–0039.

FEMA Forms: FEMA Form FF–USFA–FY–22–118 (formerly 078–0–2), National Fire Academy Long-Term Evaluation Form for Supervisors; FF–USFA–FY–22–119 (formerly 078–0–2A), National Fire Academy Long-Term Evaluation Form for Students/Trainees.

Abstract: The National Fire Academy Long-Term Evaluation Forms will be used to evaluate all National Fire Academy on-campus resident training courses. Course graduates and their supervisors will be asked to evaluate the impact of the training on both individual job performance and the performance of the fire and emergency response department where the student works. The data provided by students and supervisors is used to update existing National Fire Academy course materials and to develop new courses that reflect the emerging issues and needs of the Nation's fire service.

Affected Public: State, Local or Tribal Government.

Estimated Number of Respondents: 3,000.

Estimated Number of Responses: 3,000.

Estimated Total Annual Burden Hours: 405 hours.

Estimated Total Annual Respondent Cost: $21,962.

Estimated Respondents' Operation and Maintenance Costs: $0.

Estimated Respondents' Capital and Start-Up Costs: $0.

Estimated Total Annual Cost to the Federal Government: $64,452.

Comments

Comments may be submitted as indicated in the **ADDRESSES** caption above. Comments are solicited to (a) evaluate whether the proposed data collection is necessary for the proper performance of the Agency, including whether the information shall have practical utility; (b) evaluate the accuracy of the Agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) enhance the quality, utility, and clarity of the information to be collected; and (d) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Millicent Brown Wilson,

Records Management Branch Chief, Office of the Chief Administrative Officer, Mission Support, Federal Emergency Management Agency, Department of Homeland Security.

[FR Doc. 2024–26063 Filed 11–7–24; 8:45 am]

BILLING CODE 9111–45–P

DEPARTMENT OF HOMELAND SECURITY

[Docket No. DHS–2011–0108]

RIN 1601–ZA11

Identification of Foreign Countries Whose Nationals Are Eligible To Participate in the H–2A and H–2B Nonimmigrant Worker Programs

AGENCY: Office of the Secretary, DHS.

ACTION: Notice.

SUMMARY: Under Department of Homeland Security (DHS) regulations, U.S. Citizenship and Immigration Services (USCIS) may generally only approve petitions for H–2A and H–2B nonimmigrant status for nationals of countries that the Secretary of

Homeland Security, with the concurrence of the Secretary of State, has designated by notice published in the **Federal Register**. Each such notice shall be effective for one year after its date of publication. This notice announces that the Secretary of Homeland Security, in consultation with the Secretary of State, is identifying 88 countries whose nationals are eligible to participate in the H–2A program and 89 countries whose nationals are eligible to participate in the H–2B program for the coming year.

DATES: The designations in this notice are effective from November 7, 2024 and shall be without effect on November 8, 2025.

FOR FURTHER INFORMATION CONTACT: Patrice Francis, Office of Strategy, Policy, and Plans, Department of Homeland Security, Washington, DC 20528, (202) 282–9708.

SUPPLEMENTARY INFORMATION:

Background

Generally, USCIS may approve H–2A and H–2B petitions for nationals of only those countries that the Secretary of Homeland Security, with the concurrence of the Secretary of State, has designated as participating countries.[1] Such designation must be published as a notice in the **Federal Register** and expires after one year. In designating countries to include on the lists, the Secretary of Homeland Security, with the concurrence of the Secretary of State, will take into account factors including, but not limited to: (1) the country's cooperation with respect to issuance of travel documents for citizens, subjects, nationals, and residents of that country who are subject to a final order of removal; (2) the number of final and unexecuted orders of removal against citizens, subjects, nationals, and residents of that country; (3) the number of orders of removal executed against citizens, subjects, nationals, and residents of that country; and (4) such other factors as may serve the U.S. interest. *See* 8 CFR 214.2(h)(5)(i)(F)(1)(i) and 8 CFR 214.2(h)(6)(i)(E)(1).[2] Examples of specific factors serving the U.S. interest that are taken into account when considering whether to designate or terminate the designation of a country include, but are not limited to: fraud (*e.g.,* fraud in the H–2 petition or visa application process by nationals of the country, the country's level of cooperation with the U.S. government in addressing H–2 associated visa fraud, and the country's level of information sharing to combat immigration-related fraud), nonimmigrant visa overstay[3] rates for nationals of the country (including but not limited to H–2A and H–2B nonimmigrant visa overstay rates), and non-compliance with the terms and conditions of the H–2 visa programs by nationals of the country.

As previously indicated, *see* 88 FR 77343, in evaluating the U.S. interest, the Secretary of Homeland Security, with the concurrence of the Secretary of State, will generally ascribe a negative weight to evidence that a country had a suspected in-country visa overstay rate of 10 percent or higher with a number of expected departures of 50 individuals or higher in either the H–2A or H–2B classification according to U.S. Customs and Border Protection overstay data, and generally, with the concurrence of the Secretary of State, will terminate designation of that country from the H–2A or H–2B nonimmigrant visa program, as appropriate, unless, after consideration of other relevant factors, it is determined not to be in the U.S. interest to do so.

Similarly, DHS recognizes that countries designated under long-standing practice by U.S. Immigration and Customs Enforcement (ICE) as ''At Risk of Non-Compliance'' or ''Uncooperative'' with removals based on ICE data put the integrity of the immigration system and the American people at risk. Therefore, unless other favorable factors in the U.S. interest outweigh such designations by ICE, the Secretary of Homeland Security, with the concurrence of the Secretary of State, generally will terminate designation of such countries from the H–2A and H–2B nonimmigrant visa programs. Because there are separate lists for the H–2A and H–2B categories, it is possible that, in applying the above-described regulatory criteria for listing countries, a country may appear on one list but not on the other.

Even where the Secretary of Homeland Security has determined to terminate or decided not to designate a country, DHS, through USCIS, may allow, on a case-by-case basis, a national from a country that is not on the list to be named as a beneficiary of an H–2A or H–2B petition based on a determination that it is in the U.S. interest, in the totality of the circumstances, for that individual noncitizen to be a beneficiary of an H–2 petition. Determination of such U.S. interest will take into account factors, including but not limited to: (1) evidence from the petitioner demonstrating that a worker with the required skills is not available either from among U.S. workers or from among foreign workers from a country currently on the list described in 8 CFR 214.2(h)(5)(i)(F)(1)(i) (H–2A nonimmigrants) or 214.2(h)(6)(1)(E)(1) (H–2B nonimmigrants), as applicable; (2) evidence that the beneficiary has been admitted to the United States previously in H–2A or H–2B status; (3) the potential for abuse, fraud, or other harm to the integrity of the H–2A or H–2B visa program through the potential admission of a beneficiary from a country not currently on the list; and (4) such other factors as may serve the U.S. interest. *See* 8 CFR 214.2(h)(5)(i)(F)(1)(ii) and 8 CFR 214.2(h)(6)(i)(E)(2). An additional factor for beneficiaries of H–2B petitions, although not necessarily determinative, would be whether the H–2B petition qualifies under section 1049 of the National Defense Authorization Act (NDAA) for FY 2018, Public Law 115–91, section 1045 of the NDAA for FY 2019, Public Law 115–232, section 9502 of the NDAA for FY 2021, Public Law 116–283, or section 5901 of the NDAA for FY 2023, Public Law 117–263. The FY 2024 NDAA, which took effect on

[1] With respect to all references to ''country'' or ''countries'' in this document, it should be noted that the Taiwan Relations Act of 1979, Public Law 96–8, Section 4(b)(1), provides that ''[w]henever the laws of the United States refer or relate to foreign countries, nations, states, governments, or similar entities, such terms shall include and such laws shall apply with respect to Taiwan.'' 22 U.S.C. 3303(b)(1). Accordingly, all references to ''country'' or ''countries'' in the regulations governing whether nationals of a country are eligible for H–2 program participation, 8 CFR 214.2(h)(5)(i)(F)(1)(i) and 8 CFR 214.2(h)(6)(i)(E)(1), are read to include Taiwan. This is consistent with the United States' one-China policy, under which the United States has maintained unofficial relations with Taiwan since 1979.

[2] DHS published a Notice of Proposed Rulemaking (NPRM) in the **Federal Register** that proposes to eliminate the requirement to designate countries whose nationals are eligible to participate in the H–2A and H–2B programs from DHS regulations. 88 FR 65040 (Sep. 20, 2023). The rule is in a proposal stage and does not impact the designation of eligible countries contained in this notice. The regulations requiring the designation of countries whose nationals are eligible to participate in the H–2 programs remain in effect until such time as DHS publishes any final rule amending such regulations and such final rule goes into effect, if applicable.

[3] An overstay is a nonimmigrant lawfully admitted to the United States for an authorized period, but who remained in the United States beyond his or her authorized period of admission. U.S. Customs and Border Protection (CBP) identifies two types of overstays: (1) individuals for whom no departure was recorded (Suspected In-Country Overstays), and (2) individuals whose departure was recorded after their authorized period of admission expired (Out-of-Country Overstays). For purposes of this **Federal Register** Notice, DHS uses Fiscal Year 2023 CBP nonimmigrant overstay data for the H–2A and H–2B nonimmigrant visa categories and the Fiscal Year 2023 Entry/Exit Overstay Report for all other visa categories.

December 22, 2023, extended the current exemption from the temporary need requirement for an additional 5 years, through the end of the day on December 30, 2029. *See* FY 2024 NDAA, Public Law 118–31 section 1807.

In December 2008, DHS published the first lists of eligible countries for the H–2A and H–2B Visa Programs in the **Federal Register**. These notices, ''Identification of Foreign Countries Whose Nationals Are Eligible To Participate in the H–2A Visa Program,'' and ''Identification of Foreign Countries Whose Nationals Are Eligible To Participate in the H–2B Visa Program,'' designated 28 countries whose nationals were eligible to participate in the H–2A and H–2B programs. *See* 73 FR 77043 (Dec. 18, 2008); 73 FR 77729 (Dec. 19, 2008). The notices ceased to have effect on January 17, 2009, and January 18, 2009, respectively. Since the publication of the first lists in 2008, with the concurrence of the Secretary of State, DHS has published a series of notices on a regular basis. *See* 75 FR 2879 (Jan. 19, 2010) (adding 11 countries to both programs); 76 FR 2915 (Jan. 18, 2011) (removing one country from and adding 15 countries to both programs); 77 FR 2558 (Jan. 18, 2012) (adding five countries to both programs); 78 FR 4154 (Jan. 18, 2013) (adding one country to both programs); 79 FR 3214 (Jan. 17, 2014) (adding four countries to both programs); 79 FR 74735 (Dec. 16, 2014) (adding five countries to both programs); 80 FR 72079 (Nov. 18, 2015) (removing one country from the H–2B program and adding 16 countries to both programs); 81 FR 74468 (Oct. 26, 2016) (adding one country to both programs); 83 FR 2646 (Jan. 18, 2018) (removing three countries from and adding one country to both programs); 84 FR 133 (Jan. 18, 2019) (removing two countries from and adding 2 countries to both programs, removing one country from only the H–2B program, and adding one country to only the H–2A program); 85 FR 3067 (January 17, 2020) (leaving the lists unchanged); 86 FR 2689 (Jan. 13, 2021) (removing two countries from both programs, removing one country from only the H–2A program, and adding one country to only the H–2B program); 86 FR 62559 (Nov. 10, 2021) (removing one country from only the H–2A program, adding one country to only the H–2B program, and separately adding five countries to both programs); 87 FR 67930 (Nov. 10, 2022) (adding one country to both programs); and 88 FR 77343 (Nov. 9, 2023) (adding one country to both programs).

Determination of Countries With Continued Eligibility

The Secretary of Homeland Security has determined, with the concurrence of the Secretary of State, that the 87 countries previously designated to participate in the H–2A program in the November 9, 2023 notice continue to meet the regulatory standards for eligible countries and therefore should remain designated as countries whose nationals are eligible to participate in the H–2A program. Additionally, the Secretary of Homeland Security has determined, with the concurrence of the Secretary of State, that the 88 countries previously designated to participate in the H–2B program in the November 9, 2023 notice continue to meet the regulatory standards for eligible countries and therefore should remain designated as countries whose nationals are eligible to participate in the H–2B program. These determinations take into account how the regulatory factors identified above apply to each of these countries.

Consistent with the previous notices, nationals of non-designated countries may still be beneficiaries of approved H–2A and H–2B petitions upon the request of the petitioner if USCIS determines, as a matter of discretion and on a case-by-case basis, that it is in the U.S. interest for the individual to be a beneficiary of such petition. *See* 8 CFR 214.2(h)(5)(i)(F)(1)(ii) and 8 CFR 214.2(h)(6)(i)(E)(2). USCIS may favorably consider a beneficiary of an H–2A or H–2B petition who is not a national of a country included on the H–2A or H–2B eligibility lists as serving the national interest, depending on the totality of the circumstances. Factors USCIS may consider include, among other things, whether a beneficiary has previously been admitted to the United States in H–2A or H–2B status and complied with the terms of the program. An additional factor for beneficiaries of H–2B petitions, although not necessarily determinative, would be whether the H–2B petition qualifies under section 1049 of the National Defense Authorization Act (NDAA) for FY 2018, Public Law 115–91, section 1045 of the NDAA for FY 2019, Public Law 115–232, section 9502 of the NDAA for FY 2021, Public Law 116–283, or section 5901 of the NDAA for FY 2023, Public Law 117–263. The FY 2024 NDAA, which took effect on December 22, 2023, extended the current exemption from the temporary need requirement for an additional 5 years, through the end of the day on December 30, 2029. *See* FY 2024 NDAA, Public Law, 118–31, section 1807. However, any ultimate determination of eligibility will be made according to all the relevant factors and evidence in each individual circumstance.

Countries Now Designated as Eligible

The Secretary of Homeland Security has also determined, with the concurrence of the Secretary of State, that Belize should be designated as an eligible country to participate in both the H–2A and H–2B nonimmigrant visa programs because its participation is in the U.S. interest consistent with the regulations governing these programs.

Belize consistently cooperates with accepting its nationals subject to a final order of removal. Furthermore, Belizean nationals are generally compliant with the terms and conditions of all visa categories. Nationals of Belize do not present significant visa overstay concerns and its overstay rates are generally consistent with other countries currently listed as eligible to participate in the H–2A and H–2B programs. In FY 2023, visa overstay rates for Belizean nationals were less than five percent across all visa categories. Adding Belize to these programs would contribute to DOS's goals of promoting economic development and improving bilateral commercial relationships with Belize. Additionally, while irregular migration of Belizean nationals to the United States remains low, inclusion of Belize in the H–2A and H–2B programs will provide an alternative, lawful, pathway to irregular migration for Belizean nationals seeking economic opportunities in the United States.

DHS recognizes that Belize was previously removed from the H–2A and H–2B eligible countries list in 2018. At that time, DHS explained that Belize did not meet the standards for inclusion on the list due to its ''Tier 3'' placement on the U.S. Department of State's 2017 Trafficking in Persons report.[4] A ''Tier 3'' placement is given to a country that does not fully meet the Trafficking Victims Protection Act's (TVPA) minimum standards and is not making significant efforts to meet those standards.[5] Belize has since been rated as a ''Tier 2'' placement, meaning that, while the country does not yet fully meet the TVPA's minimum standards, it is making significant efforts towards compliance with those standards.[6] Accordingly, DHS does not have the same concerns regarding Belize's

[4] 83 FR 2646, 2647 (Jan. 18, 2018).

[5] *Id.*

[6] U.S. Department of State Office to Monitor and Combat Trafficking in Persons, ''2024 Trafficking in Persons Report,'' June 2024, *https://www.state.gov/reports/2024-trafficking-in-persons-report.*

inclusion on the list as previously, and DHS has determined that, based on a review of the relevant factors, adding Belize to both the H–2A and H–2B eligible countries lists serves the U.S. interest.

Designation of Countries Whose Nationals Are Eligible To Participate in the H–2A and H–2B Nonimmigrant Worker Programs

Pursuant to the authority provided to the Secretary of Homeland Security under sections 214(a)(1) and 215(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1184(a)(1) and 1185(a)(1), I am designating, with the concurrence of the Secretary of State, the following countries as those whose nationals are eligible to participate in the H–2A nonimmigrant worker program:

1. Andorra
2. Argentina
3. Australia
4. Austria
5. Barbados
6. Belgium
7. Belize
8. Bolivia
9. Bosnia and Herzegovina
10. Brazil
11. Brunei
12. Bulgaria
13. Canada
14. Chile
15. Colombia
16. Costa Rica
17. Croatia
18. Republic of Cyprus
19. Czech Republic
20. Denmark
21. Dominican Republic
22. Ecuador
23. El Salvador
24. Estonia
25. The Kingdom of Eswatini
26. Fiji
27. Finland
28. France
29. Germany
30. Greece
31. Grenada
32. Guatemala
33. Haiti
34. Honduras
35. Hungary
36. Iceland
37. Ireland
38. Israel
39. Italy
40. Jamaica
41. Japan
42. Kiribati
43. Latvia
44. Liechtenstein
45. Lithuania
46. Luxembourg
47. Madagascar
48. Malta
49. Mauritius
50. Mexico
51. Monaco
52. Montenegro
53. Mozambique
54. Nauru
55. The Netherlands
56. New Zealand
57. Nicaragua
58. North Macedonia (formerly Macedonia)
59. Norway
60. Panama
61. Papua New Guinea
62. Paraguay
63. Peru
64. Poland
65. Portugal
66. Romania
67. Saint Lucia
68. San Marino
69. Serbia
70. Singapore
71. Slovakia
72. Slovenia
73. Solomon Islands
74. South Africa
75. South Korea
76. Spain
77. St. Vincent and the Grenadines
78. Sweden
79. Switzerland
80. Taiwan
81. Thailand
82. Timor-Leste
83. Turkey
84. Tuvalu
85. Ukraine
86. United Kingdom
87. Uruguay
88. Vanuatu

Pursuant to the authority provided to the Secretary of Homeland Security under sections 214(a)(1) and 215(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1184(a)(1) and 1185(a)(1)), I am designating, with the concurrence of the Secretary of State, the following countries as those whose nationals are eligible to participate in the H–2B nonimmigrant worker program:

1. Andorra
2. Argentina
3. Australia
4. Austria
5. Barbados
6. Belgium
7. Belize
8. Bolivia
9. Bosnia and Herzegovina
10. Brazil
11. Brunei
12. Bulgaria
13. Canada
14. Chile
15. Colombia
16. Costa Rica
17. Croatia
18. Republic of Cyprus
19. Czech Republic
20. Denmark
21. Dominican Republic
22. Ecuador
23. El Salvador
24. Estonia
25. The Kingdom of Eswatini
26. Fiji
27. Finland
28. France
29. Germany
30. Greece
31. Grenada
32. Guatemala
33. Haiti
34. Honduras
35. Hungary
36. Iceland
37. Ireland
38. Israel
39. Italy
40. Jamaica
41. Japan
42. Kiribati
43. Latvia
44. Liechtenstein
45. Lithuania
46. Luxembourg
47. Madagascar
48. Malta
49. Mauritius
50. Mexico
51. Monaco
52. Mongolia
53. Montenegro
54. Mozambique
55. Nauru
56. The Netherlands
57. New Zealand
58. Nicaragua
59. North Macedonia (formerly Macedonia)
60. Norway
61. Panama
62. Papua New Guinea
63. Peru
64. The Philippines
65. Poland
66. Portugal
67. Romania
68. Saint Lucia
69. San Marino
70. Serbia
71. Singapore
72. Slovakia
73. Slovenia
74. Solomon Islands
75. South Africa
76. South Korea
77. Spain
78. St. Vincent and the Grenadines
79. Sweden
80. Switzerland
81. Taiwan
82. Thailand
83. Timor-Leste
84. Turkey
85. Tuvalu

86. Ukraine
87. United Kingdom
88. Uruguay
89. Vanuatu

This notice does not affect the current status of noncitizens who at the time of publication of this notice hold valid H–2A or H–2B nonimmigrant status. Noncitizens currently holding such status, however, will be affected by this notice should they seek an extension of stay in the H–2 classification, or a change of status from one H–2 status to another, for employment on or after the effective date of this notice. Similarly, noncitizens holding nonimmigrant status other than H–2 are not affected by this notice, but will be affected by this notice if they seek a change of status to H–2 on or after the effective date of this notice.

Nothing in this notice limits the authority of the Secretary of Homeland Security or his designee or any other federal agency to invoke against any foreign country or its nationals any other remedy, penalty, or enforcement action available by law.

Alejandro N. Mayorkas,

Secretary of Homeland Security.

[FR Doc. 2024–25790 Filed 11–7–24; 8:45 am]

BILLING CODE 4410–10–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[Docket No. FWS–HQ–IA–2024–0183; FXIA16710900000–245–FF09A30000]

Foreign Endangered Species; Receipt of Permit Applications

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of receipt of permit applications; request for comments.

SUMMARY: We, the U.S. Fish and Wildlife Service, invite the public to comment on applications to conduct certain activities with foreign species that are listed as endangered under the Endangered Species Act (ESA). With some exceptions, the ESA prohibits activities with listed species unless Federal authorization is issued that allows such activities. The ESA also requires that we invite public comment before issuing permits for any activity otherwise prohibited by the ESA with respect to any endangered species.

DATES: We must receive comments by December 9, 2024.

ADDRESSES:

Obtaining Documents: The applications, application supporting materials, and any comments and other materials that we receive will be available for public inspection at *https://www.regulations.gov* in Docket No. FWS–HQ–IA–2024–0183.

Submitting Comments: When submitting comments, please specify the name of the applicant and the permit number at the beginning of your comment. You may submit comments by one of the following methods:

- *Internet: https://www.regulations.gov.* Search for and submit comments on Docket No. FWS–HQ–IA–2024–0183.
- *U.S. mail:* Public Comments Processing, Attn: Docket No. FWS–HQ–IA–2024–0183; U.S. Fish and Wildlife Service Headquarters, MS: PRB/3W; 5275 Leesburg Pike; Falls Church, VA 22041–3803.

For more information, see Public Comment Procedures under **SUPPLEMENTARY INFORMATION**.

FOR FURTHER INFORMATION CONTACT: Timothy MacDonald, by phone at 703–358–2185 or via email at *DMAFR@fws.gov.* Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

SUPPLEMENTARY INFORMATION:

I. Public Comment Procedures

A. How do I comment on submitted applications?

We invite the public and local, State, Tribal, and Federal agencies to comment on these applications. Before issuing any of the requested permits, we will take into consideration any information that we receive during the public comment period.

You may submit your comments and materials by one of the methods in **ADDRESSES**. We will not consider comments sent by email or to an address not in **ADDRESSES**. We will not consider or include in our administrative record comments we receive after the close of the comment period (see **DATES**).

When submitting comments, please specify the name of the applicant and the permit number at the beginning of your comment. Provide sufficient information to allow us to authenticate any scientific or commercial data you include. The comments and recommendations that will be most useful and likely to influence agency decisions are: (1) Those supported by quantitative information or studies; and (2) those that include citations to, and analyses of, the applicable laws and regulations.

B. May I review comments submitted by others?

You may view and comment on others' public comments at *https://www.regulations.gov* unless our allowing so would violate the Privacy Act (5 U.S.C. 552a) or Freedom of Information Act (5 U.S.C. 552).

C. Who will see my comments?

If you submit a comment at *https://www.regulations.gov,* your entire comment, including any personal identifying information, will be posted on the website. If you submit a hardcopy comment that includes personal identifying information, such as your address, phone number, or email address, you may request at the top of your document that we withhold this information from public review. However, we cannot guarantee that we will be able to do so. Moreover, all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public disclosure in their entirety.

II. Background

To help us carry out our conservation responsibilities for affected species, and in consideration of section 10(c) of the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), we invite public comments on permit applications before final action is taken. With some exceptions, the ESA prohibits certain activities with listed species unless Federal authorization is issued that allows such activities. Permits issued under section 10(a)(1)(A) of the ESA allow otherwise prohibited activities for scientific purposes or to enhance the propagation or survival of the affected species. Service regulations regarding prohibited activities with endangered species, captive-bred wildlife registrations, and permits for any activity otherwise prohibited by the ESA with respect to any endangered species are available in title 50 of the Code of Federal Regulations in part 17.

III. Permit Applications

We invite comments on the following applications.

Applicant: Monterey Zoo, Salinas, CA; Permit No. PER12865944

The applicant requests a permit to purchase in interstate commerce two captive-born lions (*Panthera leo*

melanochaita) from Tanganyika Wildlife Park, Goddard, Kansas, for the purpose of enhancing the propagation or survival of the species. This notification is for a single permit.

Applicant: Columbian Park Zoo, Lafayette, IN; Permit No. PER13158305

The applicant requests a permit to purchase in interstate commerce seven captive-born penguins (*Spheniscus demersus*) from Metro Richmond Zoo, Moseley, Virginia, for the purpose of enhancing the propagation or survival of the species. This notification is for a single permit.

Applicant: Tanganyika Wildlife Park, Goddard, KS; Permit No. PER13300131

The applicant requests a permit to export two live captive-born snow leopards (*Uncia uncia*) to Artenschutzzentrum Grasleben GmbH in Grasleben, Germany, for the purpose of enhancing the propagation or survival of the species. This notification is for a single export.

Applicant: Fresno Chaffee Zoo, Fresno, CA; Permit No. PER13199546

The applicant requests renewal and amendment of a permit to import one live female captive-born Sumatran orangutan (*Pongo abelii*) from the Toronto Zoo, Toronto, Canada, for the purpose of enhancing the propagation or survival of the species. This notification is for a single import.

Applicant: Jacksonville Zoo and Gardens, Jacksonville, FL; Permit No. PER12792731

The applicant requests a captive-bred wildlife registration under 50 CFR 17.21(g) for the following species, to enhance the propagation or survival of the species. This notification covers activities to be conducted by the applicant over a 5-year period.

Common name	Scientific name
Pygmy chimpanzee	*Pan paniscus.*
Gorilla	*Gorilla gorilla.*
Tiger	*Panthera tigris.*
Southern white rhinoceros.	*Ceratotherium simum simum.*
Komodo Island monitor.	*Varanus komodoensis.*

Applicant: Nashville Zoo at Grassmere, Nashville, TN; Permit No. PER12823530

The applicant requests a captive-bred wildlife registration under 50 CFR 17.21(g) for the following species, to enhance the propagation or survival of the species. This notification covers activities to be conducted by the applicant over a 5-year period.

Common name	Scientific name
Central American tapir.	*Tapirus bairdii.*
Clouded leopard	*Neofelis nebulosi.*
Cotton-top marmoset	*Saguinus oedipus.*
Red-ruffed lemur	*Varecia rubra.*
Ring-tailed lemur	*Lemur catta.*
Siamang	*Symphalangus syndactylus.*
Northern white-cheeked gibbon.	*Nomascus leucogenys.*
Tiger	*Panthera tigris.*
Southern white rhinoceros.	*Ceratotherium simum simum.*

Applicant: Great Plains Zoo, Sioux Falls, SD; Permit No. PER12843861

The applicant requests a captive-bred wildlife registration under 50 CFR 17.21(g) for the following species, to enhance the propagation or survival of the species. This notification covers activities to be conducted by the applicant over a 5-year period.

Common name	Scientific name
Siamang	*Symphalangus syndactylus.*
Ring-tailed lemur	*Lemur catta.*
Tiger	*Panthera tigris.*
Snow leopard	*Uncia uncia.*
Lion	*Panthera leo leo.*
Lion	*Panthera leo melanochaita.*
Leopard	*Panthera pardus.*
Black rhinoceros	*Diceros bicornis.*
Grevy's zebra	*Equus grevyi.*
African wild dog	*Lycaon pictus.*
Cheetah	*Acinonyx jubatus.*
Humboldt penguin	*Spheniscus humboldti.*
Komodo Island monitor.	*Varanus komodoensis.*
Galapagos tortoise	*Geochelone nigra.*
Chinese alligator	*Alligator sinensis.*
San Esteban Island chuckwalla.	*Sauromalus varius.*

Applicant: Sycamore Creek Ranch, San Antonio, TX; Permit No. PER12856256

The applicant requests a captive-bred wildlife registration under 50 CFR 17.21(g) for the swamp deer (*Cervus duvaucelii*), to enhance the propagation or survival of the species. This notification covers activities to be conducted by the applicant over a 5-year period.

Applicant: Paula N. Hansen, Salem, OR; Permit No. PER12651951

The applicant requests a captive-bred wildlife registration under 50 CFR 17.21(g) for red siskin (*Carduelis cucullata*), to enhance the propagation or survival of the species. This notification covers activities to be conducted by the applicant over a 5-year period.

Applicant: Field Museum of Natural History, Chicago, IL; Permit No. PER12378636

The applicant requests the renewal of their permit to export and reimport nonliving museum specimens of endangered species previously accessioned into the applicant's collection for scientific research. This notification covers activities to be conducted by the applicant over a 5-year period.

Applicant: University of North Carolina at Chapel Hill Herbarium, Chapel Hill, NC; Permit No. PER13146527

The applicant requests authorization to export and reimport nonliving plant and fungi museum specimens of endangered species previously accessioned into the applicant's collection for potential scientific research. This notification covers activities to be conducted by the applicant over a 5-year period.

Applicant: Sycamore Creek Ranch, San Antonio, TX; Permit No. PER12856289

The applicant requests a permit authorizing the culling of excess swamp deer (*Cervus duvaucelii*) from the captive herd maintained at their facility, to enhance the species' propagation and survival. This notification covers activities to be conducted by the applicant over a 5-year period.

Multiple Trophy Applicants

The following applicants request permits to import sport-hunted trophies of male bontebok (*Damaliscus pygargus pygargus*) culled from a captive herd maintained under the management program of the Republic of South Africa, for the purpose of enhancing the propagation or survival of the species.

- Douglas Milkey, Chelsea, MI; Permit No. PER12805698
- Robert Sparks, Empire, CO; Permit No. PER12331219
- Mark Fitzgibbons, Topeka, KS; Permit No. PER13078805
- Christopher McClain, Nashotah, WI; Permit No. PER13136192
- Ryan Welsh, New Buffalo, MI; Permit No. PER13187274
- Jeffrey Hoffman, Laotho, IN; Permit No. PER13187291
- Susan Hayes, Buhl, ID; Permit No. PER13300408
- Claude Hayes, Buhl, ID; Permit No. PER13300406
- James Doty, Broadview Heights, OH; Permit No. PER13301163
- Alan Freilich, Moorhead, LA; Permit No. PER13301853

IV. Next Steps

After the comment period closes, we will make decisions regarding permit issuance. If we issue permits to any of the applicants listed in this notice, we will publish a notice in the **Federal Register**. You may locate the notice announcing the permit issuance by searching *https://www.regulations.gov* for the permit number listed above in this document. For example, to find information about the potential issuance of Permit No. 12345A, you would go to *regulations.gov* and search for ''12345A''.

V. Authority

We issue this notice under the authority of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*), and its implementing regulations.

Timothy MacDonald,

Government Information Specialist, Branch of Permits, Division of Management Authority.

[FR Doc. 2024–25945 Filed 11–7–24; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[BLM–AK–FRN–MO4500180311]

Notice of Availability of the Final Coastal Plain Oil and Gas Leasing Program Supplemental Environmental Impact Statement, Alaska

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability.

SUMMARY: In compliance with the National Environmental Policy Act of 1969, as amended (NEPA), the Bureau of Land Management (BLM) announces the availability of the Final Supplemental Environmental Impact Statement (SEIS) for the Coastal Plain Oil and Gas Leasing Program.

DATES: The BLM will issue a decision on the Leasing Program no sooner than 30 days after the date that the Environmental Protection Agency (EPA) publishes its Notice of Availability (NOA) in the **Federal Register**. The EPA usually publishes its NOAs on Fridays.

ADDRESSES: The Final Leasing SEIS and related documents are available for review on the BLM ePlanning project website at *https://eplanning.blm.gov/eplanning-ui/project/2015144/510.*

FOR FURTHER INFORMATION CONTACT: At the BLM: Serena Sweet, Branch Chief of Planning and Project Management; telephone: 907–271–4345; email: *ssweet@blm.gov.* Stephanie Kuhns, Planning and Environmental Specialist; telephone: 907–271–4208; email: *skuhns@blm.gov.*

At the United States Fish and Wildlife Service (USFWS): Bobbie Jo Skibo, Strategic Conservation and Coastal Plain Coordinator; telephone: 907–441–1539; email: *bobbiejo_skibo@fws.gov.*

Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services for contacting Ms. Sweet. 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 Final Leasing SEIS was developed by the BLM and USFWS as joint lead agencies to address deficiencies in the 2019 Coastal Plain Oil and Gas Leasing Program Environmental Impact Statement (EIS) and the 2020 Record of Decision (ROD) implementing the Arctic National Wildlife Refuge Coastal Plain Oil and Gas Leasing Program (85 FR 51754).

The joint lead agencies have prepared this Leasing SEIS in accordance with NEPA to implement an oil and gas leasing program in the Coastal Plain of the Arctic National Wildlife Refuge. This Leasing SEIS serves to inform BLM's implementation of the Public Law 115–97, section 20001(c)(1), requirement to hold two lease sales of at least 400,000 acres each by December 22, 2024. It also informs management of on-the-ground oil and gas activities, including seismic and drilling exploration, development, and transportation of oil and gas in and from the Coastal Plain.

The Leasing SEIS considers and analyzes the environmental impacts of four action alternatives for implementation of an oil and gas program in the Coastal Plain, including the areas to offer for sale, and the indirect impacts that could result in consideration of hypothetical development. The joint lead agencies have identified Alternative D2 as their preferred alternative. This Leasing SEIS does not authorize on-the-ground oil and gas exploration or development activities; it evaluates which lands will be made available for lease and the terms and conditions to be applied to leases and on-the-ground oil and gas activities. Future on-the-ground actions requiring BLM approval, including proposed exploration plans and development proposals, would require further NEPA analysis based on the project-specific proposal.

Although section 20001(a)(2) and (b)(2)(A) of Public Law 115–97 assigns responsibility to the BLM for administering the oil and gas program, it is understood that all activities, including plan development, study development, and consideration of exceptions, modifications, waivers, or any operations that are proposed to be conducted on the surface of the Coastal Plain would include close coordination with the USFWS to ensure that its considerations as the surface management agency would be taken into account. In addition, the BLM would consult or coordinate with other appropriate federal, state, and North Slope Borough agencies, Tribal Governments, Alaska Native Claims Settlement Act corporations, and other Native organizations as appropriate.

Comments on the Draft Leasing SEIS received from the public and internal BLM and USFWS review were considered and incorporated as appropriate into the Final SEIS. In response to public comment and cooperating agency input, the joint lead agencies developed alternative D2, a variation on alternative D.

(Authority: 40 CFR 1506.6, 40 CFR 1506.10)

Steven M. Cohn,

BLM Alaska State Director.

[FR Doc. 2024–26039 Filed 11–7–24; 8:45 am]

BILLING CODE 4331–10–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[BLM_OR_FRN_MO4500183398]

Notice of Availability of the Proposed Lakeview Resource Management Plan Amendment and Final Environmental Impact Statement for the Lakeview Field Office, Lakeview District, Oregon

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability.

SUMMARY: In conformance with the National Environmental Policy Act of 1969, as amended (NEPA), and the Federal Land Policy and Management Act of 1976, as amended (FLPMA), the Bureau of Land Management (BLM) has prepared the Proposed Lakeview Resource Management Plan (RMP) Amendment and Final Environmental Impact Statement (EIS) and is announcing the start of a 30-day protest period.

DATES: This notice announces a 30-day protest period on the Proposed Lakeview RMP Amendment, beginning on the date the Environmental

Protection Agency (EPA) publishes its Notice of Availability (NOA) of the proposed RMP amendment/final EIS in the **Federal Register**. The EPA usually publishes its NOAs on Fridays. Protests must be postmarked or electronically submitted on the BLM's ePlanning website during the 30-day protest period.

ADDRESSES: The proposed RMP amendment/final EIS is available for review on the BLM ePlanning project website at *https://eplanning.blm.gov/eplanning-ui/project/114300/510* and at the BLM Lakeview District, 1301 South G Street, Lakeview, OR 97630.

Instructions for filing a protest with the BLM can be found at: *https://www.blm.gov/programs/planning-and-nepa/public-participation/filing-a-plan-protest* and at 43 CFR 1610.5–2. Protests must be submitted to the ePlanning website listed above or as a hard copy to: BLM Director, Attention: Protest Coordinator (HQ210), PO Box 151029, Lakewood, CO 80215.

FOR FURTHER INFORMATION CONTACT: Mr. Michael Collins, Planning and Environmental Coordinator, telephone: 541–947–2177; 1301 South G Street, Lakeview, OR 97630; email: *blm_or_lv_rmp_team@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: This document provides notice that the BLM Oregon/Washington (OR/WA) State Director has prepared the Proposed Lakeview RMP Amendment and Final EIS that analyzes alternatives that would update the existing 2003 Lakeview RMP and Record of Decision (ROD), as amended by the 2015 Approved Oregon Greater Sage-grouse RMP Amendment and ROD.

The planning area is located in Lake and Harney counties, Oregon, and encompasses approximately 3.2 million acres of public land.

Purpose and Need for the Planning Effort

The purpose and need for this proposed RMP amendment/final EIS is to comply with the provisions of a 2010 Settlement Agreement, which required the BLM to prepare an RMP amendment that addresses a range of alternatives for managing lands with wilderness characteristics, off-highway vehicle (OHV) use, and livestock grazing within the planning area. The BLM has determined that 106 inventory units totaling 1,655,290 acres within the planning area contain wilderness characteristics.

Alternatives Including the Proposed Action

The proposed RMP amendment/final EIS analyzes six action alternatives and a No Action Alternative. The 90-day public comment period for the Draft Lakeview RMP Amendment and Draft EIS ended on September 5, 2024. The BLM held four public meetings during the public comment period. The BLM considered all input received from the public, consulting Tribes, and cooperating agencies, and incorporated such input into the proposed RMP amendment as appropriate. This input resulted in the clarification of text, minor changes to the range of alternatives, and the identification of the proposed RMP amendment (Alternative F), which is within the range of alternatives and effects analyzed in the draft RMP amendment/draft EIS.

The No Action Alternative represents the continuation of existing management direction under the 2003 Lakeview RMP/ROD, as amended, including the existing goals and management direction for OHV and livestock grazing use. In addition, the interim management provisions included in the 2010 Settlement Agreement would continue to preclude the BLM from completing any management actions within inventory units that the BLM has determined possess wilderness characteristics that could reduce the unit's size or diminish the unit's wilderness characteristics to such an extent that it would no longer meet the BLM's criteria for wilderness characteristics.

Alternative A would continue the BLM's management direction under the 2003 Lakeview RMP/ROD, as amended, including the existing goals and management direction for OHV and livestock grazing use. Management would emphasize resources and multiple uses other than wilderness characteristics. None of the 106 units that the BLM found to possess wilderness characteristics would receive additional protections.

Alternative B would emphasize the protection of wilderness characteristics within all 106 units; 34 units and portions of two units (approximately 273,680 acres) would be designated as Wilderness Study Areas (WSAs) under section 202 of FLPMA. These proposed WSAs would be managed as visual resource management (VRM) class I, land tenure zone 1 (retention in the public domain), exclusion zones for all rights-of-way, and would include restrictions on mineral development. The remaining 77 units and portions of two units (approximately 1,381,610 acres) would be managed as VRM class II, land tenure zone 1 (retention in the public domain), exclusion zones for major rights-of-way, and include some restrictions on mineral development. OHV use would be closed in all 106 units that the BLM has found to possess wilderness characteristics (approximately 1,654,103 acres) and in all WSAs. Cross-country motorized travel and motorized travel on existing internal primitive routes in these areas would be prohibited.

Under Alternative B, grazing allocations would not be changed. However, where existing livestock grazing is found to be a significant causal factor for non-attainment of rangeland health standards, the BLM would remove grazing, either at the allotment or pasture scale, for the duration of the plan amendment. Should the BLM receive a voluntary permit relinquishment for any lands with wilderness characteristics, WSAs, Areas of Critical Environmental Concern, Research Natural Areas, or designated critical habitat for federally listed species, the BLM would remove or reduce grazing in the area for the duration of the plan amendment.

Alternatives C, D, and E would establish new management goals and additional protective management for wilderness characteristics. The units emphasized for protection of wilderness characteristics would be managed as VRM class II, land tenure zone 1 (retention in the public domain), exclusion zones for major rights-of-way, and include restrictions on mineral development. The specific units emphasized for protection of wilderness characteristics would vary across these alternatives. In addition, a 100- to 300-foot setback would be applied along boundary roads of these units under Alternatives C, D, and E to provide the BLM with additional management flexibility to address other resources needs, threats, and multiple uses adjacent to these areas.

Alternative C would emphasize the protection of wilderness characteristics in 26 units and portions of four units (approximately 411,033 acres) that the BLM found to possess wilderness characteristics. The BLM would balance the management of wilderness characteristics with other resources and multiple uses in 71 units and portions of two units (approximately 1,161,199

acres). The remaining five units and portions of three units (approximately 74,529 acres) would be managed under the 2003 Lakeview RMP, as amended; the BLM would allow other multiple uses while not protecting wilderness characteristics. The OHV use throughout the entire planning area would be limited to existing routes, unless currently limited to designated routes or closed to OHV use. Grazing allocations would not be changed. However, the BLM would temporarily remove grazing, at either the allotment or pasture scale, when existing livestock grazing is found to be a significant causal factor for non-attainment of rangeland health standards, until such time as monitoring or a subsequent assessment indicates that the pasture or allotment is meeting standards or is making significant progress towards meeting standards. Should the BLM receive a voluntary permit relinquishment for public lands in a WSA, it would remove or reduce grazing in the area for the life of the plan amendment.

Alternative D would emphasize the protection of wilderness characteristics within two units (approximately 4,671 acres) that the BLM found to possess wilderness characteristics. OHV use in these two units would be limited to existing routes. Management of wilderness characteristics would be balanced with other resources and multiple uses in 41 units and portions of 18 units (approximately 1,075,323 acres). The remaining 46 units (approximately 583,332 acres) would be managed under the 2003 Lakeview RMP as amended; the BLM would allow other multiple uses while not protecting wilderness characteristics. The area open to cross-country OHV use would be reduced to approximately 70,573 acres of expressly defined areas; approximately 11,000 acres would be closed to OHV use; and the remainder of the planning area, approximately 3 million acres, would be limited to existing or designated routes. Livestock grazing management would be the same as the No Action Alternative unless a rangeland health assessment and evaluation indicates one or more standards are not met in an allotment or pasture due to factors that are subject to BLM control, then the authorized officer shall consider taking action to make progress toward rangeland health standards and land use plan objectives, even if livestock grazing is not determined to be a significant causal factor for non-attainment of standard(s). Actions available to the authorized officer could include, but are not limited to, changes in management of livestock grazing or other uses or habitat restoration.

Alternative E was developed with input from individual members of the Southeast Oregon Resource Advisory Council and would emphasize the protection of wilderness characteristics within 26 units (approximately 372,218 acres) that the BLM found to possess wilderness characteristics. Management of wilderness characteristics would be balanced with other resources and multiple uses in 68 units (approximately 1,109,160 acres). The remaining 12 units (approximately 168,512 acres) would be managed under the 2003 Lakeview RMP as amended; the BLM would allow other multiple uses while not protecting wilderness characteristics. OHV and livestock grazing management throughout the planning area would be the same as the No Action Alternative.

Alternative F, the proposed RMP amendment, was largely developed by combining components of Alternatives C and D from the draft RMP amendment/draft EIS, and to a lesser extent some components from Alternative B. Alternative F's OHV and livestock grazing management components are identical to Alternative D. Alternative F would designate 42,547 acres within 24 wilderness characteristics units and portions of two other units as WSAs under section 202 of the FLPMA. These proposed WSAs would be managed as VRM class I, land tenure zone 1 (retention in the public domain), exclusion zones for all rights-of-way, and would include restrictions on mineral development. Alternative F would also prioritize protections for wilderness characteristics over other multiple uses on 373,132 acres in an additional eight units and portions of seven other units. These units would be managed as VRM class II, land tenure zone 1 (retention in the public domain), exclusion zones for major rights-of-way, and include some restrictions on mineral development. The BLM would balance the management of wilderness characteristics with other resources and multiple uses on 738,665 acres located in 37 units and portions of 12 units. The BLM would manage the remaining 30 units and portions of nine units that total 495,332 acres in accordance with the 2003 Lakeview RMP, as amended, where other multiple uses are provided for without any wilderness characteristics protections.

The proposed RMP amendment/final EIS was developed based on the consideration of public comments, cooperating agency and Tribal government-to-government consultations, updates to the highest quality science and information, and by combining elements of the alternatives analyzed in the draft RMP amendment/draft EIS. The proposed RMP amendment is within the range of alternatives considered in the draft RMP amendment/draft EIS.

Alternative F emphasizes a high level of resource protection in portions of the planning area while providing for a sustainable level of multiple uses in other portions of the planning area. It balances the need to preserve or protect specific public lands in their natural condition with the need to provide food and habitat for fish, wildlife, and domestic animals and provide for outdoor recreation and human occupancy and use. It also recognizes the Nation's need for domestic sources of minerals, food, timber, and fiber from the public lands. This balance would be accomplished within the limits of the ecosystem's ability to provide these multiple uses on a sustainable basis and within the constraints of applicable laws, regulations, and policies, including sections 102(7), 102(8), 102(12), 103(c), and 103(h) of the FLPMA.

Protest of the Proposed RMP

The BLM planning regulations state that any person who participated in the preparation of the RMP amendment and has an interest that will or might be adversely affected by approval of the Proposed Lakeview RMP Amendment may protest its approval to the BLM Director. Protesting the proposed RMP amendment constitutes the final opportunity for administrative review of the proposed land use planning decisions prior to the BLM adopting an approved RMP amendment. Instructions for filing a protest regarding the proposed RMP amendment with the BLM Director may be found online at *https://www.blm.gov/programs/planning-and-nepa/public-participation/filing-a-plan-protest* and at 43 CFR 1610.5–2. All protests must be in writing and mailed to the appropriate address or submitted electronically through the BLM ePlanning project website (see **ADDRESSES**). Protests submitted by any other means will be invalid. The BLM Director will render a written decision on each protest. The Director's decision shall be the final decision of the Department of the Interior. Responses to valid protest issues will be compiled and documented in a Protest Resolution Report made available following the protest resolution online at: *https://www.blm.gov/programs/planning-and-nepa/public-participation/protest-*

resolution-reports. Upon resolution of protests, the BLM will issue a ROD and Approved RMP.

(Authority: 40 CFR 1501.9, 40 CFR 1506.9, 43 CFR 1610.2, 43 CFR 1610.5)

Barry R. Bushue,

State Director.

[FR Doc. 2024–25942 Filed 11–7–24; 8:45 am]

BILLING CODE 4331–24–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[BLM_WY_FRN_MO4500181872; WYW034993]

Public Land Order No. 7951; Extension of Public Land Order No. 6578, as Extended; for Castle Garden Recreation Area, Wyoming

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This Order extends the duration of the withdrawal created by Public Land Order (PLO) No. 6578, as extended by PLO No. 7612, for an additional 20-year period. PLO No. 6578, as extended, withdrew 110 acres of public land administered by the Bureau of Land Management (BLM) in Washakie County, Wyoming, from settlement, sale, location, or entry under the general land laws, including the United States mining laws, but not from leasing under the mineral leasing laws, to protect the Castle Garden Recreation Area. The withdrawal extension is necessary to protect the recreational and aesthetic values as well as the capital investment of Castle Garden Recreation Area.

DATES: This Order takes effect on November 8, 2024.

FOR FURTHER INFORMATION CONTACT: Sarah Naranjo, Realty Specialist, at (307) 775–6189, Bureau of Land Management, Wyoming State Office, 5353 Yellowstone Rd, Cheyenne, Wyoming 82009. Individuals in the United States who are deaf, blind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States. The service is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The extension of PLO No. 6578, as extended by PLO No. 7612, is required in order to continue the protection of recreational and aesthetic values as well as the capital investment of the Castle Garden Recreation Area.

Order

By virtue of the authority vested in the Secretary of the Interior by section 204(f) of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714(f), it is ordered as follows:

1. PLO No. 6578 (49 FR 46144 (1984)), as extended by PLO No. 7612 (69 FR 51320 (2004)), which withdrew 110 acres of public land from settlement, sale, location, or entry under the general land laws, including the United States mining laws, but not from leasing under the mineral leasing laws, subject to existing rights, to protect the Castle Garden Recreation Area, is hereby extended for an additional 20-year period. The following lands are affected by this Order:

Sixth Principal Meridian, Wyoming

T. 46 N., R. 89 W.,
Sec. 15, S½NE¼NW¼,
NE¼SE¼NW¼NW¼,
S½SE¼NW¼NW¼,
E½NW¼SW¼NW¼, NE¼SW¼NW¼,
N½SE¼SW¼NW¼,
SE¼SE¼SW¼NW¼, SE¼NW¼, and
N½NE¼SW¼.
The area described contains 110 acres.

2. This withdrawal will expire 20 years from the effective date of this Order unless, as a result of a review conducted prior to the expiration date pursuant to section 204(f) of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714(f), the Secretary determines that the withdrawal shall be further extended.

(Authority: 43 U.S.C. 1714)

Robert T. Anderson,

Solicitor.

[FR Doc. 2024–25960 Filed 11–7–24; 8:45 am]

BILLING CODE 4331–16–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Fish and Wildlife Service

[BLM_UT_FRN_MO4500183475]

Notice of Availability of the Final Supplemental Environmental Impact Statement To Reconsider a Highway Right-of-Way Application and Associated Amendment of an Incidental Take Permit, Washington County, UT

AGENCY: Bureau of Land Management, Fish and Wildlife Service, Interior.

ACTION: Notice of availability.

SUMMARY: In compliance with the National Environmental Policy Act of 1969, as amended (NEPA), the Federal Land Policy and Management Act of 1976, as amended (FLPMA), and the Endangered Species Act of 1973, as amended (ESA), the Bureau of Land Management (BLM) and the Fish and Wildlife Service (FWS), as co-lead agencies, announce the availability of the Final Supplemental Environmental Impact Statement (EIS) to further consider the effects of granting a right-of-way (ROW) to the Utah Department of Transportation (UDOT) for the Northern Corridor Project (a proposed highway) as well as a potential amendment to the Incidental Take Permit (ITP) issued to Washington County, Utah, under the ESA.

DATES: The BLM and FWS will not issue decisions on the proposal for a minimum of 30 days after the date the Environmental Protection Agency (EPA) publishes its Notice of Availability (NOA) for the Final Supplemental EIS DOI–BLM–UT–C030–2023–0038–EIS in the **Federal Register**. The EPA usually publishes its NOAs on Fridays.

ADDRESSES: The Final Supplemental EIS and documents pertinent to this proposal are available for review on the BLM ePlanning project website at *https://eplanning.blm.gov/eplanning-ui/project/2026562/510.* Click the Documents link on the left side of the screen to find the electronic versions of these materials.

FOR FURTHER INFORMATION CONTACT: Dawna Ferris-Rowley, National Conservation Area (NCA) Manager, Red Cliffs and Beaver Dam Wash NCAs, telephone (435) 688–3200; address 345 East Riverside Drive, St. George, UT 84790; email *BLM_UT_NorthernCorridor@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 for contacting Ms. Ferris-Rowley. 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. Replies are provided during normal business hours. If you would like to request to view a hard copy, please call the St. George Field Office for more information at (435) 688–3200, 8 a.m. to 4:30 p.m., Monday through Friday, except holidays.

SUPPLEMENTARY INFORMATION: The BLM and FWS are issuing this NOA pursuant to NEPA, 42 U.S.C. 4321 *et seq.;* the Council on Environmental Quality's regulations for implementing NEPA, 40 CFR parts 1500 through1508 (as amended on May 20, 2022, 87 FR 23453); and the Department of the Interior's NEPA regulations, 43 CFR part 46.

The Final Supplemental EIS has been prepared to supplement the analysis contained in the 2020 Final EIS by BLM and FWS (the entire Final EIS can be found at: *https://eplanning.blm.gov/eplanning-ui/project/1502103/570*).

On September 4, 2018, UDOT applied for a ROW grant for the Northern Corridor project north of the City of St. George, Utah, on BLM-managed and non-Federal lands within the Red Cliffs NCA and the Red Cliffs Desert Reserve. The Red Cliffs NCA was established through the passage of the Omnibus Public Land Management Act of 2009 (16 U.S.C. 460www). Prior to the NCA's designation, the Red Cliffs Desert Reserve was established for the protection of the Mojave desert tortoise as part of the 1995 Washington County Habitat Conservation Plan (HCP). In 2015, pursuant to section 10(a)(1)(B) of the ESA, Washington County applied to renew and amend the HCP and associated ITP. The restated and amended HCP described the Northern Corridor highway as a potential changed circumstance, which would be partially offset with the addition of a new sixth zone to the Red Cliffs Desert Reserve (Reserve Zone 6) as the primary conservation strategy. To consider the application and the proposed Zone 6, the BLM needed to also consider amending the St. George Field Office and Red Cliffs NCA Resource Management Plans (RMPs).

During 2019 and 2020, in accordance with NEPA, the BLM and FWS prepared an EIS to analyze the environmental impacts associated with the proposed actions and reasonable alternatives. The BLM also consulted with the FWS to meet the requirements in section 7(a)(2) of the ESA. The FWS issued a biological opinion to the BLM that determined the ROW and the amendments to the RMPs were not likely to jeopardize the continued existence of the Mojave desert tortoise or destroy or adversely modify designated critical habitat for the Mojave desert tortoise. In addition, the FWS also issued an intra-agency biological opinion that determined the ITP is not likely to jeopardize the continued existence of the Mojave desert tortoise, Holmgren milkvetch, Shivwits milkvetch, dwarf bear-poppy, Siler pincushion cactus, Gierisch mallow, and Fickeisen plains cactus or result in the adverse modification of critical habitat for any of the above-listed species.

On January 13, 2021, the Secretary of the Interior signed a Record of Decision that approved the Northern Corridor ROW application and approved the amendments to the RMPs. The decision approving the ROW was effective immediately. The BLM then signed and issued the ROW grant to UDOT on the same day. Also on January 13, 2021, the FWS Regional Director for Interior Regions 5 and 7 signed a Record of Decision approving the issuance of an ITP to Washington County. The FWS issued the ITP to Washington County on January 13, 2021. Because the BLM approved the UDOT ROW application, the changed circumstance was triggered, and Zone 6 was formally added to the Reserve.

On June 3, 2021, seven conservation organizations (collectively, Plaintiffs) filed an initial complaint in the United States District Court for the District of Columbia, Case No. 1:21–cv–01506. Among other claims, plaintiffs alleged the BLM's ROW decision violated both NEPA and the National Historic Preservation Act (NHPA). The Plaintiffs stated, in part, the Final EIS did not fully address the changed circumstances of wildfire in the region and the impacts it may have on the Mojave desert tortoise, desert tortoise habitat, and the spread of invasive annual grasses. The Plaintiffs also alleged that the BLM failed to comply with the consultation requirements under section 106 of the NHPA. On July 27, 2021, Plaintiffs amended their complaint to include the FWS and additional claims related to NEPA and the ESA.

During the litigation, the United States and plaintiffs reached a settlement agreement that was signed on August 30, 2023. Prior to executing that agreement, the United States moved for the remand and partial vacatur of the BLM's and FWS's 2021 decisions. In the motion, the United States acknowledged the BLM did not comply with the NHPA and the agencies had substantial and legitimate concerns that the Final EIS may lack sufficient analysis of certain resource effects, including the effects of the construction and use of the Northern Corridor project in the context of the protection of the values for which the NCA was created and the following: (1) the trend in the increasing frequency and extent of wildfires in the Mojave Desert; (2) the rise of non-native/exotic and invasive vegetation in post-burn areas; and (3) the impacts increased fire and new non-native/exotic and invasive vegetation have on desert tortoise. On November 16, 2023, the court issued an Order that granted the remand of all decisions associated with the January 2021 Records of Decision issued by the BLM and FWS and denied the BLM's request to vacate the ROW grant issued to UDOT in January 2021. On March 8, 2024, at the request of the BLM and pursuant to paragraph 3(c) of the Settlement Agreement, the FWS withdrew the Biological Opinion for the Northern Corridor ROW grant.

Purpose and Need for the Proposed Action

The BLM's purpose and need for this action is to determine whether the BLM will affirm, affirm with modifications, or terminate the 2021 UDOT ROW grant. The FWS's purpose and need for action is to consider whether to amend Washington County's ITP so that it reflects the BLM's reconsideration of UDOT's ROW.

Proposed Action and Alternatives

The Final Supplemental EIS considers six alternatives, five of which include a specific ROW alignment and a sixth that includes termination of the ROW. All of the alternatives identify the corresponding action required of the FWS regarding the Washington County ITP. The six alternatives analyzed in detail in the Final Supplemental EIS are similar to those included in the Final EIS published in November 2020. No new highway alignments that meet UDOT's stated purpose and need for the Northern Corridor highway were identified by the public during the scoping period for the Supplemental EIS or during the public comment period on the Draft Supplemental EIS.

- UDOT ROW Alignment alternative (No Action, or No Change): the BLM would affirm the ROW grant issued to UDOT in 2021, which follows an alignment that is approximately 4.5 miles long, 1.9 miles of which would be across BLM-managed lands. In this case, the FWS would affirm Washington County's ITP. The changed

circumstance related to the construction of the Northern Corridor across the Reserve described in the HCP remains triggered, and Zone 6 of the Reserve would remain.

- T-Bone Mesa Alignment alternative: the BLM would modify UDOT's ROW grant across public lands in the NCA. This alignment would connect Green Springs Drive on the east to Red Hills Parkway on the west just north of the Pioneer Hills trailhead parking area. Under this alternative, the Northern Corridor would skirt the southern edge of T-Bone Mesa. The Northern Corridor would be approximately 4.2 miles long, 2.2 miles of which would be across BLM-administered lands. In this case, the FWS would affirm Washington County's ITP. The changed circumstance related to the construction of the Northern Corridor across the Reserve described in the HCP remains triggered, and Zone 6 of the Reserve would remain.
- Southern Alignment alternative: the BLM would modify UDOT's ROW grant across public lands in the NCA. This alignment would nearly skirt the southern border of the NCA, connecting Green Springs Drive on the east to Red Hills Parkway on the west just south of, and slightly encroaching onto, the Pioneer Hills trailhead parking area. The Northern Corridor would be approximately 5.5 miles long, approximately 1.5 miles of which would be across BLM-administered lands. In this case, the FWS would affirm Washington County's ITP. The changed circumstance related to the construction of the Northern Corridor across the Reserve described in the HCP remains triggered, and Zone 6 of the Reserve would remain.
- Red Hills Parkway Expressway alternative: UDOT would no longer hold the ROW grant. This alternative proposes changes to the existing Red Hills Parkway so that it would function as an expressway between I–15 and Bluff Street. The BLM may need to grant necessary amendments to the City of St. George's existing FLPMA Title V ROW for the Red Hills Parkway. Under this alternative, the FWS would amend Washington County's ITP because the Northern Corridor changed circumstance would not occur, thus eliminating Zone 6 as mitigation for the Northern Corridor Highway.
- St. George Boulevard/100 South One-Way Couplet alternative: UDOT would no longer hold the ROW grant. This alternative would include modifications to St. George Boulevard and 100 South to convert the two roadways into a one-way couplet system between I–15 and Bluff Street, wherein St. George Boulevard would only accommodate westbound traffic and 100 South would only accommodate eastbound traffic. While this alternative meets the purpose and need of the project, it would have to be implemented by the City of St. George because it does not cross any BLM-administered lands. Under this alternative, the FWS would amend Washington County's ITP because the Northern Corridor changed circumstance would not occur, thus eliminating Zone 6 as mitigation for the Northern Corridor Highway.
- Terminate UDOT's ROW alternative: UDOT would no longer hold the ROW grant for the Northern Corridor. Under this alternative, the FWS would amend Washington County's ITP because the Northern Corridor changed circumstance would not occur, thus eliminating Zone 6 as mitigation for the Northern Corridor Highway. This alternative represents an equivalency with the No Action Alternative in the 2020 Final EIS.

Under the Red Hills Parkway Expressway, St. George Boulevard/100 South One-Way Couplet, and Terminate UDOT's ROW alternatives, the 6,812-acre mitigation area in the southwest area of St. George, known as Reserve Zone 6, would be removed from the Red Cliffs Desert Reserve. However, the 3,471 acres managed by the BLM within Zone 6 would continue to be managed with the protections put in place under the 2021 St. George Field Office RMP amendment. The remaining 3,341 acres of land, which are either privately owned or managed by the Utah Trust Lands Administration, would no longer be afforded special protections by Washington County and could be developed under the amended ITP.

The Final Supplemental EIS does not reconsider any amendments to the BLM's RMPs or to Washington County's amended HCP.

The BLM, in coordination with the FWS, identified the Red Hills Parkway Expressway as the BLM's preferred alternative. Based on this selection, Reserve Zone 6 would be removed from the Red Cliffs Desert Reserve. The FWS's preferred alternative is to amend Washington County's ITP to authorize incidental take of the Mojave desert tortoise associated with the implementation of covered activities that could occur on 3,341 acres of non-Federal lands in the previous Reserve Zone 6. Identification of these alternatives does not represent final agency decisions.

Public Involvement Process

A 30-day public scoping period was initiated with the publication of a Notice of Intent in the **Federal Register** on November 16, 2023 (88 FRN 78781), and was extended at the request of Washington County and the State of Utah until December 28, 2023. The scoping period included a public open house held in St. George, Utah, on December 6, 2023, with over 200 attendees. A total of 8,993 comment submissions were received, of which 8,145 were form letters, 793 were unique comments, and 55 did not include a comment or were comments not relevant to scoping. The BLM and FWS considered all comments received during the scoping period in preparation of the Draft Supplemental EIS. A scoping report is available for public review on the BLM ePlanning project website (see **ADDRESSES**).

A Notice of Availability for the Draft Supplemental EIS was published in the **Federal Register** on May 10, 2024, (89 FRN 40504) initiating a 45-day public review and comment period. In addition, the BLM issued media releases and sent notifications via email to cooperating agencies, Tribal Nations, and the updated project mailing list. The BLM and FWS held an in-person public open house on June 4, 2024, at the Dixie Convention Center in St. George, Utah, during the public comment period. The BLM and FWS announced the date and time for this meeting at least 15 days prior to the event, through media releases and posting on the BLM ePlanning project website (see **ADDRESSES**).

Agencies, organizations, and individual stakeholders were able to submit comments through the U.S. Postal Service and the BLM ePlanning project website (see **ADDRESSES**). The comment period was extended until July 9, 2024, after an updated Traffic Analysis Memorandum, prepared by the Dixie Metropolitan Planning Organization, and an Assessment, Inventory, and Monitoring Vegetation Survey Technical Report were made available for public review on the BLM ePlanning project website. The BLM and FWS announced the availability of these documents, and the date of the extended public review and comment period, through social media releases, a posting on the BLM ePlanning project website, and email messages to the project mailing list.

A total of 4,255 comment submissions were received during the 60-day public comment period, of which 3,354 were part of organized letter writing campaigns and 901 were unique

comment submissions. The BLM and FWS considered all comments received during the extended comment period in the preparation of the Final Supplemental EIS.

Substantive public comments and ongoing agency coordination led to several changes from the Draft Supplemental EIS. Additional data became available after publication of the Draft Supplemental EIS that is incorporated into the analysis in the Final Supplemental EIS, including vegetation Assessment, Inventory, and Monitoring data for the three ROW alternatives in the NCA, corrected boundaries for two Land and Water Conservation Fund-acquired parcels, updated traffic modeling results for each ROW alternative, and the identification of additional environmental justice concerns, primarily for the ROW alternatives that would reconfigure existing roadways. The BLM and FWS responded to substantive comments and made appropriate revisions in the Final Supplemental EIS or explained why a comment did not warrant a change, as documented in Appendix F of the Final Supplemental EIS.

Lead and Cooperating Agencies

The BLM and FWS are co-lead agencies. Cooperating agencies are the State of Utah Public Lands Policy Coordinating Office, State of Utah Department of Environmental Quality, State of Utah Trust Lands Administration, Washington City, Dixie Metropolitan Planning Organization, City of St. George, City of Ivins, Santa Clara City, City of Hurricane, the Paiute Indian Tribe of Utah, and the Shivwits Band of the Paiute Indian Tribe of Utah.

Additional Information

The BLM is using the NEPA process to comply with section 106 of the NHPA (54 U.S.C. 306108) as provided in 36 CFR 800.2(d)(3), including the public involvement requirements of section 106. Information about historic and cultural resources within the area potentially affected by the proposed project has been included in the Final Supplemental EIS. The BLM, in consultation with the Utah State Historic Preservation Office (SHPO) and consulting parties, initially began developing a Memorandum of Agreement to resolve adverse effects to historic properties. Based on ongoing consultation with the SHPO, the BLM determined that a Programmatic Agreement—rather than a Memorandum of Agreement—is more appropriate to document its compliance with section 106 because of the uncertainties associated with non-Federal lands within Zone 6, which may lose their enhanced protections and become subject to future development and other activities that could result in subsequent adverse effects to historic properties. The BLM will develop, sign, and implement a programmatic agreement in accordance with 36 CFR 800.14(b) to serve as the binding commitment to resolve adverse effects to historic properties on Federal lands. The programmatic agreement will lay out the framework that the BLM, UDOT, Tribes, and other signatories to the agreement will use to fund, develop, and implement a Historic Properties Treatment Plan for historic properties that may be adversely affected by project-related actions.

The BLM and FWS will continue to consult with Tribal Nations on a government-to-government basis in accordance with Executive Order 13175, BLM Manual Section 1780, and other Departmental policies. Tribal concerns, including impacts on Indian trust assets and potential impacts to cultural resources, will be given due consideration.

Matthew A. Preston,

Acting State Director.

Anna Munoz,

Deputy Regional Director.

[FR Doc. 2024–25903 Filed 11–7–24; 8:45 am]

BILLING CODE 4331–25–P

DEPARTMENT OF THE INTERIOR

Bureau of Ocean Energy Management

[OMB Control Number 1010–0072; Docket ID: BOEM–2024–0007]

Agency Information Collection Activities; Commercial Prospecting, Noncommercial Exploration, and Scientific Research for Minerals Other Than Oil, Gas, and Sulfur on the Outer Continental Shelf

AGENCY: Bureau of Ocean Energy Management, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Bureau of Ocean Energy Management (BOEM) proposes this information collection request (ICR) to renew Office of Management and Budget (OMB) control number 1010–0072 with revisions.

DATES: Comments must be received by the OMB desk officer no later than December 9, 2024.

ADDRESSES: Submit your written comments on this ICR to the OMB's desk officer for the Department of the Interior at *www.reginfo.gov/public/do/PRAMain.* From the *www.reginfo.gov/public/do/PRAMain* landing page, find this information collection by selecting ''Currently under Review—Open for Public Comments'' or by using the search function. Please provide a copy of your comments by parcel delivery service or U.S. mail to the BOEM Information Collection Clearance Officer, Anna Atkinson, Bureau of Ocean Energy Management, 45600 Woodland Road, Sterling, Virginia 20166; or by email to *anna.atkinson@boem.gov.* Please reference OMB Control Number 1010–0072 in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: Anna Atkinson by email at *anna.atkinson@boem.gov,* or by telephone at 703–787–1025. 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 of 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: In accordance with the Paperwork Reduction Act of 1995, BOEM provides the general public and other Federal agencies with an opportunity to comment on new, proposed, revised, and continuing collections of information. This helps BOEM assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand BOEM's information collection requirements and provide the requested data in the desired format.

Title of Collection: Commercial Prospecting, Noncommercial Exploration, and Scientific Research for Minerals Other Than Oil, Gas, and Sulfur on the Outer Continental Shelf (Applicable, in part, to 30 CFR part 580).

Abstract: This ICR covers the information collection requirements in 30 CFR part 580, ''Prospecting for Minerals Other than Oil, Gas, and Sulphur [1] on the Outer Continental Shelf [OCS],'' which involves commercial prospecting and scientific research. This request also includes information collection requirements related to authorizations of noncommercial geological and

[1] BOEM acknowledges that the generally and scientifically accepted spelling for this compound is sulfur. Throughout this notice, BOEM uses the spelling consistent with its current regulations.

geophysical (G&G) exploration issued pursuant to section 11 of the Outer Continental Shelf Lands Act (OCSLA). 43 U.S.C. 1340.

Section 11(a)(1) of the OCSLA states that ''any person authorized by the Secretary [of the Interior] may conduct geological and geophysical explorations in the Outer Continental Shelf, which do not interfere with or endanger actual operations under any lease maintained or granted pursuant to this subchapter, and which are not unduly harmful to aquatic life in such area.'' *See* 43 U.S.C. 1340(a)(1). The OCSLA defines the term ''exploration'' to mean the process of searching for minerals by, among other things, ''geophysical surveys where magnetic, gravity, seismic, or other systems are used to detect or imply the presence of such minerals.'' *See* 43 U.S.C. 1331(k). Section 11(g) authorizes permits or authorizations for geological exploration only if the Secretary determines that the applicant is qualified and the exploration will not interfere with operations on an existing lease, unduly harm aquatic life in the area, result in pollution, create hazardous or unsafe conditions, unreasonably interfere with other uses of the area, nor disturb any site, structure, or object of historical or archaeological significance. *See* 43 U.S.C. 1340(g).

BOEM considers applications for commercial prospecting and noncommercial exploration for marine minerals, as well as scientific research related to marine minerals. Under 30 CFR part 580, G&G prospecting by any person on unleased lands or on lands leased to a third party requires a BOEM permit. A permit also is required to conduct scientific research activities that involve the use of solid or liquid explosives, the drilling of a deep stratigraphic test, or the development of data and information for proprietary use or sale. *See* 30 CFR 580.11(a). Otherwise, G&G activities conducted for scientific or academic purposes require only the submission of a scientific research notice. *See* 30 CFR 580.11(b). G&G activities are also conducted for noncommercial exploration purposes and may include, for example, searching for sand, gravel, and other sources of sediment for potential use in qualifying beach nourishment and coastal restoration projects. *See* 43 U.S.C. 1337(k). Because 30 CFR part 580 does not apply to noncommercial exploration, such G&G activities would be authorized directly pursuant to section 11 of the OCSLA.

As a Federal agency, BOEM must comply with the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*), Endangered Species Act (16 U.S.C. 1531 *et seq.*), and National Historic Preservation Act (54 U.S.C. 300101 *et seq.*), among other laws. Compliance with the Endangered Species Act requires BOEM to carry out any agency action in a manner that is not likely to jeopardize protected species or adversely modify designated critical habitat and to consult with the U.S. Fish and Wildlife Service and National Marine Fisheries Service, as applicable, before engaging in a discretionary action that may affect a protected species.

Applicants must submit Form BOEM–0134, ''Requirements for Geological and Geophysical Prospecting, Exploration, or Scientific Research on the Outer Continental Shelf Related to Minerals Other than Oil, Gas, and Sulphur,'' to provide the information necessary to evaluate their requests to conduct G&G activities for commercial prospecting, noncommercial exploration, and certain scientific research activities that do not involve explosives, deep stratigraphic drilling, or proprietary interests in the collected data. BOEM uses the submitted information for several purposes: (1) to ensure there will be no undue adverse effects to the marine, coastal, or human environment, personal harm, unsafe operations and conditions, nor unreasonable interferences with other uses; (2) to enhance personal and operational safety; (3) to analyze and evaluate preliminary or planned mining activities; (4) to monitor progress and activities on the OCS; (5) to acquire G&G data and information collected under a Federal permit or authorization; and (6) to determine eligibility for reimbursement from the Government for certain costs.

Upon approval, BOEM issues applicants a permit or an authorization (as currently titled Form BOEM–0135, ''Permit for Geophysical Prospecting, Authorization for Noncommercial Geophysical Exploration, or Permit for Scientific Research for Minerals Other than Oil, Gas, and Sulphur on the Outer Continental Shelf,'' or Form BOEM–0136, ''Permit for Geological Prospecting, Authorization for Noncommercial Geological Exploration, or Permit for Scientific Research for Minerals Other than Oil, Gas, and Sulphur on the Outer Continental Shelf'').

BOEM may use the data and information collected during G&G activities to understand the characteristics of marine mineral-bearing physiographic regions of the OCS. The data and information aids BOEM in analyzing and weighing the potential for environmental damage, the discovery of marine minerals, and any associated impacts on adjacent coastal States.

OMB Control Number: 1010–0072.

Form Number: BOEM–0134, ''Requirements for Geological and Geophysical Prospecting, Exploration, or Scientific Research on the OCS Related to Minerals Other than Oil, Gas, and Sulphur.''

The following forms are the permit forms issued by BOEM based on information provided in BOEM–0134:

BOEM–0135, ''Permit for Geophysical Prospecting, Authorization for Noncommercial Geophysical Exploration, or Permit for Scientific Research for Minerals Other than Oil, Gas, and Sulphur on the Outer Continental Shelf.''

BOEM–0136, ''Permit for Geological Prospecting, Authorization for Noncommercial Geological Exploration, or Permit for Scientific Research for Minerals Other than Oil, Gas, and Sulphur on the Outer Continental Shelf.''

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

Respondents/Affected Public: Permittees, applicants, and other respondents, including those required to only file notices (scientific research).

Total Estimated Number of Annual Responses: 45 responses.

Total Estimated Number of Annual Burden Hours: 826 hours.

Respondent's Obligation: Mandatory or required to retain or obtain a benefit.

Frequency of Collection: On occasion, annual, or as specified in permits.

Total Estimated Annual Non-Hour Cost Burden: $4,024 non-hour cost burden.

The current approved annual burden hours are equal to 730 hours. This ICR increases annual burdens by 96 hours to a total of 826 hours, based on BOEM's recent collection of data and information. The changes in annual burden hours include the following:

- For subpart B, BOEM is increasing the annual burden hours from 24 to 72 hours, due to an increase in the estimated time needed to file a notice to conduct scientific research activities related to hard minerals (+48 hours).
- For subpart D, BOEM is increasing annual burden hours from 40 to 96 hours, due to an increase in the estimated time per response (from 8 to 16 hours per response) and an increase in the number of submissions for notification and submission of G&G data and information from 5 submissions to 6 (+56 hours).
- For subpart D, BOEM is also decreasing annual burden hours from 8

to 4 hours, due to a reduction in the number of submissions of G&G data and information related to a contractor's commitment not to sell, trade, license, or disclose data from 2 submissions to 1 (−4 hours).

• BOEM is also decreasing annual burden hours from 6 to 2 hours, due to a decrease in the number of respondents required by the issued permits to retain G&G data and information from 6 respondents to 2 (−4 hours).

A **Federal Register** notice with a 60-day public comment period on the proposed ICR was published on June 24, 2024 (89 FR 52501). BOEM received two comments. One commenter opposes the disturbance to the ocean floor, and the other does not support the granting of permits due to environmental impacts. These comments do not change the purpose of or need for the ICR, nor does it affect the cost or hour burden.

BOEM is again soliciting comments on the proposed ICR. BOEM is especially interested in public comments addressing the following issues:

(1) Is the collection necessary to the proper functions of BOEM?

(2) What can BOEM do to ensure that this information is processed and used in a timely manner?

(3) Is the burden estimate accurate?

(4) How might BOEM enhance the quality, utility, and clarity of the information to be collected?

(5) How might BOEM minimize the burden of this collection on the respondents, including minimizing the burden through the use of information technology?

Comments that you submit in response to this notice are a matter of public record and will be available for public review on *www.reginfo.gov.* BOEM will include or summarize each comment in its ICR to OMB for approval of this information collection. You should be aware that your entire comment—including your address, phone number, email address, or other personally identifiable information included in your comment—may be made publicly available at any time. Even if BOEM withholds your personally identifiable information in the context of this ICR, your comment is subject to the Freedom of Information Act (FOIA) (5 U.S.C. 552). Your information will only be withheld if a determination is made that one of the FOIA exemptions to disclosure applies. Such a determination will be made in accordance with the Department of the Interior's (DOI) FOIA implementing regulations (43 CFR part 2) and applicable law.

For BOEM to consider withholding from disclosure your personally identifiable information, you must identify, in a cover letter, any information contained in the submittal of your comments that, if released, would constitute a clearly unwarranted invasion of your personal privacy. You must also briefly describe any possible harmful consequences of the disclosure of information, such as embarrassment, injury, or other harm. BOEM will make available for public inspection, in their entirety, all comments submitted by organizations and businesses, or by individuals identifying themselves as representatives of organizations or businesses.

BOEM protects proprietary information in accordance with the Freedom of Information Act (5 U.S.C. 552), DOI's implementing regulations (43 CFR part 2), and 30 CFR part 581.7, promulgated pursuant to the OCSLA) (43 U.S.C. 1352(c)).

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 authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Karen Thundiyil,

Director, Office of Regulatory Affairs, Bureau of Ocean Energy Management.

[FR Doc. 2024–26064 Filed 11–7–24; 8:45 am]

BILLING CODE 4340–98–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1414]

Certain Semiconductor Devices and Products Containing the Same; Notice of a Commission Determination Not To Review an Initial Determination Granting an Unopposed Motion To Amend the Complaint and Notice of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission (''Commission'') has determined not to review an initial determination (''ID'') (Order No. 7) of the presiding administrative law judge (''ALJ''), granting an unopposed motion to amend the complaint and notice of investigation to correct the corporate title of Respondent Innoscience (Suzhou) Technology Co., Ltd. to Innoscience (Suzhou) Technology Holding Co., Ltd.

FOR FURTHER INFORMATION CONTACT: Joelle Justus, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–2593. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.* For help accessing EDIS, please email *EDIS3Help@usitc.gov.* General information concerning the Commission may also be obtained by accessing its internet server at *https://www.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on August 30, 2024, based on a complaint filed by Infineon Technologies Americas Corp. and Infineon Technologies Austria AG (collectively, ''Complainants''). 89 FR 70667–68 (Aug. 30, 2024). The complaint, as supplemented, alleges violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain semiconductor devices and products containing the same by reason of infringement of claims 1–4, 6, 9, and 17 of U.S. Patent No. 9,899,481; claims 1, 2, 8–10, and 13–15 of U.S. Patent No. 8,686,562; claims 1–4, 8, and 9 of U.S. Patent No. 9,070,755; and claims 1, 2, and 10 of U.S. Patent No. 8,264,003. *Id.* at 70667. The complaint further alleges that a domestic industry exists. *Id.* The Commission's notice of investigation named as respondents Innoscience (Suzhou) Technology Company, Ltd., of Lili Town, China; Innoscience (Suzhou) Semiconductor Co., Ltd., of Lili Town, China; Innoscience (Zhuhai) Technology Company, Ltd., of Guangdong, China; and Innoscience America, Inc., of Santa Clara, California. *Id.* The Office of Unfair Import Investigations is not participating in the investigation. *Id.*

On October 1, 2024, Complainants filed an unopposed motion to amend the complaint and notice of investigation to correct the corporate title of Respondent Innoscience (Suzhou) Technology Co., Ltd. to Innoscience (Suzhou) Technology Holding Co., Ltd. No response to the motion was filed.

On October 10, 2024, the ALJ issued the subject ID (Order No. 7) granting the unopposed motion. Order No. 7 (Oct. 10, 2024). The subject ID finds the unopposed motion is supported by good cause as required by Commission Rule 210.14(b) (19 CFR 210.14(b)), that there is no prejudice to any party if the motion is granted, and reflects the true identity of the respondent at issue. No petitions for review of the ID were filed.

The Commission has determined not to review the subject ID. The complaint and notice of investigation are amended so that the name of Respondent Innoscience (Suzhou) Technology Co., Ltd. reads Innoscience (Suzhou) Technology Holding Co., Ltd.

The Commission vote for this determination took place on November 4, 2024.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in part 210 of the Commission's Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.

Issued: November 5, 2024.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2024–25995 Filed 11–7–24; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–715 and 731–TA–1682 (Final)]

Ferrosilicon From Russia

Determinations

On the basis of the record [1] developed in the subject investigations, the United States International Trade Commission (''Commission'') determines, pursuant to the Tariff Act of 1930 (''the Act''), that an industry in the United States is materially injured by reason of imports of ferrosilicon from Russia, provided for in subheadings 7202.21 and 7202.29 of the Harmonized Tariff Schedule of the United States, that have been found by the U.S. Department of Commerce (''Commerce'') to be sold in the United States at less than fair value (''LTFV'') and to be subsidized by the government of Russia.[2] [3]

Background

The Commission instituted these investigations effective March 28, 2024, following receipt of petitions filed with the Commission and Commerce by CC Metals and Alloy, LLC, Calvert City, Kentucky, and Ferroglobe USA, Inc., Beverly, Ohio.[4] The final phase of the investigations was scheduled by the Commission following notification of preliminary determinations by Commerce that imports of ferrosilicon from Russia were subsidized within the meaning of section 703(b) of the Act (19 U.S.C. 1671b(b)) and sold at LTFV within the meaning of 733(b) of the Act (19 U.S.C. 1673b(b)). Notice of the scheduling of the final phase of the Commission's investigations and of a public hearing to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** on July 9, 2024 (89 FR 56407).[5] The Commission conducted its hearing on September 12, 2024. All persons who requested the opportunity were permitted to participate.

The Commission made these determinations pursuant to §§ 705(b) and 735(b) of the Act (19 U.S.C. 1671d(b) and 19 U.S.C. 1673d(b)). It completed and filed its determinations in these investigations on November 4, 2024. The views of the Commission are contained in USITC Publication 5556 (November 2024), entitled *Ferrosilicon from Russia: Investigation Nos. 701–TA–715 and 731–TA–1682 (Final).*

By order of the Commission.

Issued: November 5, 2024.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2024–25976 Filed 11–7–24; 8:45 am]

BILLING CODE 7020–02–P

[1] The record is defined in § 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

[2] 89 FR 76450 and 76454 (September 18, 2024).

[3] The Commission also finds that imports subject to Commerce's affirmative critical circumstances determination are not likely to undermine seriously the remedial effect of the countervailing and antidumping duty orders on ferrosilicon from Russia.

[4] The petition alleged that an industry in the United States is materially injured and threatened with material injury by reason of subsidized and LTFV imports of ferrosilicon from Brazil, Kazakhstan, Malaysia, and Russia. The investigations regarding ferrosilicon from Brazil, Kazakhstan, and Malaysia are ongoing.

[5] The Commission subsequently revised its schedule pursuant to Commerce's tolling of deadlines (89 FR 65671, August 12, 2024).

LEGAL SERVICES CORPORATION

Notice of Intent To Award—Grant Awards for the Delivery of Civil Legal Services to Eligible Low-Income Clients Beginning January 1, 2025

AGENCY: Legal Services Corporation.

ACTION: Announcement of the Legal Services Corporation's intent to make fiscal year 2025 grant awards.

SUMMARY: The Legal Services Corporation (LSC) hereby announces its intention to award grants to provide effective and efficient delivery of high-quality civil legal services to eligible low-income clients, starting January 1, 2025.

DATES: All comments and recommendations must be received on or before the close of business on December 9, 2024.

ADDRESSES: Basic Field Grant Awards, Legal Services Corporation, 1825 I St. NW, Suite 800, Washington, DC 20006.

FOR FURTHER INFORMATION CONTACT: Christine Williams, Program Manager for Basic Field Competition, Office of Program Performance, at (202) 295–1602 or *williamsc@lsc.gov.*

SUPPLEMENTARY INFORMATION: Under LSC's Notice of Funding Availability published on March 14, 2024 (89 FR 18674) and LSC's grant application process beginning on April 14, 2024, LSC intends to award funds to organizations that provide civil legal services in the indicated service areas. Applicants for each service area are listed below. The grant award amounts below are estimates based on the FY2024 grant awards to each service area. The funding estimates may change based on the final FY2025 appropriation. In addition, Agricultural Worker service area population estimates are subject to change based on Department of Labor review and comments LSC receives during the 30-day comment period.

LSC will post all updates and changes to this notice at *https://www.lsc.gov/grants/basic-field-grant/basic-field-awards.* Interested parties are asked to visit *https://www.lsc.gov/grants/basic-field-grant* regularly for updates on the LSC grants process.

Name of applicant organization	State	Service area	Estimated annualized 2025 funding
Alaska Legal Services Corporation	AK	AK–1	$1,164,808
Legal Services Alabama, Inc	AL	AL–4	8,750,973
Legal Aid of Arkansas, Inc	AR	AR–6	2,032,378
Center for Arkansas Legal Services	AR	AR–7	3,059,342
American Samoa Legal Aid	AS	AS–1	314,015
DNA-Peoples Legal Services, Inc	AZ	AZ–2	611,384
Community Legal Services, Inc	AZ	AZ–3	6,707,899
Southern Arizona Legal Aid, Inc	AZ	AZ–5	2,929,853
California Indian Legal Services, Inc	CA	CA–1	24,495
Inland Counties Legal Services, Inc	CA	CA–12	6,091,858
Legal Aid Society of San Diego, Inc	CA	CA–14	3,461,331
Community Legal Aid SoCal	CA	CA–19	4,477,012
Greater Bakersfield Legal Assistance, Inc	CA	CA–2	1,696,585
Central California Legal Services	CA	CA–26	3,763,684
Legal Services of Northern California, Inc	CA	CA–27	5,019,313
Bay Area Legal Aid	CA	CA–28	6,077,900
Legal Aid Foundation of Los Angeles	CA	CA–29	7,146,969
Neighborhood Legal Services of Los Angeles County	CA	CA–30	5,601,424
California Rural Legal Assistance, Inc	CA	CA–31	6,483,119
Colorado Legal Services	CO	CO–6	6,040,901
Statewide Legal Services of Connecticut, Inc	CT	CT–1	4,212,822
Neighborhood Legal Services Program of the District of Columbia	DC	DC–1	1,079,960
Legal Services Corporation of Delaware, Inc	DE	DE–1	1,223,573
Legal Services of North Florida, Inc	FL	FL–13	2,227,254
Three Rivers Legal Services, Inc	FL	FL–14	3,382,885
Community Legal Services of Mid-Florida, Inc	FL	FL–15	6,898,210
Bay Area Legal Services, Inc	FL	FL–16	5,280,016
Florida Rural Legal Services, Inc	FL	FL–17	5,864,861
Coast to Coast Legal Aid of South Florida, Inc	FL	FL–18	3,336,864
Legal Services of Greater Miami, Inc	FL	FL–5	4,335,324
Atlanta Legal Aid Society, Inc	GA	GA–1	5,183,192
Georgia Legal Services Program	GA	GA–2	11,432,892
Micronesian Legal Services Corporation	GU	GU–1	348,737
Legal Aid Society of Hawaii	HI	HI–1	1,967,206
Iowa Legal Aid	IA	IA–3	3,854,750
Idaho Legal Aid Services, Inc	ID	ID–1	1,851,318
Land of Lincoln Legal Aid, Inc	IL	IL–3	3,525,538
Legal Aid Chicago	IL	IL–6	7,748,398
Prairie State Legal Services, Inc	IL	IL–7	5,353,610
Indiana Legal Services, Inc	IN	IN–5	9,535,954
Kansas Legal Services, Inc	KS	KS–1	3,790,590
Legal Aid of the Bluegrass	KY	KY–10	2,039,664
Legal Aid Society	KY	KY–2	2,166,654
Appalachian Research and Defense Fund of Kentucky	KY	KY–5	2,282,338
Kentucky Legal Aid	KY	KY–9	1,741,089
Southeast Louisiana Legal Services Corporation	LA	LA–13	4,843,304
Acadiana Legal Service Corporation	LA	LA–15	4,774,162
Community Legal Aid, Inc	MA	MA–10	2,498,686
Volunteer Lawyers Project of the Boston Bar Association	MA	MA–11	2,978,618
South Coastal Counties Legal Services	MA	MA–12	1,579,769
Northeast Legal Aid, Inc	MA	MA–4	1,234,941
Community Legal Services, Inc	AZ	MAZ	487,788
California Rural Legal Assistance, Inc	CA	MCA	4,571,473
Colorado Legal Services	CO	MCO	321,278
Maryland Legal Aid	MD	MD–1	6,656,508
Maryland Legal Aid	DE	MDE	33,732
Pine Tree Legal Assistance, Inc	ME	ME–1	1,554,224
Florida Rural Legal Services, Inc	FL	MFL	1,042,718
Georgia Legal Services Program	GA	MGA	713,016
Michigan Advocacy Program	MI	MI–12	2,445,571
Lakeshore Legal Aid	MI	MI–13	6,213,347
Legal Services of Eastern Michigan	MI	MI–14	2,270,726
Legal Aid of Western Michigan	MI	MI–15	2,885,740
Legal Services of Northern Michigan, Inc	MI	MI–9	1,199,133
Iowa Legal Aid	IA	MIA	310,274
Idaho Legal Aid Services, Inc	ID	MID	444,915
Legal Aid Chicago	IL	MIL	288,935
Indiana Legal Services, Inc	IN	MIN	204,672
Maryland Legal Aid	MD	MMD	152,206
Michigan Advocacy Program	MI	MMI	718,716
Southern Minnesota Regional Legal Services, Inc	MN	MMN	552,260
Legal Aid of Western Missouri	MO	MMO	213,321

Name of applicant organization	State	Service area	Estimated annualized 2025 funding
Montana Legal Services Association	MT	MMT	179,939
Pine Tree Legal Assistance, Inc	ME	MMX–1	393,989
Legal Aid Service of Northeastern Minnesota	MN	MN–1	590,043
Legal Services of Northwest Minnesota Corporation	MN	MN–4	530,440
Southern Minnesota Regional Legal Services, Inc	MN	MN–5	2,149,346
Central Minnesota Legal Services, Inc	MN	MN–6	2,351,480
Legal Aid of North Carolina, Inc	NC	MNC	819,300
Southern Minnesota Regional Legal Services, Inc	ND	MND	144,610
Legal Aid of Nebraska	NE	MNE	247,544
South Jersey Legal Services, Inc	NJ	MNJ	180,507
New Mexico Legal Aid	NM	MNM	215,564
Legal Aid Society of Mid-New York, Inc	NY	MNY	391,497
Legal Aid of Western Missouri	MO	MO–3	2,730,859
Legal Services of Eastern Missouri, Inc	MO	MO–4	2,713,284
Mid-Missouri Legal Services Corporation	MO	MO–5	649,748
Legal Services of Southern Missouri	MO	MO–7	2,233,446
Legal Aid of Western Ohio, Inc	OH	MOH	251,513
Legal Aid Services of Oklahoma, Inc	OK	MOK	345,613
Legal Aid Services of Oregon	OR	MOR	644,790
Micronesian Legal Services Corporation	MP	MP–1	1,874,768
Philadelphia Legal Assistance Center	PA	MPA	486,158
Puerto Rico Legal Services, Inc	PR	MPR	72,608
Mississippi Center for Legal Services	MS	MS–10	3,433,299
North Mississippi Rural Legal Services, Inc	MS	MS–9	2,265,149
South Carolina Legal Services, Inc	SC	MSC	319,726
Texas RioGrande Legal Aid, Inc	TX	MSX–2	3,398,860
Montana Legal Services Association	MT	MT–1	1,359,362
Utah Legal Services, Inc	UT	MUT	127,323
Central Virginia Legal Aid Society, Inc	VA	MVA	365,814
Northwest Justice Project	WA	MWA	1,197,930
Legal Action of Wisconsin, Inc	WI	MWI	555,641
Alaska Legal Services Corporation	AK	NAK–1	815,380
DNA-Peoples Legal Services, Inc	AZ	NAZ–5	3,934,252
Southern Arizona Legal Aid, Inc	AZ	NAZ–6	961,025
Legal Aid of North Carolina, Inc	NC	NC–5	15,181,463
California Indian Legal Services, Inc	CA	NCA–1	1,332,026
Colorado Legal Services	CO	NCO–1	144,793
Pine Tree Legal Assistance, Inc	CT	NCT–1	23,604
Legal Services of North Dakota	ND	ND–3	731,026
Legal Aid of Nebraska	NE	NE–4	2,148,835
603 Legal Aid	NH	NH–1	1,124,426
Legal Aid Society of Hawaii	HI	NHI–1	345,365
Idaho Legal Aid Services, Inc	ID	NID–1	97,951
Legal Services of Northwest Jersey, Inc	NJ	NJ–15	758,392
Central Jersey Legal Services, Inc	NJ	NJ–17	1,869,464
Northeast New Jersey Legal Services Corporation	NJ	NJ–18	2,814,627
South Jersey Legal Services, Inc	NJ	NJ–20	3,514,627
Essex-Newark Legal Services Project, Inc	NJ	NJ–8	1,378,205
DNA-Peoples Legal Services, Inc	NM	NM–1	284,496
New Mexico Legal Aid	NM	NM–5	3,871,837
Pine Tree Legal Assistance, Inc	ME	NME–1	97,177
Michigan Indian Legal Services, Inc	MI	NMI–1	248,191
Anishinabe Legal Services, Inc	MN	NMN–1	360,310
Mississippi Center for Legal Services	MS	NMS–1	125,327
Montana Legal Services Association	MT	NMT–1	240,065
Legal Aid of North Carolina, Inc	NC	NNC–1	329,047
Legal Services of North Dakota	ND	NND–3	406,131
Legal Aid of Nebraska	NE	NNE–1	49,837
DNA-Peoples Legal Services, Inc	NM	NNM–2	34,254
New Mexico Legal Aid	NM	NNM–4	700,532
Nevada Legal Services, Inc	NV	NNV–1	200,483
Oklahoma Indian Legal Services, Inc	OK	NOK–1	1,234,480
Legal Aid Services of Oregon	OR	NOR–1	278,321
Dakota Plains Legal Services, Inc	SD	NSD–1	1,407,733
Texas RioGrande Legal Aid, Inc	TX	NTX–1	47,187
Utah Legal Services, Inc	UT	NUT–1	124,037
Nevada Legal Services, Inc	NV	NV–1	4,476,668
Northwest Justice Project	WA	NWA–1	429,491
Judicare Legal Aid	WI	NWI–1	233,875
Legal Aid of Wyoming, Inc	WY	NWY–1	260,534
Legal Services of the Hudson Valley	NY	NY–20	3,001,759
Legal Aid Society of Northeastern New York, Inc	NY	NY–21	2,223,558

Name of applicant organization	State	Service area	Estimated annualized 2025 funding
Legal Aid Society of Mid-New York, Inc	NY	NY–22	2,492,329
Legal Assistance of Western New York, Inc	NY	NY–23	2,582,642
Neighborhood Legal Services, Inc	NY	NY–24	2,032,390
Nassau/Suffolk Law Services Committee, Inc	NY	NY–7	2,058,921
Legal Services NYC	NY	NY–9	17,270,072
Legal Aid Society of Greater Cincinnati	OH	OH–18	2,369,019
Community Legal Aid Services, Inc	OH	OH–20	2,943,543
The Legal Aid Society of Cleveland	OH	OH–21	3,178,825
Legal Aid of Western Ohio, Inc	OH	OH–23	4,160,123
Legal Aid of Southeast and Central Ohio	OH	OH–24	5,215,678
Legal Aid Services of Oklahoma, Inc	OK	OK–3	7,080,042
Legal Aid Services of Oregon	OR	OR–6	5,362,107
Philadelphia Legal Assistance Center	PA	PA–1	3,532,146
Legal Aid of Southeastern Pennsylvania	PA	PA–23	2,249,087
North Penn Legal Services, Inc	PA	PA–24	3,094,290
MidPenn Legal Services, Inc	PA	PA–25	3,765,838
Northwestern Legal Services	PA	PA–26	912,334
Summit Legal Aid	PA	PA–27	1,632,271
Neighborhood Legal Services Association	PA	PA–8	2,127,050
Puerto Rico Legal Services, Inc	PR	PR–1	14,540,452
Community Law Office, Inc	PR	PR–2	300,331
Rhode Island Legal Services, Inc	RI	RI–1	1,347,809
South Carolina Legal Services, Inc	SC	SC–8	8,299,079
East River Legal Services	SD	SD–2	664,495
Dakota Plains Legal Services, Inc	SD	SD–4	576,919
Legal Aid Society of Middle Tennessee and the Cumberlands	TN	TN–10	4,486,365
Memphis Area Legal Services, Inc. or West Tennessee Legal Services, Inc	TN	TN–4	2,111,084
West Tennessee Legal Services, Inc	TN	TN–7	1,079,731
Legal Aid of East Tennessee	TN	TN–9	3,660,807
Lone Star Legal Aid	TX	TX–13	18,089,444
Legal Aid of NorthWest Texas	TX	TX–14	13,205,098
Texas RioGrande Legal Aid, Inc	TX	TX–15	15,932,266
Utah Legal Services, Inc	UT	UT–1	3,480,646
Southwest Virginia Legal Aid Society, Inc	VA	VA–15	1,153,314
Legal Aid Society of Eastern Virginia	VA	VA–16	2,165,801
Virginia Legal Aid Society, Inc	VA	VA–17	1,236,048
Central Virginia Legal Aid Society, Inc	VA	VA–18	1,788,548
Blue Ridge Legal Services, Inc	VA	VA–19	1,290,767
Legal Services of Northern Virginia, Inc	VA	VA–20	2,250,194
Legal Services of the Virgin Islands, Inc	VI	VI–1	229,321
Legal Services Vermont	VT	VT–1	648,871
Northwest Justice Project	WA	WA–1	8,222,810
Judicare Legal Aid	WI	WI–2	1,367,428
Legal Action of Wisconsin, Inc	WI	WI–5	5,392,184
Legal Aid of West Virginia, Inc	WV	WV–5	3,388,941
Legal Aid of Wyoming, Inc	WY	WY–4	762,624

These grants will be awarded under the authority conferred on LSC by section 1006(a)(1) of the Legal Services Corporation Act, 42 U.S.C. 2996e(a)(l). Grant awards are made to ensure civil legal services are provided in every service area, although no listed organization is guaranteed a grant award. Grants will become effective, and grant funds will be distributed, on or about January 1, 2025.

LSC issues this notice pursuant to 42 U.S.C. 2996f(f). Comments and recommendations concerning potential grantees are invited and should be delivered to LSC within 30 days from the date of publication of this notice.

(Authority: 42 U.S.C. 2996f(f).)

Dated: November 5, 2024.

Stefanie Davis,

Deputy General Counsel, Legal Services Corporation.

[FR Doc. 2024–26004 Filed 11–7–24; 8:45 am]

BILLING CODE 7050–01–P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

[NARA–2025–007]

National Industrial Security Program Policy Advisory Committee (NISPPAC) Meeting

AGENCY: Information Security Oversight Office (ISOO), National Archives and Records Administration (NARA).

ACTION: Notice of Federal Advisory Committee meeting.

SUMMARY: We are announcing an upcoming National Industrial Security Program Policy Advisory Committee (NISPPAC) meeting in accordance with the Federal Advisory Committee Act and implementing regulations.

DATES: The meeting will be on November 13, 2024, from 10 a.m.–12 p.m. ET.

ADDRESSES: This meeting will be a virtual meeting. See supplementary procedures below.

FOR FURTHER INFORMATION CONTACT: Heather Harris Pagán, ISOO Program Analyst, by telephone at 202.357.5351 or by email at *ISOO@nara.gov*. Contact ISOO at *ISOO@nara.gov* and the NISPPAC at *NISPPAC@nara.gov*.

SUPPLEMENTARY INFORMATION: This meeting is open to the public in accordance with the Federal Advisory Committee Act (5 U.S.C. app 2) and implementing regulations at 41 CFR 102–3. The Committee will discuss National Industrial Security Program policy matters.

Procedures: Members of the public must register in advance for the virtual meeting through the Intellor link *https://events.intellor.com/?do=register&t=7&p=509231* if they wish to attend. NISPPAC members, ISOO employees, and speakers should send an email to *NISPPAC@nara.gov* for the appropriate registration information instead of registering with the above link.

Merrily Harris,

Committee Management Officer.

[FR Doc. 2024–25959 Filed 11–7–24; 8:45 am]

BILLING CODE 7515–01–P

NATIONAL SCIENCE FOUNDATION

Proposal Review; Notice of Meetings

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation (NSF) announces its intent to hold proposal review meetings throughout the year. The purpose of these meetings is to provide advice and recommendations concerning proposals submitted to the NSF for financial support. The agenda for each of these meetings is to review and evaluate proposals as part of the selection process for awards. The review and evaluation may also include an assessment of the progress of awarded proposals. These meetings will primarily take place at NSF's headquarters, 2415 Eisenhower Avenue, Alexandria, VA 22314.

These meetings will be closed to the public. The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act. NSF will continue to review the agenda and merits of each meeting for overall compliance of the Federal Advisory Committee Act.

These closed proposal review meetings will not be announced on an individual basis in the **Federal Register**. NSF intends to publish a notice similar to this on a quarterly basis. For an advance listing of the closed proposal review meetings that include the names of the proposal review panel and the time, date, place, and any information on changes, corrections, or cancellations, please visit the NSF website: *https://new.nsf.gov/events/proposal-review-panels.* This information may also be requested by telephone, 703/292–8687.

Dated: November 5, 2024.

Crystal Robinson,

Committee Management Officer.

[FR Doc. 2024–25970 Filed 11–7–24; 8:45 am]

BILLING CODE 7555–01–P

NATIONAL SCIENCE FOUNDATION

Sunshine Act Meetings

The National Science Board's (NSB) Committee on Science and Engineering Policy (SEP) hereby gives notice of the scheduling of a videoconference for the transaction of National Science Board business pursuant to the National Science Foundation Act and the Government in the Sunshine Act.

TIME AND DATE: Thursday, November 14, 2024, from 1:00 p.m.–2:00 p.m. Eastern.

PLACE: The meeting will be held by videoconference through the National Science Foundation, 2415 Eisenhower Avenue, Alexandria, VA, 22314. Members of the public can observe this meeting through a YouTube livestream. The YouTube link will be available from the NSB meetings web page—*https://www.nsf.gov/nsb/meetings/index.jsp.*

STATUS: Open.

MATTERS TO BE CONSIDERED: Chair's opening remarks; Discussion and vote on Special Topic releases for *Indicators 2026.*

CONTACT PERSON FOR MORE INFORMATION: Point of contact for this meeting is Chris Blair, *cblair@nsf.gov,* 703/292–7000.

Ann E. Bushmiller,

Senior Counsel to the National Science Board.

[FR Doc. 2024–26189 Filed 11–6–24; 4:15 pm]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 70–7003; NRC–2024–0048]

American Centrifuge Operating, LLC; Lead Cascade Facility; Termination of License; Environmental Assessment and Finding of No Significant Impact

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice; issuance.

SUMMARY: By letter dated November 2, 2023, American Centrifuge Operating, LLC (ACO), a subsidiary of Centrus Energy Corp. (Centrus), requested the U.S. Nuclear Regulatory Commission (NRC) terminate its Special Nuclear Material (SNM) License No. SNM–7003 for the American Centrifuge Lead Cascade Facility (LCF), located on a U.S. Department of Energy (DOE) reservation in Piketon, Ohio. ACO no longer needs to maintain its license SNM–7003. On January 5, 2024, the NRC accepted the license termination application for detailed technical review. The license termination would not change ACO's license SNM–2011 for the American Centrifuge Plant under which ACO is conducting the high-assay low-enriched uranium (HALEU) program at the Piketon facility.

DATES: The letter terminating the license SNM–7003 will be issued to ACO on November 8, 2024.

ADDRESSES: Please refer to Docket ID NRC–2024–0048 when contacting the NRC about the availability of information regarding this action. You may obtain publicly available information related to this document using any of the following methods:

- *Federal Rulemaking Website:* Go to *https://www.regulations.gov* and search for NRC–2024–0048. Address questions about Docket IDs in *Regulations.gov* to Stacy Schumann; telephone: 301–415–0624; email: *Stacy.Schumann@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at *https://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, at 301–415–4737, or by email to *PDR.Resource@nrc.gov.* For the convenience of the reader, instructions about obtaining materials referenced in this document are provided in the ''Availability of Documents'' section.
- *NRC's PDR:* The PDR, where you may examine and order copies of publicly available documents, is open by appointment. To make an appointment to visit the PDR, please send an email to *PDR.Resource@nrc.gov* or call 1–800–397–4209 or 301–415–4737, between 8 a.m. and 4 p.m. eastern time (ET), Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Yawar Faraz, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, telephone: 301–415–7220, email: *Yawar.Faraz@nrc.gov.*

I. Introduction

The NRC issued SNM–7003 for the LCF on February 24, 2004. The LCF enriched uranium up to 10 weight percent in the isotope uranium-235. The LCF, which consisted of up to 240 operating centrifuges, was located in buildings leased by ACO from the DOE. The LCF's centrifuges operated between 2006 and 2016 for the purpose of obtaining and assessing performance data. The LCF operated in recycle mode; that is, no uranium hexafluoride (UF_6) product was withdrawn from the cascade for commercial purposes. Only small samples of products were removed for performance assessment. The LCF ceased operations in 2016. ACO decommissioned the LCF in 2017 and 2018: (1) ACO removed the UF_6 inventory from the centrifuges and process piping, decontaminated the LCF, and (2) ACO dismantled and appropriately disposed of the LCF equipment, under NRC-approved programs of the LCF. On January 5, 2018, ACO submitted its update to the decommissioning plan (DP) for the LCF to the NRC for review and approval. The updated DP contained ACO's proposed Release Criteria for unrestricted release under paragraphs 70.38(j) and (k) of part 70 of title 10 of the *Code of Federal Regulations* (10 CFR). On April 19, 2018, ACO submitted the Final Status Survey Report (FSSR) for the LCF to the NRC for review and approval. On August 7, 2018, the NRC approved ACO's DP for the LCF. On May 21–25, 2018, the NRC, with assistance of its contractor the Oak Ridge Institute for Science and Education, conducted an independent radiological confirmatory survey that included radiation floor and drain scans, direct radiation measurements, and smear sampling, of the LCF. An initial request was submitted by ACO to terminate the LCF license on August 9, 2018. As documented in its safety evaluation report issued in September 2019, the NRC found reasonable assurance that ACO had appropriately decommissioned the LCF in accordance with the requirements of 10 CFR part 20 ''Standards for Protection Against Radiation'' based on a thorough review of the FSSR and the results of the NRC staff's independent confirmatory survey.

As previously mentioned in this notice, ACO initially requested termination of the LCF license on August 9, 2018. ACO withdrew its license termination request on June 27, 2019, after the DOE contracted with ACO to demonstrate the production of HALEU. ACO was authorized to install the HALEU cascade under the NRC-approved programs, such as those described in the classified matter and computer network security plans, that were part of the LCF license, SNM–7003. In accordance with SNM–7003, no radioactive material was brought onsite after the LCF was decommissioned. ACO sought to operate the HALEU cascade under an amendment to license, SNM–2011, to allow use of SNM for the purpose of producing HALEU at the Piketon site. On June 12, 2023, the NRC approved the introduction of UF_6 into the HALEU cascade under the ACO license for the ACP, SNM–2011. Therefore, ACO no longer needs to maintain the LCF license SNM–7003 to perform the HALEU program.

On November 2, 2023, ACO submitted a second application to terminate the LCF license and on January 5, 2024, the NRC staff accepted the submission for detailed technical review. As the final step in its decommissioning of the LCF, ACO submitted Form 314, ''Certificate of Disposition of Materials,'' to the NRC by letter dated April 25, 2024. The NRC staff finds ACO's certification that all licensed material within the LCF has been adequately dispositioned, in accordance with 10 CFR 70.38(j)(1).

II. License Termination

The termination of NRC licenses issued under 10 CFR part 70 is governed by 10 CFR 70.38, ''Termination of license.'' As noted, ACO: (1) permanently ceased principal activities under SNM–7003 in 2016 and (2) has not carried out principal activities with radioactive material under the LCF license for a period of 24 months. The NRC staff found reasonable assurance that ACO had appropriately decommissioned the LCF and appropriately certified that all licensed material under SNM–7003 had been adequately dispositioned. The NRC staff published those findings in its safety evaluation report of September 2019. The Commission grants ACO's request to terminate SNM–7003. The NRC staff will present its findings in the LCF License Termination Approval letter, to be issued to ACO on the date of this notice. This license termination will be effective upon ACO's acknowledgement of receipt of the NRC's termination letter.

III. Environmental Assessment

License termination is a Federal action that requires an environmental assessment (EA) under 10 CFR 51.21, ''Criteria for and identification of licensing and regulatory actions requiring environmental assessments.'' The NRC prepared the following EA for the license termination.

Description of the Proposed Action

The NRC is terminating license SNM–7003 because the LCF is no longer in use and has been decommissioned as described in this notice. In 2018, the NRC staff prepared an EA for the NRC's review and approval of a decommissioning plan (DP) for the LCF submitted by the licensee in January 2018. The 2018 EA determined that decommissioning of the LCF as described in the DP would not significantly affect the quality of the human environment. The NRC staff issued that EA and a finding of no significant impact (FONSI) on August 1, 2018. Due to the time elapsed between the publication of the 2018 EA and FONSI and the date of the current license termination request, the NRC staff conducted an environmental review to confirm the staff's findings and consult with state agencies on the current license termination request.

Need for the Proposed Action

The license should be terminated because the LCF is no longer in use and has been completely decommissioned in accordance with NRC requirements for unrestricted release in 10 CFR 20.1402.

Environmental Impacts of the Proposed Action

The NRC staff reassessed the potential for the license termination to affect environmental resources and worker and public health and safety. As described in this notice, the NRC staff confirms its findings from the September 2019 safety evaluation report that the LCF could be released for unrestricted use. No radioactive material has been brought onsite under the LCF license SNM–7003 since that time and only the administrative act of terminating the license remains. The NRC staff confirms its previous determination that the proposed license termination would not affect land use; historic or cultural resources; visual or scenic resources; air quality; geology or soils; water resources; ecological resources; socioeconomics; noise; traffic or transportation; public or worker health and safety; or waste management.

Environmental Impacts of the Alternatives to the Proposed Action

As an alternative to the proposed action, the staff considered the ''no-action'' alternative. Under the no-action

alternative, the NRC would deny ACO's request for license termination. This alternative is not reasonable because licensed activities are no longer occurring under license SNM–7003, and the facility is decommissioned. As such, no purpose exists for the license to remain in effect.

Agencies and Persons Consulted

The NRC staff provided the draft EA to the State of Ohio for review. The NRC received no comments on the EA.

Section 106 of the National Historic Preservation Act (NHPA) requires Federal agencies to consider the effects of their undertakings on historic properties. The proposed license termination is not a type of activity that has the potential to cause effects on any historic properties that may be present. Therefore, in accordance with 36 CFR 800.3(a)(1), the NRC has no further obligation under section 106 of the NHPA. Nevertheless, on September 20, 2024, the NRC staff notified the Ohio State Historic Preservation Office of the proposed license termination.

Section 7 of the Endangered Species Act (ESA) requires that, prior to taking a proposed action, Federal agencies determine whether the proposed Federal action may affect endangered or threatened species or their critical habitats. The proposed license termination has no potential to affect any special status species or habitats. Therefore, no consultation is required under Section 7 of the ESA.

IV. Finding of No Significant Impact

The NRC staff prepared this EA as part of its review of the proposed action. On the basis of this EA, the NRC finds that there are no significant environmental impacts from the license termination, and that preparation of an environmental impact statement is not warranted. Accordingly, the NRC determined that a FONSI is appropriate. In accordance with 10 CFR 51.32(a)(4), this FONSI incorporates the EA set forth in this notice by reference.

V. Availability of Documents

The documents identified in this notice are available to interested persons through ADAMS.

Document description	ADAMS accession No. or **Federal Register** notice
Letter to S. Toelle of Centrus: Approval of License Amendment Request to Remove Authorization to Enrich Uranium at the American Centrifuge Lead Cascade Facility, dated December 23, 2016.	ML16330A249.
Letter to J. Zimmerman of NRC and Affidavit: Submittal of Revision to the Decommissioning Plan [update] for the American Centrifuge Lead Cascade Facility, dated January 5, 2018.	ML18025B308.
Enclosures 1, 2 and 3: DP–2605–0001, Decommissioning Plan for the American Centrifuge Lead Cascade Facility, dated January 4, 2018.	ML18025B310.
Letter to J. Zimmerman of NRC: Submittal of Final Status Survey Report for the American Centrifuge Lead Cascade Facility Decommissioning Project, dated April 19, 2018.	ML18145A130.
Enclosure 1: DP–2605–0002, Revision 0, Final Status Survey Report for the American Centrifuge Lead Cascade Facility Decommissioning Project, dated April 19, 2018.	ML18145A131.
Enclosure 3: Appendix B of the FSSR, Final Status Surveys [Redacted], dated April 13, 2018	ML18145A132.
Enclosure 4: Appendix C of the FSSR, RESRAD–BUILD Evaluations, dated April 13, 2018	ML18145A133.
Letter to J. Smith of NRC: Independent Confirmatory Survey Results for the Lead Cascade Facility, dated August 16, 2018.	ML18233A343.
NRC Letter to Ohio Department of Health Providing Draft Environmental Assessment for the American Centrifuge Lead Cascade Facility Decommissioning Plan, dated June 12, 2018.	ML18130A472.
Email and Letter from Ohio Department of Health Indicating No Comments on the Draft Environmental Assessment for the Approval of the Decommissioning Plan for the American Centrifuge Lead Cascade Facility, dated July 6, 2018.	ML18193A742 (Package).
Final Environmental Assessment for the Decommissioning Plan for the American Centrifuge Lead Cascade Facility in Piketon, Ohio, dated July 2018.	ML18204A294.
Federal Register Notice for Issuance of Environmental Assessment and Finding of No Significant Impact, issued July 26, 2018.	(83 FR 37530) ML18200A089.
Letter to S. Toelle of Centrus: NRC Approval of Decommissioning Plan for the American Centrifuge Lead Cascade Facility, dated August 7, 2018.	ML18192B477.
Enclosure 1: Safety Evaluation Report on Centrus Energy Corp. Amendment Request for Approval of American Centrifuge Lead Cascade Facility Decommissioning Plan and Associated Supporting Documents, dated August 7, 2018.	ML18192B644.
Enclosure 3: NRC Form 374—Redacted Amendment 15 to License SNM–7003 for American Centrifuge Operating, LLC, dated August 7, 2018.	ML18192B828.
ACO Transmittal Letter to the NRC for Termination of American Centrifuge Lead Cascade Facility NRC Materials License, dated August 9, 2018.	ML18249A298.
Letter to D. Fosson of ACO: NRC Inspection Report No. 07007003/2018001 (DNMS)—American Centrifuge Operating LLC, Lead Cascade Facility, dated September 12, 2018.	ML18260A122.
Letter to M. Dapas of NRC: Termination of American Centrifuge Lead Cascade Facility NRC Materials License, dated August 9, 2018.	ML18249A298.
Letter to J. Lubinski of NRC: American Centrifuge Lead Cascade Facility Withdrawal of Request to Terminate the American Centrifuge Lead Cascade NRC Materials License, dated June 27, 2019.	ML19186A272.
Letter to K. Wiehle of ACO: Approval of Centrus Energy Corp Final Status Survey Report and Request to Cancel Its Decommissioning Funding Instrument for the American Centrifuge Lead Cascade Facility, dated September 23, 2019.	ML19228A096.
Enclosure 1—Safety Evaluation Report on Centrus Energy Corp. Request for Review and Approval of American Centrifuge Lead Cascade Facility Final Status Survey Report and Request for Termination of Decommissioning Funding, dated September 23, 2019.	ML19228A097.
Enclosure 2: NRC Form 374—Amendment 16 of License (Public), dated September 23, 2019	ML19228A098.
Letter to J. Lubinski of NRC [License Termination Request]: American Centrifuge Lead Cascade Facility; Docket Number 70–7003; License Number SNM–7003, dated November 2, 2023.	ML23311A313.
Email to K. Fitch of ACO: Acceptance for Detailed Review Email for Centrus/ACO's Request to Terminate its Lead Cascade Facility License SNM–2003, January 5, 2024.	ML24008A015.

Document description	ADAMS accession No. or **Federal Register** notice
Letter to J. Lubinski of NRC: American Centrifuge Lead Cascade Facility—Submittal of NRC Form 314, Certificate of Disposition of Materials, dated April 25, 2024.	ML24135A205.
Memorandum to S. Lav of NRC: Adequacy of ACO's Form 314 Certification, dated April 25, 2024; dated September 19, 2024.	ML24260A089.
Email to State of Ohio Requesting Review of EA for Proposed Lead Cascade Facility License Termination, dated September 20, 2024.	ML24284A321.
Email to Ohio SHPO re: EA for Proposed Lead Cascade Facility License Termination, dated September 20, 2024.	ML24284A322.
Response from State of Ohio re: EA for Lead Cascade Facility License Termination, dated October 8, 2024.	ML24284A318.
Letter to K. Fitch of ACO: License Termination Package for Special Nuclear Materials License Number SNM–7003 For The American Centrifuge Lead Cascade Facility, dated November 2024.	ML24283A205 (Package).

Dated: November 5, 2024.

For the Nuclear Regulatory Commission.

Shana Helton,

Director, Division of Fuel Management, Office of Nuclear Materials Safety and Safeguards.

[FR Doc. 2024–26006 Filed 11–7–24; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2024–0001]

Sunshine Act Meetings

TIME AND DATE: Weeks of November 11, 18, 25, and December 2, 9, 16, 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 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.

Week of December 2, 2024—Tentative

Thursday, December 5, 2024

10:00 a.m. Briefing on Equal Employment Opportunity, Affirmative Employment, and Small Business (Public Meeting) (Contact: Erin Deeds: 301–415–2887)

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 December 9, 2024—Tentative

There are no meetings scheduled for the week of December 9, 2024.

Week of December 16, 2024—Tentative

There are no meetings scheduled for the week of December 16, 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: November 6, 2024.

For the Nuclear Regulatory Commission.

Wesley W. Held,

Policy Coordinator, Office of the Secretary.

[FR Doc. 2024–26159 Filed 11–6–24; 4:15 pm]

BILLING CODE 7590–01–P

POSTAL REGULATORY COMMISSION

[Docket Nos. CP2023–31; MC2025–253 and K2025–251; MC2025–254 and K2025–252; MC2025–255 and K2025–253; MC2025–256 and K2025–254; MC2025–257 and K2025–255; MC2025–258 and K2025–256; MC2025–259 and K2025–257; MC2025–260 and K2025–258; MC2025–261 and K2025–259; MC2025–262 and K2025–260; MC2025–263 and K2025–261; MC2025–264 and K2025–262; MC2025–266 and K2025–264]

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:* November 12, 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. 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).:* CP2023–31; *Filing Title:* Request of the United States Postal Service Concerning Modification Two to Priority Mail Express International, Priority Mail International & First-Class Package International Service Contract 10, Which Includes an Extension of that Agreement; *Filing Acceptance Date:* November 1, 2024; *Filing Authority:* 39 CFR 3035.105, 39 CFR 3041.505, and 39 CFR 3041.515; *Public Representative:* Katalin Clendenin; *Comments Due:* November 12, 2024.

2. *Docket No(s).:* MC2025–253 and K2025–251; *Filing Title:* USPS Request to Add Priority Mail & USPS Ground Advantage Contract 428 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* November 1, 2024; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative:* Samuel Robinson; *Comments Due:* November 12, 2024.

3. *Docket No(s).:* MC2025–254 and K2025–252; *Filing Title:* USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 610 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* November 1, 2024; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative:* Samuel Robinson; *Comments Due:* November 12, 2024.

4. *Docket No(s).:* MC2025–255 and K2025–253; *Filing Title:* USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 611 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* November 1, 2024; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative:* Samuel Robinson; *Comments Due:* November 12, 2024.

5. *Docket No(s).:* MC2025–256 and K2025–254; *Filing Title:* USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 612 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* November 1, 2024; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative:* Alain Brou; *Comments Due:* November 12, 2024.

6. *Docket No(s).:* MC2025–257 and K2025–255; *Filing Title:* USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 613 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* November 1, 2024; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative:* Alain Brou; *Comments Due:* November 12, 2024.

7. *Docket No(s).:* MC2025–258 and K2025–256; *Filing Title:* USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 618 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* November 1, 2024; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative:* Kenneth Moeller; *Comments Due:* November 12, 2024.

8. *Docket No(s).:* MC2025–259 and K2025–257; *Filing Title:* USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 614 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* November 1, 2024; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative:* Kenneth Moeller; *Comments Due:* November 12, 2024.

9. *Docket No(s).:* MC2025–260 and K2025–258; *Filing Title:* USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 615 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* November 1, 2024; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative:* Kenneth Moeller; *Comments Due:* November 12, 2024.

10. *Docket No(s).:* MC2025–261 and K2025–259; *Filing Title:* USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 616 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* November 1, 2024; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative:* Maxine Bradley; *Comments Due:* November 12, 2024.

11. *Docket No(s).:* MC2025–262 and K2025–260; *Filing Title:* USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage

[1] *See* Docket No. RM2018–3, Order Adopting Final Rules Relating to Non-Public Information, June 27, 2018, Attachment A at 19–22 (Order No. 4679).

Contract 617 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* November 1, 2024; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative:* Jana Slovinska; *Comments Due:* November 12, 2024.

12. *Docket No(s).:* MC2025–263 and K2025–261; *Filing Title:* USPS Request to Add Priority Mail & USPS Ground Advantage Contract 429 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* November 1, 2024; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative:* Christopher Mohr; *Comments Due:* November 12, 2024.

13. *Docket No(s).:* MC2025–264 and K2025–262; *Filing Title:* USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 619 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* November 1, 2024; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative:* Maxine Bradley; *Comments Due:* November 12, 2024.

14. *Docket No(s).:* MC2025–266 and K2025–264; *Filing Title:* USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 620 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* November 1, 2024; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative:* Jana Slovinska; *Comments Due:* November 12, 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. 2024–25915 Filed 11–7–24; 8:45 am]

BILLING CODE 7710–FW–P

POSTAL REGULATORY COMMISSION

[Docket No. C2024–21; Order No. 7884]

Complaint Proceeding

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is acknowledging a document opening a proceeding to consider issues related to the classification of Catherine Commons as a dormitory or residence hall. This document takes other administrative steps.

ADDRESSES: Documents are available electronically via the Commission's Filing Online system at *https://www.prc.gov.*

SUPPLEMENTARY INFORMATION:

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I. Background
II. Ordering Paragraphs

I. Background

Complainants and their affiliates own and operate Catherine Commons, a newly developed four-building complex located in Ithaca, New York. Complainants assert that the Postal Service has unduly or unreasonably discriminated against Catherine Commons in violation of 39 U.S.C. 403(c) by misclassifying it as a dormitory rather than an apartment community. Classification as a dormitory allows the Postal Service to deliver mail in bulk rather than to apartment-type mailboxes, and places responsibility on the building owner for final delivery of mail. Pursuant to 39 U.S.C. 3662(b), the Commission concludes that Complainants have made sufficient allegations that there may be no rational or legitimate basis for classifying Catherine Commons as a dormitory or residence hall and that there are outstanding issues of fact to resolve whether the Postal Service has violated 39 U.S.C. 403(c). The Order grants the Postal Service's Motion to Dismiss on all remaining substantive grounds.[1]

The Commission appoints a presiding officer to preside over the conduct of the proceedings, including scheduling, discovery, potential hearings, and briefing in this matter. The Commission finds good cause to waive the appointment of an officer of the Commission designated to represent the interests of the general public in this proceeding as required by 39 CFR 3022.30(c) because the violations alleged in the Complaint pertain solely to Complainants, who are represented by counsel, rather than the general public.

II. Ordering Paragraphs

It is ordered:

1. The Commission finds that the Complaint of Cook-Coll, LLC and Coll-Cath Associates, LLC, filed August 28, 2024, raises material issues of fact.

2. The United States Postal Service's Motion to Dismiss the Complaint of Cook-Coll, LLC and Coll-Cath Associates, LLC, filed September 17, 2024, is denied on the grounds that the Complaint of Cook-Coll, LLC and Coll-Cath Associates, LLC, filed August 28, 2024, failed to include the certification required by 39 CFR 3022.10(a)(9).

3. The United States Postal Service's Motion to Dismiss the Complaint of Cook-Coll, LLC and Coll-Cath Associates, LLC, filed September 17, 2024, is granted on all remaining grounds except for the claim related to the alleged violation of 39 U.S.C. 403(c).

4. Pursuant to 39 CFR 3010.106, the Commission appoints Laura K. Koepnick as a presiding officer in this proceeding.

5. The Secretary shall arrange for publication of this Order, or abstract thereof, in the **Federal Register**.

By the Commission.

Erica A. Barker,

Secretary.

[FR Doc. 2024–25997 Filed 11–7–24; 8:45 am]

BILLING CODE P

POSTAL REGULATORY COMMISSION

Notice Initiating Docket(s) for Recent Postal Service Competitive Negotiated Service Agreement Filings

(Issued November 5, 2024)

	Docket No.
Competitive Product Prices, Priority Mail Express International, Priority Mail International, First-Class Package International Service & Commercial ePacket Contract 2 (MC2020–157), Negotiated Service Agreements	CP2020–173
Competitive Product Prices, Priority Mail Express International, Priority Mail International & First-Class Package International Service Contract 27 (MC2023–265), Negotiated Service Agreements	CP2023–268

[1] *See* United States Postal Service Motion to Dismiss, September 17, 2024 (Motion to Dismiss).

	Docket No.
Competitive Product Prices, Priority Mail Express International, Priority Mail International & First-Class Package International Service Contracts, Priority Mail Express International, Priority Mail International & First-Class Package International Service Contract 49	MC2025–265
Competitive Product Prices, Priority Mail Express International, Priority Mail International & First-Class Package International Service Contract 49 (MC2025–265), Negotiated Service Agreements	K2025–263
Competitive Product Prices, Priority Mail Express, Priority Mail & USPS Ground Advantage Contracts, Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 621	MC2025–267
Competitive Product Prices, Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 621 (MC2025–267), Negotiated Service Agreements	K2025–265
Competitive Product Prices, Priority Mail Express, Priority Mail & USPS Ground Advantage Contracts, Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 622	MC2025–268
Competitive Product Prices, Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 622 (MC2025–268), Negotiated Service Agreements	K2025–266
Competitive Product Prices, Priority Mail Express, Priority Mail & USPS Ground Advantage Contracts, Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 623	MC2025–269
Competitive Product Prices, Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 623 (MC2025–269), Negotiated Service Agreements	K2025–267
Competitive Product Prices, Priority Mail Express, Priority Mail & USPS Ground Advantage Contracts, Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 624	MC2025–270
Competitive Product Prices, Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 624 (MC2025–270), Negotiated Service Agreements	K2025–268
Competitive Product Prices, Priority Mail & USPS Ground Advantage Contracts, Priority Mail & USPS Ground Advantage Contract 430	MC2025–271
Competitive Product Prices, Priority Mail & USPS Ground Advantage Contract 430 (MC2025–271), Negotiated Service Agreements	K2025–269
Competitive Product Prices, Priority Mail & USPS Ground Advantage Contracts, Priority Mail & USPS Ground Advantage Contract 431	MC2025–272
Competitive Product Prices, Priority Mail & USPS Ground Advantage Contract 431 (MC2025–272), Negotiated Service Agreements	K2025–270
Competitive Product Prices, Priority Mail Express, Priority Mail & USPS Ground Advantage Contracts, Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 625	MC2025–273
Competitive Product Prices, Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 625 (MC2025–273), Negotiated Service Agreements	K2025–271
Competitive Product Prices, Priority Mail Express, Priority Mail & USPS Ground Advantage Contracts, Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 626	MC2025–274
Competitive Product Prices, Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 626 (MC2025–274), Negotiated Service Agreements	K2025–272
Competitive Product Prices, Priority Mail Express, Priority Mail & USPS Ground Advantage Contracts, Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 627	MC2025–275
Competitive Product Prices, Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 627 (MC2025–275),Negotiated Service Agreements	K2025–273
Competitive Product Prices, Priority Mail Express, Priority Mail & USPS Ground Advantage Contracts, Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 628	MC2025–276
Competitive Product Prices, Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 628 (MC2025–276), Negotiated Service Agreements	K2025–274
Competitive Product Prices, Priority Mail Express, Priority Mail & USPS Ground Advantage Contracts, Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 629	MC2025–277
Competitive Product Prices, Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 629 (MC2025–277), Negotiated Service Agreements	K2025–275

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

[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).

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).:* CP2020–173; *Filing Title:* Request of the United States Postal Service Concerning Modification Four to Priority Mail Express International, Priority Mail International, First-Class Package International Service & Commercial ePacket Contract 2 Negotiated Service Agreement, Which Includes an Extension of that Agreement; *Filing Acceptance Date:* November 4, 2024; *Filing Authority:* 39 CFR 3035.105, 39 CFR 3041.505, and 39 CFR 3041.515; *Public Representative:* Katalin Clendenin; *Comments Due:* November 13, 2024.

2. *Docket No(s).:* CP2023–268; *Filing Title:* Request of the United States Postal Service Concerning Modification One to Priority Mail Express International, Priority Mail International & First-Class Package International Service Contract 27, Which Includes an Extension of that Agreement; *Filing Acceptance Date:* November 4, 2024; *Filing Authority:* 39 CFR 3035.105, 39 CFR 3041.505, and 39 CFR 3041.515; *Public Representative:* Katalin Clendenin; *Comments Due:* November 13, 2024.

3. *Docket No(s).:* MC2025–265 and K2025–263; *Filing Title:* USPS Request to Add Priority Mail Express International, Priority Mail International & First-Class Package International Service Contract 49 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* November 4, 2024; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative:* Katalin Clendenin; *Comments Due:* November 13, 2024.

4. *Docket No(s).:* MC2025–267 and K2025–265; *Filing Title:* USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 621 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* November 4, 2024; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative:* Kenneth Moeller; *Comments Due:* November 13, 2024.

5. *Docket No(s).:* MC2025–268 and K2025–266; *Filing Title:* USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 622 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* November 4, 2024; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative:* Kenneth Moeller; *Comments Due:* November 13, 2024.

6. *Docket No(s).:* MC2025–269 and K2025–267; *Filing Title:* USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 623 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* November 4, 2024; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative:* Elsie Lee-Robbins; *Comments Due:* November 13, 2024.

7. *Docket No(s).:* MC2025–270 and K2025–268; *Filing Title:* USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 624 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* November 4, 2024; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative:* Samuel Robinson; *Comments Due:* November 13, 2024.

8. *Docket No(s).:* MC2025–271 and K2025–269; *Filing Title:* USPS Request to Add Priority Mail & USPS Ground Advantage Contract 430 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* November 4, 2024; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative:* Christopher Mohr; *Comments Due:* November 13, 2024.

9. *Docket No(s).:* MC2025–272 and K2025–270; *Filing Title:* USPS Request to Add Priority Mail & USPS Ground Advantage Contract 431 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* November 4, 2024; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative:* Christopher Mohr; *Comments Due:* November 13, 2024.

10. *Docket No(s).:* MC2025–273 and K2025–271; *Filing Title:* USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 625 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* November 4, 2024; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative:* Jennaca Upperman; *Comments Due:* November 13, 2024.

11. *Docket No(s).:* MC2025–274 and K2025–272; *Filing Title:* USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 626 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* November 4, 2024; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative:* Gregory Stanton; *Comments Due:* November 13, 2024.

12. *Docket No(s).:* MC2025–275 and K2025–273; *Filing Title:* USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 627 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* November 4, 2024; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative:* Maxine Bradley; *Comments Due:* November 13, 2024.

13. *Docket No(s).:* MC2025–276 and K2025–274; *Filing Title:* USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 628 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* November 4, 2024; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative:* Maxine Bradley; *Comments Due:* November 13, 2024.

14. *Docket No(s).:* MC2025–277 and K2025–275; *Filing Title:* USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 629 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* November 4, 2024; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative:* Anaswar Jayakumar; *Comments Due:* November 13, 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.

Media Inquiries
Gail Adams,
gail.adams@prc.gov

[FR Doc. 2024–26067 Filed 11–7–24; 8:45 am]

BILLING CODE P

POSTAL SERVICE

International Product Change—Priority Mail Express International, Priority Mail International & First-Class Package International 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 Priority Mail Express International, Priority Mail International & First-Class Package International Service contract to the list of Negotiated Service Agreements in the Competitive Product List in the Mail Classification Schedule.

DATES: *Date of notice:* November 8, 2024.

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 3632(b)(3), on November 4, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express International, Priority Mail International & First-Class Package International Service Contract 49 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2025–265 and K2025–263.

Colleen Hibbert-Kapler,

Attorney, Ethics and Legal Compliance.

[FR Doc. 2024–25939 Filed 11–7–24; 8:45 am]

BILLING CODE 7710–12–P

RAILROAD RETIREMENT BOARD

Proposed Collection; Comment Request

In accordance with the requirement of section 3506 (c)(2)(A) of the Paperwork Reduction Act of 1995 which provides opportunity for public comment on new or revised data collections, the Railroad Retirement Board (RRB) will publish periodic summaries of proposed data collections.

Comments are invited on: (a) Whether the proposed information collection is necessary for the proper performance of the functions of the agency, including whether the information has practical utility; (b) the accuracy of the RRB's estimate of the burden of the collection of the information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden related to the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

1. Title and purpose of information collection: Application for Employee Annuity Under the Railroad Retirement Act; OMB 3220–0002.

Section 2(a) of the Railroad Retirement Act (RRA) (45 U.S.C. 231a) provides for payments of age and service, disability, and supplemental annuities to qualified employees. An annuity cannot be paid until the employee stops working for a railroad employer. In addition, the age and service employee must relinquish any rights held to such jobs. A disabled employee does not need to relinquish employee rights until attaining Full Retirement Age, or if earlier, when their spouse is awarded a spouse annuity. Benefits become payable after the employee meets certain other requirements, which depend on the type of annuity payable. The requirements for obtaining the annuities are prescribed in 20 CFR parts 216 and 220.

To collect the information needed to help determine an applicant's entitlement to, and the amount of, an employee retirement annuity the RRB uses Forms AA–1, *Application for Employee Annuity;* AA–1d, *Application for Determination of Employee Disability;* G–204, *Verification of Workers Compensation/Public Disability Benefit Information,* and electronic Forms AA–1cert, *Application Summary and Certification,* AA–1sum, *Application Summary, and* AA–1 (internet), *Application for Employee Annuity.*

The AA–1 application process obtains information from an applicant about their marital history, work history, military service, benefits from other governmental agencies, railroad pensions and Medicare entitlement for either an age and service or disability annuity. An RRB representative interviews the applicant either at a field office, an itinerant point, or by telephone. During the interview, the RRB representative enters the information obtained into an on-line information system. Upon completion of the interview, the on-line information system generates Form AA–1cert, *Application Summary and Certification,* or Form AA–1sum, *Application Summary,* a summary of the information that was provided for the applicant to review and approve. Form AA–1cert documents approval using the traditional pen and ink ''wet'' signature, and Form AA–1sum documents approval using the alternative signature method called Attestation. When the RRB representative is unable to contact the applicant in person or by telephone, for example, the applicant lives in another country, a manual version of Form AA–1 is used.

Form AA–1d, *Application for Determination of Employee's Disability,* is completed by an employee who is filing for a disability annuity under the RRA, or a disability freeze under the Social Security Act, for early Medicare based on a disability. Form G–204, *Verification of Worker's Compensation/Public Disability Benefit Information,* is used to obtain and verify information concerning a worker's compensation or a public disability benefit that is or will be paid by a public agency to a disabled railroad employee. Form AA–1 (internet) can be completed by the applicant and submitted through the RRB's website at *www.rrb.gov.* One response is requested of each respondent. Completion of the forms is required to obtain/retain a benefit. The RRB proposes no changes to Form AA–1, Form AA–1 (internet), Form AA–1cert, AA–1sum and Form G–204.

The RRB proposes the following changes to Form AA–1d:

- Section 1, General Instructions, the date is being updated to 06/06/24,
- Section 6, Information About Your Daily Activities, add ''Sleeping'' to the activity list for question 34,
- Section 6, Information about Your Daily Activities, add a question 35b, ''Describe and explain if your condition affects your memory, concentration, or ability to understand and follow instructions. (Include when this change began.)'',
- Section 7, Information About Your Work and Earnings, question 43, update to 12–2024 in example,
- Section 11, Certification, question 63, remove the word ''criminal'' from the sentence to read ''I know that if I am receiving a disability annuity and fail to report work and earnings promptly, I am committing a crime punishable by Federal law that may result in prosecution and/or penalty deductions in my annuity payments'',
- Corrected the abbreviation word ''Cont.'' to ''Continued'' throughout form, and
- Correct grammar, spacing, heading and other issues within the form for consistency.

ESTIMATE OF ANNUAL RESPONDENT BURDEN

Form No.	Annual responses	Time (minutes)	Burden (hours)
AA–1 (without assistance)	30	62	31
AA–1cert (with assistance)	5,425	30	2,712
AA–1sum (with assistance)	2,750	29	1,329
AA–1 (internet) (without assistance)	0	45	0
AA–1d (with assistance)	2,600	60	2,600
AA–1d (without assistance)	5	90	7
G–204	20	15	5
Total	10,830		6,902

2. *Title and purpose of information collection:* Application for Survivor Insurance Annuities; OMB 3220–0030.

Under section 2(d) of the Railroad Retirement Act (RRA) (45 U.S.C. 231a), monthly survivor annuities are payable to surviving widow(er)s, parents, unmarried children, and in certain cases, divorced spouses, mothers (fathers), remarried widow(er)s, and grandchildren of deceased railroad employees if there are no qualified survivors of the employee immediately eligible for an annuity. The requirements relating to the annuities are prescribed in 20 CFR parts 216, 217, 218, and 219.

To collect the information needed to help determine an applicant's entitlement to, and the amount of, a survivor annuity the RRB uses Forms AA–17, *Application for Widow(er)'s Annuity;* AA–17b, *Applications for Determination of Widow(er)'s Disability;* AA–18, *Application for Mother's/Father's and Child's Annuity;* AA–19, *Application for Child's Annuity;* AA–19a, *Application for Determination of Child's Disability;* AA–20, *Application for Parent's Annuity,* and electronic Forms AA–17cert, *Application Summary and Certification* and AA–17sum, *Application Summary.*

The on-line automated survivor annuity application (Forms AA–17, AA–18, AA–19, and AA–20) process obtains information about an applicant's marital history, work history, benefits from other government agencies, and Medicare entitlement for a survivor annuity. An RRB representative interviews the applicant either at a field office (preferred), an itinerant point, or by telephone. During the interview, the RRB representative enters the information obtained into an on-line information system. Upon completion of the interview, the system generates, for the applicant's review, either Form AA–17cert or AA–17sum, which provides a summary of the information that the applicant provided or verified. Form AA–17cert, *Application Summary and Certification,* requires a tradition pen and ink ''wet'' signature. Form AA–17sum, *Application Summary,* documents the alternate signing method called ''Attestation,'' which is an action taken by the RRB representative to confirm and annotate in the RRB records (1) the applicant's intent to file an application; (2) the applicant's affirmation under penalty of perjury that the information provided is correct; and (3) the applicant's agreement to sign the application by proxy. When the RRB representative is unable to contact the applicant in person or by telephone, for example, the applicant lives in another country, a manual version of the appropriate form is used. One response is requested of each respondent. Completion of the forms is required to obtain a benefit.

The RRB proposes no changes to forms AA–17cert.

The RRB proposes the following changes to Form AA–17b:

- Section 1, General Instructions, the date is being updated to 12/13/24,
- Section 6, Information About Your Daily Activities, remove the word ''even'' from question 33 in sentence ''NOT AT ALL—I cannot do the activity even with or without assistance'',
- Section 6, Information About Your Daily Activities, add ''Sleeping'' to the activity list for question 33,
- Section 6, Information About Your Daily Activities, rename question 34 to be question 34a,
- Section 6, Information about Your Daily Activities, add a question 34b, ''Describe and explain if your condition affects your memory, concentration, or ability to understand and follow instructions. (Include when this change began.)'',
- Section 7, Information About Your Work and Earnings, question 46, update to 12–2024 in example,
- Section 10, Certification, question 65, remove the word ''criminal'' from the sentence to read ''I know that if I am receiving a disability annuity and fail to report work and earnings promptly, I am committing a crime punishable by Federal law that may result in prosecution and/or penalty deductions in my annuity payments'', and
- Correct grammar, spacing, and heading issues within the form for consistency

The RRB proposes the following changes to Form AA–19a:

- Section 1, General Instructions, the date is being updated to 12/13/24,
- Section 5, Information About Your Daily Activities, remove the word ''even'' from question 28 in sentence ''NOT AT ALL—I cannot do the activity even with or without assistance'',
- Section 5, Information About The Child's Daily Activities, add ''Sleeping'' to the activity list for question 28.
- Section 5, Information About The Child's Daily Activities, rename question 29 to be question 29a.
- Section 5, Information about Your Daily Activities, add a question 29b, ''Describe and explain if your condition affects your memory, concentration, or ability to understand and follow instructions. (Include when this change began.)''
- Section 7, Information About Your Work and Earnings, question 74, update to 12–2024 in example.
- Section 10, Certification, question 99, remove the word ''criminal'' from the sentence to read ''I know that if I am receiving a disability annuity and fail to report work and earnings promptly, I am committing a crime punishable by Federal law that may result in prosecution and/or penalty deductions in my annuity payments'', and
- Correct grammar, spacing, and heading issues within the form for consistency.

The RRB proposes minor changes to the Form AA–17sum:

- Update the outdated office hours with a link to the RRB website and the toll-free number, and
- Remove the date that the applicant would be notified of a decision in the application process.

ESTIMATE OF ANNUAL RESPONDENT BURDEN

Form No.	Annual responses	Time (minutes) 1/	Burden (hours)
AA–17 Application Process:			
AA–17cert	900	20	300
AA–17sum	2,100	19	665
AA–17b:			
(With assistance)	175	50	146
(Without assistance)	20	60	18
AA–19a:			
(With assistance)	200	50	167
(Without assistance)	15	70	18
Total	3,410		1,314

3. *Title and purpose of information collection:* Continuing Disability Report; OMB 3220–0187.

Under Section 2 of the Railroad Retirement Act (45 U.S.C. 231a), an annuity is not payable or is reduced for any month in which the annuitant works for a railroad or earns more than prescribed dollar amounts from either non-railroad employment or self-employment. Certain types of work may indicate an annuitant's recovery from disability. The provisions relating to the reduction or non-payment of an annuity by reason of work, and an annuitant's recovery from disability for work, are prescribed in 20 CFR 220.17–220.20. The RRB conducts continuing disability reviews (CDR) to determine whether an annuitant continues to meet the disability requirements of the law. Provisions relating to when and how often the RRB conducts CDR's are prescribed in 20 CFR 220.186.

Form G–254, *Continuing Disability Report,* is used by the RRB to develop information for a CDR determination, including a determination prompted by a report of work, return to railroad service, allegation of medical improvement, or a routine disability review call-up.

The RRB proposes the following changes to Form G–254:

- Section 5, Information about Your Condition before Full Retirement Age, remove the word ''even'' from question 31a in sentence ''NOT AT ALL—I cannot do the activity even with or without assistance'',
- Section 5, Information about Your Condition before Full Retirement Age, add ''Sleeping'' to the activity list for question 31a,
- Section 5, Information about Your Condition before Full Retirement Age, add a question 31e, ''Describe and explain if your condition affects your memory, concentration, or ability to understand and follow instructions. (Include when this change began.)'', and
- Correct grammar, spacing, and heading issues within the form for consistency.

Form G–254a, Continuing Disability Update Report, is used to help identify a disability annuitant whose work activity and/or recent medical history warrants completion of Form G–254 for a more extensive review. The RRB proposes no changes to Form G–254a.

ESTIMATE OF ANNUAL RESPONDENT BURDEN

Form No.	Annual responses	Time (minutes) 1/	Burden (hours)
G–254:			
Annuitant	900	40	600
Employer verification	100	5	8
Doctor, hospital, or clinic verification	100	5	8
Vocational, Rehabilitation Counselor verification	100	5	8
Other governmental agency verification	100	5	8
School verification	100	5	8
G–254a	1,350	5	113
Total	2,750		753

Additional Information or Comments: To request more information or to obtain a copy of the information collection justification, forms, and/or supporting material, contact Kennisha Money at (312) 469–2591 or *Kennisha.Money@rrb.gov.* Comments regarding the information collection should be addressed to Brian Foster, Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois 60611–1275 or emailed to *Brian.Foster@rrb.gov.* Written comments should be received within 60 days of this notice.

Brian Foster,

Clearance Officer.

[FR Doc. 2024–26068 Filed 11–7–24; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–101511; File No. SBSDR–2023–01]

Security-Based Swap Data Repositories; KOR Reporting, Inc.; Order Approving Application for Registration as a Security-Based Swap Data Repository

November 4, 2024.

I. Introduction

On January 26, 2023, KOR Reporting, Inc. (''KOR'') filed with the Securities and Exchange Commission (''Commission'') an application (the ''KOR Application'') on Form SDR to register as a security-based swap data repository (''SDR'') pursuant to section 13(n)(1) of the Securities Exchange Act of 1934 (''Exchange Act'') and 17 CFR 240.13n–1 (''Rule 13n–1'') thereunder,[1] and as a securities information processor (''SIP'') under section 11A(b) of the Exchange Act.[2] KOR intends to operate as a registered SDR for security-based swap (''SBS'') transactions in the equity, credit, and interest rate derivatives asset classes. KOR subsequently filed amendments to its application on the following dates: August 11, 2023, and February 23, 2024.[3]

Notice of the KOR Application was published in the **Federal Register** for public comment on August 7, 2024,[4] and the Commission received no comment letters in response. As discussed in Parts III and IV below, the Commission has carefully reviewed the KOR Application. This order grants KOR's application to register as an SDR in the asset classes noted above and as a SIP.

II. Background

A. SDR Registration, Duties, and Core Principles

Section 13(n) of the Exchange Act makes it unlawful for any person, unless registered with the Commission, directly or indirectly, to make use of the mails or any means or instrumentality of interstate commerce to perform the functions of an SDR.[5] To be registered and maintain registration, an SDR must comply with certain requirements and core principles described in section 13(n), as well as any requirements that the Commission may impose by rule or regulation.[6] In 2015, the Commission adopted 17 CFR 240.13n–1 to 13n–12 under the Exchange Act to establish Form SDR, the procedures for registration as an SDR, and the duties and core principles applicable to an SDR (''SDR Rules'').[7] The Commission provided a temporary exemption from compliance with the SDR Rules and also extended exemptions from the provisions of the Dodd-Frank Wall Street Reform and Consumer Protection Act (''Dodd-Frank Act'')[8] set forth in a Commission order providing temporary exemptions and other temporary relief from compliance with certain provisions of the Exchange Act concerning security-based swaps, and these temporary exemptions expired in 2017.[9]

The Commission also has adopted 17 CFR 242.900 to 909 under the Exchange Act (collectively, ''Regulation SBSR''), which governs regulatory reporting and public dissemination of security-based swap transactions.[10] Among other things, Regulation SBSR requires each registered SDR to register with the Commission as a SIP,[11] and the Form SDR constitutes an application for registration as a SIP, as well as an SDR.[12]

In 2019, the Commission stated that implementation of the SBS Reporting Rules can and should be done in a manner that carries out the fundamental policy goals of the SBS Reporting Rules while minimizing burdens as much as practicable.[13] Noting ongoing concerns among market participants about incurring unnecessary burdens and the Commission's efforts to promote harmonization between the SBS Reporting Rules and swap reporting rules, the Commission took the position that, for four years following Regulation SBSR's Compliance Date 1 in each asset class,[14] certain actions with respect to the SBS Reporting Rules would not provide a basis for a Commission enforcement action.[15] The no-action statement's relevance to KOR's application for registration as an SDR and SIP is discussed further below.

B. Standard for Registration

As stated above, to be registered with the Commission as an SDR and maintain such registration, an SDR is required to comply with the requirements and core principles described in section 13(n) of the Exchange Act, as well as with any requirement that the Commission may impose by rule or regulation.[16] In addition, Rule 13n–1(c)(3) under the Exchange Act provides that the Commission shall grant the registration of an SDR if it finds that the SDR is so organized, and has the capacity, to be able to: (i) assure the prompt, accurate, and reliable performance of its functions as an SDR; (ii) comply with any applicable provisions of the securities laws and the rules and regulations thereunder; and (iii) carry out its functions in a manner consistent with the purposes of section 13(n) of the Exchange Act and the rules and regulations thereunder.[17] The Commission shall deny the registration of an SDR if it does not make any such finding.[18] Similarly, to be registered with the Commission as a SIP, the Commission must find that such applicant is so organized, and has the capacity, to be able to assure the prompt, accurate, and reliable performance of its functions as a SIP, comply with the provisions of the Exchange Act and the rules and regulations thereunder, carry out its functions in a manner consistent with the purposes of the Exchange Act, and, insofar as it is acting as an exclusive

[1] 15 U.S.C. 78m(n)(1); 17 CFR 240.13n–1. A copy of KOR's application on Form SDR and non-confidential exhibits thereto are available for public viewing on the Commission's website.

[2] 15 U.S.C. 78k–1(b).

[3] The amendments to KOR's application were filed to update certain exhibits, including those addressing the disclosure document, financial statements, and fee schedule. Any reference to the KOR Application in this order means the January 26, 2023 application, as amended by the amendments received on August 11, 2023 and February 23, 2024.

[4] Release No. 34–100638 (Aug. 2, 2024), 89 FR 64526 (Aug. 7, 2024) (''KOR Notice'').

[5] 15 U.S.C. 78m(n).

[6] *See id.*

[7] *See* Release No. 34–74246 (Feb. 11, 2015), 80 FR 14438, 14438 (Mar. 19, 2015) (''SDR Adopting Release''). In 2016, the Commission subsequently amended 17 CFR 240.13n–4 to address third-party regulatory access to SBS data obtained by an SDR. *See* Release No. 34–78716 (Aug. 29, 2016), 81 FR 60585 (Sept. 2, 2016).

[8] 12 U.S.C. 5301.

[9] *See* Release No. 34–80359 (Mar. 31, 2017), 82 FR 16867 (Apr. 6, 2017).

[10] Release No. 34–74244 (Feb. 11, 2015), 80 FR 14563 (Mar. 19, 2015); Release No. 34–78321 (July 14, 2016), 81 FR 53546 (Aug. 12, 2016). Regulation SBSR and the SDR Rules are referred to collectively as the ''SBS Reporting Rules.''

[11] *See* 17 CFR 242.909.

[12] *See* Form SDR, Instruction 2.

[13] Release No. 34–87780 (Dec. 18, 2019), 85 FR 6270, 6347 (Feb. 4, 2020) (''ANE Adopting Release'').

[14] *See id.* Under Regulation SBSR, the first compliance date (''Compliance Date 1'') for affected persons with respect to an SBS asset class is the first Monday that is the later of: (i) six months after the date on which the first SDR that can accept transaction reports in that asset class registers with the Commission; or (ii) one month after the compliance date for registration of SBS dealers and major SBS participants (''SBS entities''). *Id.* at 6346. The compliance date for registration of SBS entities is Oct. 6, 2021. *See id.* at 6270, 6345.

[15] *See id.* The specific rule provisions of the SBS Reporting Rules affected by the no-action statement are discussed in Part II.B.

[16] *See* 15 U.S.C. 78m(n)(3).

[17] 17 CFR 240.13n–1(c)(3).

[18] *See id.*

processor, operate fairly and efficiently.[19]

In determining whether an applicant meets the criteria set forth in Rule 13n–1(c), the Commission will consider the information reflected by the applicant on its Form SDR, as well as any additional information obtained from the applicant. For example, Form SDR requires an applicant to provide a list of the asset classes for which the applicant is collecting and maintaining data or for which it proposes to collect and maintain data, a description of the functions that it performs or proposes to perform, general information regarding its business organization, and contact information.[20] Obtaining this information and other information reflected on Form SDR and the exhibits thereto—including the applicant's overall business structure, financial condition, track record in providing access to its services and data, technological reliability, and policies and procedures to comply with its statutory and regulatory obligations—will enable the Commission to determine whether to grant or deny an application for registration.[21] Furthermore, the information requested in Form SDR will enable the Commission to assess whether the applicant is so organized and has the capacity to comply and carry out its functions in a manner consistent with the Federal securities laws and the rules and regulations thereunder, including the SBS Reporting Rules.[22]

Consistent with the Commission's no-action statement in the ANE Adopting Release,[23] an entity wishing to register with the Commission as an SDR must still submit an application on Form SDR but can address the rule provisions included in the no-action statement by discussing how the SDR complies with comparable Commodity Futures Trading Commission (''CFTC'') requirements.[24] Accordingly, in such instances the Commission will not assess an SDR application for consistency or compliance with the rule provisions included in the Commission's no-action statement. Specifically, the Commission identified the following provisions as not providing a basis for an enforcement action against a registered SDR for the duration of the relief provided in the Commission statement: under Regulation SBSR, aspects of 17 CFR 242.901(a), 901(c)(2) through (7), 901(d), 901(e), 902, 903(b), 906(a) and (b), and 907(a)(1), (a)(3), and (a)(4) through (6); under the SDR Rules, aspects of section 13(n)(5)(B) of the Exchange Act and 17 CFR 240.13n–4(b)(3) thereunder, and aspects of 17 CFR 240.13n–5(b)(1)(iii); and under section 11A(b) of the Exchange Act, any provision pertaining to SIPs.[25] Thus, an SDR applicant will not need to include materials in its application explaining how it would comply with the provisions stated above, and could instead rely on its discussion about how it complies with comparable CFTC requirements.[26] The applicant may instead represent in its application that it: (i) is registered with the CFTC as a swap data repository; (ii) is in compliance with applicable requirements under the swap reporting rules; (iii) satisfies the standard for Commission registration of an SDR under Rule 13n–1(c); and (iv) intends to rely on the no-action statement included in the ANE Adopting Release for the period set forth in the ANE Adopting Release with respect to any SBS asset class or classes for which it intends to accept transaction reports.[27]

III. Review of the KOR Application Under SBS Reporting Rules

As stated above, KOR intends to operate as a registered SDR for the equity, credit, and interest rate derivatives asset classes.[28] In its application, KOR represents that it is provisionally registered with the CFTC as a swap data repository,[29] is in compliance with applicable requirements under the CFTC reporting rules applicable to a registered swap data repository, and intends to rely on the Commission's position outlined in the ANE Adopting Release for applicable reporting rules and SDR duties for the period set forth therein.[30] Below is a review of the representations made in the application materials for the KOR security-based swap data repository (''KOR SBSDR'') under the SBS Reporting Rules, taking into account KOR's reliance on the Commission's position outlined in the ANE Adopting Release.[31]

A. Organization and Governance

1. Summary of KOR's Application

KOR is a Delaware corporation and along with its affiliate, KOR Financial Inc. (''KOR Financial''), is a wholly owned subsidiary of KOR US Holdings, Inc. (''KOR Holdings'').[32] KOR is governed by a board of directors (''KOR Board'').[33] The KOR Board is composed of at least three Directors with a majority being independent Directors and at least one director being a ''Public Director'' as defined in applicable CFTC regulations.[34] According to the KOR Rulebook, KOR Board members should have the characteristics essential for effectiveness as a member of the Board, including but not limited to: (a) integrity, objectivity, sound judgment and leadership; (b) the relevant expertise and experience required to offer advice and guidance to the Chief Executive Officer and other members of senior management; (c) the ability to make independent analytical inquiries; (d) the ability to collaborate effectively and contribute productively to the Board's discussions and deliberations; (e) an understanding of the company's business, strategy and challenges; (f) the willingness and ability to devote adequate time and effort to Board responsibilities and to serve on Committees at the request of the Board; and (g) not being a disqualified person.[35] The KOR Board is composed of individuals selected from the following groups: employees of KOR, clients with derivatives industry experience, independents, and members of senior management.[36] According to the KOR Application, representatives of market participants, including end-users, are provided the opportunity to participate in the process for nominating directors with the right to petition for alternative candidates.[37]

[19] *See* 15 U.S.C. 78k–1(b)(3).

[20] *See* SDR Adopting Release, *supra* note 7, at 14459.

[21] *See id.* at 14458.

[22] *See id.* at 14458–59.

[23] *See supra* notes 12–14 and accompanying text.

[24] *See supra* note 14.

[25] The ANE Adopting Release provides additional discussion of the particular aspects of the affected rules that would not provide a basis for an enforcement action. *See* ANE Adopting Release, *supra* note 12, at 6347–48.

[26] *See id.* at 6348.

[27] *See id.* For example, an applicant need not describe in Exhibit S its functions as a SIP.

[28] *See* Rulebook, Ex. HH, sec. 0.1; *see also* Form SDR.

[29] *See* 17 CFR 49.3(b) (providing that the CFTC may grant provisional registration of a swap data repository if such applicant is in substantial compliance with the standards set forth in 17 CFR 49.3(a)(4) and is able to demonstrate operational capability, real-time processing, multiple redundancy and robust security controls); 17 CFR 49.3(a)(4) (setting forth the standard for approval for granting registration to a swap data repository).

[30] *See* Form SDR, cover letter from Tara Collier Manuel, Chief Compliance Officer and Head of Regulatory Products, KOR Reporting, Inc.

[31] Capitalized terms not defined in this order are defined in the KOR Application.

[32] *See* Rulebook, Ex, HH, sec 0.1; *see also* Form SDR; KOR Reporting Inc. Certificate of Incorporation, Ex. E–1, sec. 1.0.

[33] *See* KOR SEC SBSDR Disclosure Document v1.2, Ex. GG–2, sec. 9.0.

[34] *See* Rulebook, Ex. HH, sec. 3.2.2; *see also* Bylaws for KOR Reporting, Inc., Ex. E–2, sec. 1.6.

[35] *See* Rulebook, Ex. HH, sec. 3.2.3; *see also* Governance Principles, Ex. D–1, sec. 3.4.1; KOR SEC SBSDR Disclosure Document v1.2, Ex. GG–2, sec. 9.1.2.3.

[36] *See* Rulebook, Ex. HH, sec. 3.2.2; *see also* Governance Principles, Ex. D–1, sec. 3.2.

[37] *See* Rulebook, Ex. HH, sec. 3.2.2.

The KOR Board will review annually the relationships that each Director has with KOR (either directly or as a partner, equity holder or officer of an organization that has a relationship with KOR).[38] According to KOR, following such annual review, only those Directors who the KOR Board affirmatively determines have no material relationship with KOR (either directly or as a partner, equity holder or officer of an organization that has a relationship with KOR) will be considered Independent Directors, subject to additional qualifications prescribed by applicable law.[39]

According to KOR, the KOR Board's principal oversight functions are to: (a) review, approve, and monitor KOR's major strategic financial business activities and opportunities, including declarations of dividends and major transactions; (b) review, approve and monitor the KOR's annual budget; (c) review, monitor and take reasonable actions with respect to KOR's financial performance; (d) review, assess, and provide oversight of KOR's risk management practices, the integrity and adequacy of its enterprise risk management program, which is designed to identify, manage, and plan for the KOR SBSDR, compliance, financial, operational, reputational, and strategic and commercial risks; (e) select, evaluate and compensate the Chief Compliance Officer and, if necessary, appoint a replacement; and (f) review and monitor plans for the succession of the Chief Executive Officer (''CEO'') and other members of senior management.[40]

In addition, the application provides that the KOR Board is responsible for the appointment and removal of the Chief Compliance Officer (''CCO'') and approval of CCO compensation, which is at the discretion of the Board and effected by a majority vote.[41] The CCO is responsible for overseeing the KOR SBSDR Compliance Department and ensuring compliance with the applicable rules.[42] The CCO consults with the CEO on the adequacy of resources and makes recommendations where needed.[43] The CCO has supervisory authority to inspect books and records and interview KOR SBSDR employees. Upon identification of a potential violation of any regulatory requirement or internal policy or procedure, the CCO is responsible for taking steps to investigate and remediate any such matter.[44]

According to KOR, the KOR Board has adopted a Conflict of Interest Policy that incorporates various provisions of applicable corporate law and other standards adopted by KOR to ensure that KOR Board and committee decisions are not impacted by conflicts of interests.[45] With regard to director conflicts of interest, the application provides that a director conflict is present whenever the interests of KOR compete with the interests of a director or any party associated with a director and interfere with the director's ability to impartially vote on the matter pending before the KOR Board.[46] A director's interest may be direct or indirect through business investment or on ''immediate family member'' (defined as a person's spouse, domestic partner, parents, stepparents, children, stepchildren, siblings, mothers and fathers-in-law, sons and daughters-in-law and brothers and sisters-in-law and anyone residing in such person's home (other than a tenant or employee)).[47] The application also provides that any director who believes he or she may have a conflict of interest relating to a matter pending before the KOR Board or any committee must provide written notification to the CCO, General Counsel, the Board Chairman, and the CEO prior to consideration of the matter by the KOR Board or committee.[48] The notice should include all relevant material facts to enable the KOR Board or Board committee, in consultation with the CCO, General Counsel and outside legal counsel, if necessary, to determine whether a conflict of interest exists.[49]

The application further provides that in the event the KOR Board or committee determines the director has a conflict of interest or the appearance of a conflict of interest, the KOR Board or committee, after consultation with the General Counsel and outside legal counsel, if necessary, shall determine the appropriate action to be taken.[50] As a general matter, KOR believes it is appropriate for a director to abstain from voting on a matter in which he or she has an actual conflict of interest or the appearance of a conflict of interest.[51] The recusal from voting shall be mandatory when it is deemed appropriate.[52] In the event a director abstains because of a conflict of interest, the abstention shall be noted in the minutes of the meeting.[53] In addition to this policy, directors who serve on any committee established under KOR's rules must also follow the procedure set forth in the applicable Rulebook.[54]

2. Discussion

Section 13(n)(7)(B) of the Exchange Act and Rule 13n–4(c)(2) thereunder require an SDR to establish governance arrangements that are transparent to fulfill public interest requirements and to support the objectives of the Federal Government, owners, and participants.[55] In addition, Rule 13n–4(c)(2) requires an SDR to (i) establish well-defined governance arrangements that include a clear organizational structure with effective internal controls; (ii) establish governance arrangements that provide for fair representation of market participants; (iii) provide representatives of market participants, including end-users, with the opportunity to participate in the process for nominating directors and with the right to petition for alternative candidates; and (iv) establish, maintain, and enforce written policies and procedures reasonably designed to ensure that senior management and each member of the board or committee that has authority to act on behalf of the board possess requisite skills and expertise to fulfill their responsibilities in the management and governance of the SDR, have a clear understanding of their responsibilities, and exercise sound judgment about the SDR's affairs.[56]

Furthermore, Rule 13n–4(b)(11) requires an SDR to designate an individual to serve as CCO, and Rule 13n–11(a) requires the SDR to identify on Form SDR the person so

[38] *See* Rulebook, Ex. HH, sec. 3.2.4; *see also* Governance Principles, Ex. D–1, sec. 3.5; KOR SEC SBSDR Disclosure Document v1.2, Ex. GG–2, sec. 9.1.2.4.

[39] *See* Rulebook, Ex. HH, sec. 3.2.4; *see also* Governance Principles, Ex. D–1, sec. 3.5; Narrative explaining fitness standards of the Board, Ex. D–3, sec. 3.0; KOR SEC SBSDR Disclosure Document v1.2, Ex. GG–2, sec. 9.1.2.4.

[40] *See* Rulebook, Ex. HH, sec. 3.1.1; *see also* Governance Principles, Ex. D–1, sec. 2.0; KOR SEC SBSDR Disclosure Document v1.2, Ex. GG–2, sec. 9.1.1.1.

[41] *See* Rulebook, Ex. HH, sec. 12.1; *see also* Governance Principles, Ex. D–1, sec. 14.2.

[42] *See* Rulebook, Ex. HH, sec. 12.2; *see also* Personnel Qualification, Ex. P, sec. 2.2.

[43] *See* Rulebook, Ex. HH, sec. 12.2.

[44] *See id.*

[45] *See* Rulebook, Ex. HH, sec 3.2.5; *see also* Board of Directors Conflicts of Interest Policy, Ex. J–2, sec. 1.0; Governance Principles, Ex. D–1, sec. 4.0; KOR SEC SBSDR Disclosure Document v1.2, Ex. GG–2, sec. 9.1.2.5.

[46] *See* Rulebook, Ex. HH, sec. 11.2; *see also* Board of Directors Conflicts of Interest Policy, Ex. J–2, sec. 2.0.

[47] *See* Board of Directors Conflicts of Interest Policy, Ex. J–2, sec. 3.0.

[48] *See id.*

[49] *See id.*

[50] *See id.*

[51] *See id.*

[52] *See id.*

[53] *See id.*

[54] *See id.*

[55] 15 U.S.C 78m(n)(7)(B); 17 CFR 240.13n–4(c)(2).

[56] 17 CFR 240.13n–4(c)(2)(i)–(iv).

designated.[57] Rule 13n–11(a) also requires that the compensation, appointment, and removal of the CCO shall require approval of a majority of the SDR's board of directors.[58] Rule 13n–11(c) requires the CCO to: (i) report directly to the board of directors or to the senior officer; (ii) review compliance with section 13(n) of the Exchange Act and the rules thereunder; (iii) in consultation with the board or the senior officer, take reasonable steps to resolve any material conflicts of interest; (iv) be responsible for administering the policies and procedures required by section 13(n) of the Exchange Act and the rules thereunder; (v) take reasonable steps to ensure compliance with the Exchange Act and the SDR Rules thereunder; (vi) establish procedures for the remediation of noncompliance; and (vii) establish and follow appropriate procedures for the handling, management response, remediation, retesting, and closing of noncompliance issues.[59]

Additionally, section 13(n)(7)(C) of the Exchange Act requires an SDR to establish and enforce rules to minimize conflicts of interest in the decision-making process of the SDR and establish a process for resolving any such conflicts of interest.[60] Rule 13n–4(c)(3) under the Exchange Act provides that an SDR must: (i) establish, maintain, and enforce written policies and procedures reasonably designed to identify and mitigate potential and existing conflicts of interest in the SDR's decision-making process on an ongoing basis; (ii) with respect to the decision-making process for resolving any conflicts of interest, require the recusal of any person involved in such conflict from such decision-making; and (iii) establish, maintain, and enforce written policies and procedures regarding the SDR's non-commercial and/or commercial use of the SBS transaction information that it receives.[61]

The Commission received no comments on the KOR Notice. As described above, the KOR Application includes provisions for the representation of market participants in the governance arrangements, as well as procedures providing an opportunity to participate in the process for nominating directors and the right to petition for alternative candidates. In addition, the KOR Application includes policies and procedures that set standards for the skills and expertise possessed by the KOR Board.

More generally, the KOR Application sets forth an organizational structure that is clear and includes provisions for internal controls. The KOR Application includes provisions for a CCO that has been designated by the KOR Board and whose compensation, appointment, and removal is set by the KOR Board. In addition, the KOR Application includes policies and procedures that require the CCO to report to the senior officer and be responsible for maintaining compliance with applicable Commission rules, investigating any suspected violations thereof, and overseeing any necessary remediation. The KOR Application includes policies and procedures that identify and mitigate conflicts of interest, require the recusal from decision-making of members of the KOR Board when involved in a conflict, and delineate the commercial and non-commercial use of SBS transaction information received.

B. Access and Information Security

1. Summary of KOR's Application

According to KOR, access to and usage of its SDR service will be available to all market participants on a fair, open, and equal basis.[62] The application provides that KOR does not and will not bundle or tie the offering of mandated regulatory services with ancillary services offered by KOR or a KOR affiliate.[63] Further, KOR imposes the following qualification on clients of its services: (i) a valid Legal Entity Identifier (''LEI''), (ii) execution of membership documents, such as the KOR Universal Services Agreement (''KOR SA'')[64] and applicable Addendums, (iii) compliance with the KOR SBSDR Rulebook and KOR Technical Specifications as published by KOR, and (iv) successful passing of KOR Know Your Customer (KYC) procedures, which include compliance with Applicable Law, specifically those related to sanctions administered and enforced by the Office of Foreign Assets Control of the U.S. Department of the Treasury (''OFAC'').[65]

To be granted access to the KOR system, receive trade information, confirm or verify transactions, submit messages, or receive reports, a market participant must be an onboarded user.[66] Users are required to maintain at least two Administrative Users on the KOR System; Administrative Users are responsible for creating, managing, and removing access to their company's users and to other clients who are eligible to access the KOR System on behalf of the client including firms that have Third-Party Client access.[67]

To participate in the SDR services offered by KOR, each client will be required to enter into a KOR SA; by entering into the KOR SA each client agrees to be bound by the terms of the KOR SA, the KOR Rulebook, and any published policies and guides.[68] In addition, the KOR Rulebook provides that where a client has authorized (i) a Delegated Reporter (a Third-Party Reporter or Related Entity Client under the same Parent) to submit on its behalf and access its data or (ii) a Third-Party Client to access its data, but not submit on its behalf, KOR will provide access to the Delegated Reporter or Third-Party Client so long as it has executed the appropriate KOR SA and applicable addendums and the client has granted permission through the Client Portal.[69] Any market participant that has executed a Client Agreement may access SBSDR Data to which they are a party or for which they have been granted access on behalf of a client.[70] Access to the KOR System is strictly limited to active users with valid permissions created by their client's Administrative User.[71] Once set up, users will be provided logins and the ability to access data in the KOR System.[72] Access is driven off the client's LEIs for which the user has been associated.[73] Users may be granted access to multiple LEIs under the same Parent as related entities.[74] A client's designated Administrative Users

[57] 17 CFR 240.13n–4(b), 13n–11(a).

[58] 17 CFR 240.13n–11(a).

[59] 17 CFR 240.13n–11(c)(1)–(7).

[60] 15 U.S.C. 78m(n)(7)(C)(i), (ii).

[61] 17 CFR 240.13n–4(c)(3)(i)–(iii).

[62] *See* Rulebook, Ex. HH, sec. 4.1; *see also* Access Limiting Criteria, Ex. V, sec. 1.0; Client Access Requirements, Ex. W, sec. 2.1; Client Onboarding and Access Guide, Ex. X, sec. 1.0.

[63] *See* Rulebook, Ex. HH, sec. 4.1; *see also* Access Limiting Criteria, Ex. V, sec. 1.0; Client Access Requirements, Ex. W, sec. 2.1; Client Onboarding and Access Guide, Ex. X, sec. 1.0.

[64] *See* KOR Universal Services Agreement, Ex. I–2.

[65] *See* Rulebook, Ex. HH, sec. 4.1; *see also* Access Limiting Criteria, Ex. V, sec. 1.0; Client Access Requirements, Ex. W, sec. 2.1; Client Onboarding and Access Guide, Ex. X, sec. 1.0; KOR SEC SBSDR Disclosure Document v1.2, Ex. GG–2, sec. 1.1.

[66] *See* Rulebook, Ex. HH, sec. 4.0; *see also* Client Onboarding and Access Guide, Ex. X, sec. 2.0.

[67] *See* Rulebook, Ex. HH, sec. 4.5.1; *see also* Client Onboarding and Access Guide, Ex. X, sec. 3.1; KOR SEC SBSDR Disclosure Document v1.2, Ex. GG–2, sec. 1.5.1.

[68] *See* Rulebook, Ex. HH, sec. 4.2; *see also* Client Access Requirements, Ex. W, sec. 2.2; Client Onboarding and Access Guide, Ex. X, sec. 3.0.

[69] *See* Rulebook, Ex. HH, sec. 4.3, 4.4; *see also* Client Access Requirements, Ex. W, sec. 2.3, 2.4.

[70] *See* Rulebook, Ex. HH, sec. 4.5.2; *see also* Access Limiting Criteria, Ex. V, sec. 1.0.

[71] *See* Rulebook, Ex. HH, sec. 4.5.2; *see also* Access Limiting Criteria, Ex. V, sec. 1.0.

[72] *See* Rulebook, Ex. HH, sec. 4.5.2; *see also* Access Limiting Criteria, Ex. V, sec. 1.0.

[73] *See* Rulebook, Ex. HH, sec. 4.5.2; *see also* Access Limiting Criteria, Ex. V, sec. 1.0.

[74] *See* Rulebook, Ex. HH, sec. 4.5.2; *see also* Access Limiting Criteria, Ex. V, sec. 1.0.

are expected to maintain correct user access at all times.[75] In addition, following the end of each calendar quarter, all clients will have access to a report on current user access levels and a list of all clients to which they have granted access to their data.[76] At least one of the designated Administrative Users assigned to each client must review the listing of users and other party access and confirm whether access should be maintained, removed or changed and make the appropriate updates.[77] The KOR Rulebook also states that records of all user access are maintained and available for review by the client and KOR Compliance at all time.[78]

With respect to prohibiting or limiting a person's access to SDR services, the KOR Rulebook outlines the process required for KOR to decline, revoke, or suspend a user of SDR services.[79] For example, KOR's CCO may deny a client's access to the KOR system if required pursuant to applicable law (*e.g.,* related to sanctions administered and enforced by OFAC or the direction of an applicable regulator), violation of KOR SBSDR Rules, or improper use of the system.[80] The KOR Rulebook provides that KOR will notify the applicable regulator of such action.[81] In addition, any such clients would receive written notice containing the grounds for determination and an opportunity to appeal the decision to the CCO and KOR Board by written request.[82] KOR may restore access to a client following approval from the CCO and/or KOR Board.[83] The CCO will consider the applicable law, regulatory requirements, and the Market Participant's response to the cause of denial, revocation, or suspension.[84] In addition, all decisions will be documented when determining whether to restore client's access.[85]

The KOR Rulebook provides that KOR SBSDR will conduct regular, periodic, objective testing and review of its automated systems to ensure that they are reliable, secure, and have adequate scalable capacity.[86] It also provides that KOR will conduct regular, periodic testing and review of its business continuity-disaster recovery capabilities.[87] It also provides that KOR will, to the extent practicable: (a) coordinate with clients and service providers to participate in synchronized testing in a manner adequate to enable effective resumption of KOR SBSDR's fulfillment of its duties and obligations following a disruption causing activation of KOR SBSDR's Business Continuity and Disaster Recovery (BCDR) plan; (b) participate in periodic, synchronized testing of its BCDR Plan and the BCDR plans of its clients, and the BCDR plans required, as applicable, by each appropriate prudential regulator, the Financial Stability Oversight Council, the SEC, the Department of Justice or any other person deemed appropriate by the SEC; and (c) ensure that its BCDR plan take into account the BCDR plans of its telecommunications, power, water, and other essential service providers.[88]

2. Discussion

Rule 13n–4(c)(1)(ii) under the Exchange Act requires an SDR to permit market participants to access specific services offered by the SDR separately.[89] Rule 13n–4(c)(1)(iii) requires an SDR to establish, monitor on an ongoing basis, and enforce clearly stated objective criteria that would permit fair, open, and not unreasonably discriminatory access to services offered and data maintained by the SDR.[90] Rule 13n–4(c)(1)(iv) requires an SDR to establish, maintain, and enforce written policies and procedures reasonably designed to review any prohibition or limitation of any person with respect to access to services offered, directly or indirectly, or data maintained by the SDR and to grant such person access to such services or data if such person has been discriminated against unfairly.[91] In addition, Rule 13n–6 requires an SDR, with respect to those systems that support or are integrally related to the performance of its activities, to establish, maintain, and enforce written policies and procedures reasonably designed to ensure that its systems provide adequate levels of capacity, integrity, resiliency, availability, and security.[92]

The Commission received no comments on the KOR Notice. As described above, the KOR Application includes procedures for onboarding and maintaining ongoing access to users that are fair, open, reasonable and not unreasonably discriminatory. These procedures include user agreements that reflect clear and specific minimum standards for users to follow in seeking to access SBS data held at the SDR. The KOR Application also includes reasonable provisions for limiting, denying, and revoking access to SDR systems that include procedures for review and reconsideration of any determination related to limiting, denying, or revoking a user's access. The procedures described above further help ensure that the access requirements are fair, open, and not unreasonably discriminatory. In addition, the KOR Application includes policies and procedures designed to ensure that the SDR's automated systems maintain adequate levels of capacity, integrity, resiliency, availability, and security that protect against loss of data, employ geographic diversity in their site selection, and account for service disruptions.

C. Acceptance and Use of SBS Data

1. Summary of KOR's Application

According to KOR, data accepted and maintained by the SBSDR may not be used for commercial or business purposes by the SBSDR or any of its affiliated entities absent express written consent by the client providing that data.[93] KOR SBSDR has implemented adequate ''firewalls'' or controls to protect the reported SBSDR data required to be maintained under SEC regulations from any improper commercial use.[94] The application provides that a client that submits SBSDR data maintained by the SBSDR may permit the commercial use by providing express written consent not required to be reported to the SBSDR.[95] If such client consent is given, KOR may not make such consented data available for commercial use prior to its public dissemination.[96] KOR states that, in accordance with Exchange Act Rule 13n–5(b)(5), it has established systems and user access restrictions reasonably designed to prevent any provision in a valid swap from being invalidated or

[75] *See* Rulebook, Ex. HH, sec. 4.5.4; *see also* Client Onboarding and Access Guide, Ex. X, sec. 3.1.

[76] *See* Rulebook, Ex. HH, sec. 4.5.4.

[77] *See id.*

[78] *See id.*

[79] *See* Rulebook, Ex. HH, sec. 14.2; *see also* Denial, Revocation, or Suspension of Client Access Policy, Ex. Y, sec. 2.2.

[80] *See* Rulebook, Ex. HH, sec. 14.2; *see also* Denial, Revocation, or Suspension of Client Access Policy, Ex. Y, sec. 2.2.

[81] *See* Rulebook, Ex. HH, sec. 14.2; *see also* Denial, Revocation, or Suspension of Client Access Policy, Ex. Y, sec. 2.2.

[82] *See* Rulebook, Ex. HH, sec. 14.2; *see also* Denial, Revocation, or Suspension of Client Access Policy, Ex. Y, sec. 2.2.

[83] *See* Denial, Revocation, or Suspension of Client Access Policy, Ex. Y, sec. 2.3.

[84] *See id.*

[85] *See id.*

[86] *See* Rulebook, Ex. HH, sec. 13.3.1.

[87] *See id.*

[88] *See* Rulebook, Ex. HH, sec. 13.3.2.

[89] 17 CFR 240.13n–4(c)(1)(ii).

[90] 17 CFR 240.13n–4(c)(1)(iii).

[91] 17 CFR 240.13n–4(c)(1)(iv).

[92] 17 CFR 240.13n–6.

[93] *See* KOR SEC SBSDR Disclosure Document v1.2, Ex. GG–2, sec. 5.0.

[94] *See id.*

[95] *See id.*

[96] *See id.*

modified through its verification or recording process.[97]

KOR SBSDR uses the LEI and the Unique Trade Identifier (''UTI'').[98] Pursuant to KOR's rulebook, individuals not eligible for an LEI should be reported using a Natural Person Identifier.[99] KOR states that if a security-based swap counterparty is not eligible to receive an LEI as determined by the Global Legal Entity Identifier System, such counterparty will be identified in all recordkeeping and all Security-Based Swap Data reporting with a Natural Person Identifier.[100] KOR further provides that it is the duty of the Reporting Side to always submit a unique and consistent Natural Person Identifier.[101] Pursuant to KOR's rulebook, to ensure that the Reporting Side consistently submits a unique value for the identifier, the Reporting Side must combine the LEI of the Reporting Side with the natural person's email address associated with the National Person Identifier.[102] Each client must maintain and renew its LEI in accordance with the standards set by the Global Legal Entity Identifier System.[103]

The application provides that each swap will be identified in all recordkeeping and all Security-Based Swap Data reporting by the use of a UTI, which will be created, transmitted, and used for each swap.[104] Each registered entity and swap counterparty will include the UTI for a swap in all of its records and all of its Security-Based Swap Data reporting concerning that swap, from the time it creates or receives the UTI throughout the existence of the security-based swap and for as long as any records are required by applicable law or regulation.[105] Every submission to KOR SBSDR must contain the appropriate UTI, otherwise the submission will be rejected. KOR SBSDR will validate the format and uniqueness of every UTI.[106] If a party submits the incorrect UTI, pursuant to KOR's rulebook, they must ''error'' that UTI and resubmit the swap as a new message with the correct UTI.[107] When the correct UTI is submitted it will be considered a new trade and, if it is submitted after the required reporting timelines, it will be classified as a late report.[108]

The application provides that KOR has established procedures and provides facilities for effectively resolving disputes over the accuracy of the SBSDR Transaction Data and positions that are recorded in the KOR SBSDR.[109] When the Reporting Side does not agree with the accuracy of the reporting of a swap in KOR Trade Repository, but is prevented from amending the swap to what they believe to accurate, the client must (a) enter a ticket with KOR SBSDR support with the details of the issue and (b) submit an allowed value per the KOR Technical Specifications for the KOR SBSDR field that reflects the dispute.[110]

2. Discussion

Rule 13n–5(b)(1)(i) under the Exchange Act requires an SDR to establish, maintain, and enforce written policies and procedures reasonably designed for the reporting of complete and accurate transaction data to the SDR and to accept all transaction data that is reported in accordance with such policies and procedures.[111] Additionally, Rule 13n–5(b)(1)(ii) requires that if an SDR accepts any SBS transaction in a particular asset class, the SDR must accept all SBS transactions in that asset class that are reported to it in accordance with its policies and procedures.[112] In addition, Rule 13n–5(b)(3) requires an SDR to establish, maintain, and enforce written policies and procedures reasonably designed to ensure that the transaction data and positions that it maintains are complete and accurate.[113] Rule 13n–5(b)(5) requires an SDR to establish, maintain, and enforce written policies and procedures reasonably designed to prevent any provision in a valid SBS transaction from being invalidated or modified through the procedures or operations of the SDR.[114] Rule 13n–5(b)(6) requires an SDR to establish procedures and provide facilities reasonably designed to effectively resolve disputes over the accuracy of the transaction data and positions that are recorded in the SDR.[115]

Furthermore, section 13(n)(5)(F) of the Exchange Act and Rule 13n–4(b)(8) thereunder each require an SDR to maintain the privacy of any and all SBS transaction information that the SDR receives.[116] In addition, Rule 13n–9(b)(1) requires an SDR to establish, maintain, and enforce written policies and procedures reasonably designed to protect the privacy of any and all SBS transaction information that the SDR receives and that include policies and procedures to protect the privacy of any and all SBS transaction information that the SDR shares with affiliates and non-affiliated third parties.[117] Rule 13n–9(b)(2) also requires an SDR to establish, and maintain safeguards, policies, and procedures reasonably designed to prevent the misappropriation or misuse, directly or indirectly, of any confidential information received by the SDR, material non-public information, or intellectual property, such as trading strategies or portfolio positions, by: (i) limiting access to such information and intellectual property; (ii) having standards for trading by persons associated with the SDR for their personal benefit or the benefit of others; and (iii) having adequate oversight to ensure compliance with these safeguards, policies, and procedures.[118]

The Commission received no comments on the KOR Notice. As described above, the KOR Application includes policies and procedures designed to protect transaction data and its systems by restricting access to users, who are obligated to comport with KOR's rules in a manner that facilitates KOR's compliance with its obligations under Commission rules. The Commission views this approach as reasonable. Access to KOR's systems to view trade data or verify information is conditioned such that KOR retains the ability to protect the data, its systems, and its users. KOR retains the responsibility, among other things, to ensure that its policies and procedures are reasonably designed to: (i) ensure trade data reported to it is complete and accurate, as required under Rule 13n–5(b)(1); (ii) ensure that its systems provide adequate levels of capacity, integrity, resiliency, availability and security, as required under Rule 13n–6; and (iii) ensure that it protects the privacy and confidentiality of transaction information, as required under Rule 13n–9(b). Additionally, the KOR Application includes procedures designed to ensure that any valid provisions of trade information are not modified or invalidated, and these procedures include controls that are regularly audited and processing

[97] *See* Rulebook, Ex. HH, sec. 9.2; *see also* Data Invalidation Policy, Ex. EE, sec. 1.0.

[98] *See* Rulebook, Ex. HH, sec. 5.1.1, 5.1.2.

[99] *See* Rulebook, Ex. HH, sec. 5.1.1.

[100] *See* Rulebook, Ex. HH, sec. 5.3.1.

[101] *See id.*

[102] *See id.*

[103] *See id.*

[104] *See* Rulebook, Ex. HH, sec. 5.2.

[105] *See id.*

[106] *See id.*

[107] *See id.*

[108] *See id.*

[109] *See* Rulebook, Ex. HH, sec. 11.0; *see also* Dispute Policy, Ex. CC, sec. 2.0.

[110] *See id.*

[111] 17 CFR 240.13n–5(b)(1)(i).

[112] 17 CFR 240.13n–5(b)(1)(ii).

[113] 17 CFR 240.13n–5(b)(3).

[114] 17 CFR 240.13n–5(b)(5).

[115] 17 CFR 240.13n–5(b)(6).

[116] *See* 15 U.S.C. 78m(n)(5)(F); 17 CFR 240.13n–4(b)(8), 240.13n–9.

[117] 17 CFR 240.13n–9.

[118] *See* 17 CFR 240.13n–9(b)(2).

systems designed to prevent unauthorized changes to SBS information. Additionally, KOR provides procedures and facilities reasonably designed to effectively resolve disputes over the accuracy of the transaction data and positions that are recorded in the SDR.

Furthermore, the KOR Application contains policies and procedures regarding both data security and the privacy of SBS data. This includes procedures limiting access to SBS data to employees with either direct or support responsibilities related to systems that maintain the data and procedures that limit the use of such data in all cases to the performance of job responsibilities. Such policies and procedures also establish a standard for the trading practices of personnel that prevents the use of the data for personal benefit or the benefit of others. In addition, KOR has policies and procedures that, when taken together with policies and procedures regarding the duties of the CCO,[119] are reasonably designed to protect the privacy of SBS transaction information, including information shared with affiliates and third parties, through adequate oversight to ensure compliance with the policies and procedures described above.

D. Fees

1. Summary of KOR's Application

The application includes KOR's fee schedules.[120] According to KOR, fees are assessed in a consistent, non-preferential manner and are not permitted to be used as a barrier to entry.[121] KOR offers a subscription model fee schedule which treats all submissions equally regardless of reporting counterparty, asset class, clearing status or execution.[122] The application provides that KOR will not offer preferential pricing arrangements to any client on any basis, including volume discounts or reductions, unless such discounts or reductions apply to all clients uniformly and are not otherwise established in a manner that would effectively limit the application of such discount or reduction to a select number of clients.[123] In addition, KOR represents in its rulebook that it ensures any dues, fees, or other charges imposed by, and any discounts or rebates offered by, its SBSDR are fair and reasonable and not unreasonably discriminatory.[124] KOR states that such dues, fees, other charges, discounts, or rebates will be applied consistently across all similarly-situated users of such SBSDR services, including, but not limited to, market participants, market infrastructures (including central counterparties), venues from which data can be submitted to the SBSDR (including exchanges, security-based swap execution facilities, electronic trading venues, and matching and confirmation platforms), and third party service providers.[125] All fees are fully disclosed and available on the KOR SBSDR website.[126] The fee schedule applies until such time as the KOR Board determines otherwise and provides clients at least one (1) month's notice for significant changes to existing pricing or policy.[127]

In the application, KOR states that, as a real-time messaging-based service, KOR assesses fees on a per message basis to align SBSDR services and the expense to offer such services.[128] All Reporting Clients are assessed the same fee structure regardless of their pathway to KOR SBSDR to ensure a competitive and level playing field.[129] A ''Reporting Client'' means the reporting counterparty that has in place a fully executed agreement and is liable for the fees incurred for the use of KOR Services.[130] The Reporting Client may delegate billing and payments to another client by authorizing either a Related Entity or their Third-Party Reporter.[131] The ''Related Entity'' refers to other clients of KOR (*i.e.,* KOR Counterparty Clients) within the same corporate structure as the Reporting Client, creating a Client Group.[132] KOR will aggregate the fee liable activity for Related Entities under a Client Group and provide a single invoice.[133] A ''Third-Party Reporter'' refers to an entity that has a fully executed agreement with KOR and is facilitating reporting for a KOR Counterparty Client.[134] A Third-Party Reporter is not charged fees for the activity of their customers, who are also KOR Counterparty Clients, but may be assigned billing (receipt of invoices and payment responsibilities) by KOR Counterparty Clients.[135] When a Counterparty Client makes a billing assignment to a Third-Party Reporter it is for all billable activity related to use of KOR Services of that Counterparty Client (including activity beyond what is associated to the Third-Party Reporter), and Counterparty Clients may only assign billing to a single Third-Party Reporter.[136] The application provides that reporting by Platforms which are Security-Based Swap Execution Facilities or National Securities Exchanges are treated as messages under a Third-Party Reporter whereby the Reporting Counterparty is assessed KOR reporting fees and the Platform, by default, is not.[137] A Platform may elect to assume direct billing responsibility for any Reporting Counterparty that is a KOR Counterparty Client.[138] If the Reporting Counterparty on a Platform reported transaction is not a KOR Counterparty Client, the Platform reporter will be billed for the message activity which will be aggregated with all other Platform billable message activity.[139]

KOR SBSDR offers simplified subscription plans where each tier plan limits the maximum number of messages a Reporting Client may report per month.[140] To calculate the calendar monthly fee, KOR totals all eligible messages submitted in the prior month for each Counterparty Client or Client Group. KOR provides a 10% monthly overage allowance across all tiers for any given month per Counterparty Client or Client Group.[141] KOR's subscription plan is organized into ten (10) tiers. Tier 1 allows for 100 monthly messages produced with a monthly fee of $100; Tier 2 allows for 1,000 monthly messages produced with a monthly fee of $500; Tier 3 allows for 10,000 monthly messages produced with a monthly fee of $2,000; Tier 4 allows for

[119] *See supra* Part III.A (describing policies and procedures regarding the CCO and conflicts of interest).

[120] *See* KOR SEC SBSDR Fee Schedule, Ex. M–1. Additionally, KOR provides a fee schedule for KOR Users on its website at *https://www.korfinancial.com/pricing.*

[121] *See* Rulebook, Ex. HH, sec. 13.4; *see also* KOR SEC SBSDR Disclosure Document v1.2, Ex. GG–2, sec. 8.0.

[122] *See* KOR SEC SBSDR Fee Schedule, Ex. M–1, sec. 1.0; *see also* Fee Schedule Rational and Differentiation, Ex. M–2, sec. 1.3.

[123] *See* Rulebook, Ex. HH, sec. 13.4; *see also* KOR SEC SBSDR Disclosure Document v1.2, Ex. GG–2, sec. 8.0.

[124] *See* id.; *see also* KOR SEC SBSDR Disclosure Document v1.2, Ex. GG–2, sec. 8.0.

[125] *See* Rulebook, Ex. HH, sec. 13.4.

[126] *See id.; see also* KOR SEC SBSDR Disclosure Document v1.2, Ex. GG–2, sec. 8.0.

[127] *See* KOR SEC SBSDR Fee Schedule, Ex. M–1, sec. 1.0.

[128] *See id.*

[129] *See id.*

[130] *See* KOR SEC SBSDR Fee Schedule, Ex. M–1, sec. 2.1.

[131] *See* KOR SEC SBSDR Fee Schedule, Ex. M–1, sec. 2.1, 2.2.

[132] *See id.*

[133] *See id.*

[134] *See* KOR SEC SBSDR Fee Schedule, Ex. M–1, sec. 2.3.

[135] *See id.*

[136] *See id.*

[137] *See* KOR SEC SBSDR Fee Schedule, Ex. M–1, sec. 2.4.

[138] *See id.*

[139] *See id.*

[140] *See* KOR SEC SBSDR Fee Schedule, Ex. M–1, sec. 3.0.

[141] *See id.*

100,000 monthly messages produced with a monthly fee of $6,000; Tier 5 allows for 1,000,000 monthly messages produced with a monthly fee of $15,000; Tier 6 allows for 4,000,000 monthly messages produced with a monthly fee of $36,000; Tier 7 allows for 9,000,000 monthly messages produced with a monthly fee of $60,000; Tier 8 allows for 14,000,000 monthly messages produced with a monthly fee of $95,000; Tier 9 allows for 19,000,000 monthly messages produced with a monthly fee of $150,000; and Tier 10 allows for 24,000,000 monthly messages produced with a monthly fee of $220,000.[142]

KOR SBSDR is a 100% cloud service leveraging the performance and scale available through the cloud infrastructure.[143] KOR incurs costs through the accessing of its clients' data hosted and used to generate trade reports requested by clients.[144] The application states that the KOR SBSDR Fee Schedule is designed for simplicity and flexibility, modeling an expected mix of scheduled access to standard reports in addition to reasonable use of ad-hoc reporting.[145] KOR will monitor the generation of reports across each client and KOR will provide advice when it observes use that exceeds standard fair allowances.[146] KOR states that should a client need continued reports at a sustained activity level higher than expected, a move to a higher fee tier may be deemed appropriate.[147] KOR will generate invoices by the fifth (5th) day of every calendar month for the prior month's activity.[148] The billing currency is USD ($) and invoices must be paid in USD.[149] Invoices are payable within 45 days upon receipt.[150] Accounts not paid within terms are subject to a 1.5% monthly finance charge.[151] KOR SBSDR will accept and process billing adjustments up to 45 days after the invoice date.[152] Adjustment requests received after the 45-day period will not be accepted by KOR SBSDR.[153] Approved adjustments will be applied as credits and appear on the next billing cycle as a separate line item.[154]

2. Discussion

Section 13(n)(7)(A) of the Exchange Act prohibits an SDR (unless necessary or appropriate to achieve the purposes of the Exchange Act) from: (i) adopting any rule or taking any action that results in any unreasonable restraint of trade; or (ii) imposing any material anti-competitive burden on the trading, clearing, or reporting of transactions.[155] Rule 13n–4(c)(1)(i) under the Exchange Act also requires an SDR to ensure that any dues, fees, or other charges that it imposes, and any discounts or rebates that it offers, are fair and reasonable and not unreasonably discriminatory.[156] It also requires that such dues, fees, other charges, discounts, or rebates be applied consistently across all similarly situated users of the SDR's services.[157] In discussing the fee provisions of the SDR Rules, the Commission stated that it would take a flexible approach in evaluating the fairness and reasonableness of an SDR's fees and charges on a case-by-case basis, recognizing that there may be instances in which an SDR could charge different users different prices for the same or similar services.[158]

The Commission received no comments on the KOR Notice. As described above, the KOR Application describes fees offered on a subscription model fee schedule treating all submissions equally with no preferential pricing arrangements to any client on any basis for usage of SDR services.[159] The subscription component of KOR's fees is assessed on a per message basis to align SBSDR services and the expense to offer such services. The fee structure is consistent with the requirement of an SDR to ensure that any dues, fees, or other charges imposed are fair and reasonable and not unreasonably discriminatory.

E. Recordkeeping

1. Summary of KOR's Application

The KOR Rulebook provides that KOR will maintain transaction data and related identifying information for not less than five years after the applicable SBS expires and historical positions for not less than five years: (a) in a place and format that is readily accessible and usable to the Commission and other persons with authority to access or view such information, and (b) in an electronic format that is non-rewriteable and non-erasable.[160]

2. Discussion

Rule 13n–5(b)(4) of the Exchange Act requires an SDR to maintain transaction data and related identifying information for not less than five years after the SBS expires and historical positions for not less than five years in a place and format that is readily accessible and usable to the Commission and other persons with authority to access or view such information and in an electronic format that is non-rewriteable and non-erasable.[161] Rule 13n–7 requires an SDR to make and keep current books and records relating to its business for at least five years, and for the first two years, keep such records in a place that is immediately available to representatives of the Commission for inspection and examination.[162] In addition, Rule 13n–5(b)(8) requires an SDR to make and keep current a plan to ensure that the transaction data and positions that are recorded in the SDR continue to be maintained in accordance with Rule 13n–5(b)(7),[163] including procedures for transferring the transaction data and positions to the Commission or its designee.[164]

The Commission received no comments on the KOR Notice. As described above, the KOR Application provides for the recordkeeping of SBS transaction data for not less than five years following the termination of the transaction,[165] and will be readily accessible throughout the life of a security-based swap in an electronic format that is non-rewriteable and non-erasable.[166] In addition, KOR provides for the transferring of transaction data and positions to the Commission via reports designed to provide visibility into positions and the status of submitted trades and also provides for direct electronic access to data reported to KOR in satisfaction of the Commission's regulatory requirements both for the Commission and, where

[142] *See id.*

[143] *See* KOR SEC SBSDR Fee Schedule, Ex. M–1, sec. 3.2.

[144] *See id.*

[145] *See id.*

[146] *See id.*

[147] *See id.*

[148] *See* KOR SEC SBSDR Fee Schedule, Ex. M–1, sec. 5.0.

[149] *See id.*

[150] *See id.*

[151] *See id.*

[152] *See id.*

[153] *See id.*

[154] *See id.*

[155] 15 U.S.C. 78m(n)(7)(A).

[156] 17 CFR 240.13n–4(c)(1)(i).

[157] *See id.*

[158] *See* SDR Adopting Release, *supra* note 8, at 14479. In making this statement, however, the Commission also stated that charging different users different prices for the same or similar services cannot be unreasonably discriminatory.

[159] *See supra* note 123.

[160] *See* Rulebook, Ex. HH, sec. 9.4; *see also* KOR SEC SBSDR Disclosure Document v1.2, Ex. GG–2, sec. 7.4.4.

[161] 17 CFR 240.13n–5(b)(4).

[162] 17 CFR 240.13n–7.

[163] Rule 13n–5(b)(7) states that, if an SDR ceases doing business or ceases to be registered pursuant to section 13(n) of the Exchange Act, the SDR must continue to preserve, maintain, and make accessible the transaction data and historical positions required to be collected, maintained, and preserved by this section in the manner required by the Exchange Act and the rules and regulations thereunder and for the remainder of the period required by this section. 17 CFR 240.13n–5(b)(7).

[164] 17 CFR 240.13n–8.

[165] *See* KOR Rulebook, Ex. HH, sec. 9.4.

[166] *See id.*

such access is permitted by applicable law and any relevant Memorandum of Understanding or other arrangement, the Commission's designee.

F. Disclosure

1. Summary of KOR's Application

KOR publishes a disclosure document (''KOR Disclosure Document'') to provide a summary of information regarding its service offerings and the SBS data it maintains.[167] Specifically, the disclosure document sets forth a description of the following: (i) criteria for providing access to KOR SBSDR; (ii) criteria for market participants seeking to connect to the SBSDR; (iii) policies and procedures regarding the SBSDR's safeguarding of SBSDR data and operational reliability to protect the confidentiality and security of SBSDR data; (iv) policies and procedures to protect the privacy of SBSDR data; (v) policies and procedures regarding the SBSDR's non-commercial and/or commercial use of SBSDR data; (vi) dispute resolution procedures; (vii) description of SBSDR services; (viii) the SBSDR fee schedule; and (ix) the SBSDR's governance arrangements.[168]

2. Discussion

Rule 13n–10 under the Exchange Act requires that, before accepting any SBS data from a market participant or upon a market participant's request, an SDR shall furnish to the market participant a disclosure document that contains certain written information, which must reasonably enable the market participant to identify and evaluate accurately the risks and costs associated with using the SDR's services.[169] This written information must contain the following: (i) the SDR's criteria for providing others with access to the services offered and data it maintains; (ii) its criteria for those seeking to connect to or link with the SDR; (iii) a description of its policies and procedures regarding its safeguarding of data and operational reliability, as described in Rule 13n–6; (iv) a description of its policies and procedures reasonably designed to protect the privacy of SBS transaction information that it receives, as described in Rule 13n–9(b)(1); (v) a description of its policies and procedures regarding its noncommercial and commercial use of SBS transaction information that it receives, as described in Rule 13n–5(b)(6); (vi) a description of its dispute resolution procedures, as described in Rule 13n–5(b)(6); (vii) a description of all the SDR's services, including any ancillary services; and (viii) the SDR's updated schedule of any dues; unbundled prices, rates or other fees for all of its services, including ancillary services; any discounts or rebates offered; and the criteria to benefit from such discounts or rebates; and (ix) a description of its governance arrangements.[170]

The Commission received no comments on the KOR Notice. As described throughout this order, the KOR Application includes extensive discussion of KOR's policies and procedures with respect to access,[171] the use of SBS transaction information,[172] service offerings, including ancillary services,[173] and governance arrangements.[174] The KOR Disclosure Document presents a reasonably comprehensive view of the applicant's overall service offering, from which a potential user could identify and evaluate accurately the risks and costs associated with using the SDR's services.[175] In addition, regarding the requirement to furnish the document to market participants, the Commission understands that KOR publishes similar disclosure documents on its website,[176] and anticipates the same for the KOR Disclosure Document relevant to this application.

G. Regulatory Reporting and Public Dissemination

As a registered SDR, KOR would carry out an important role in the regulatory reporting and public dissemination of SBS transactions. As stated above, KOR has stated that it intends to rely on the no-action statement included in the ANE Adopting Release for the period set forth in the ANE Adopting Release with respect to any SBS asset class or classes for which it intends to accept transaction reports.[177] Therefore, KOR does not need to include materials in its application explaining how it would comply with the provisions of the SBS Reporting Rules described in the no-action statement.[178] Instead, KOR may rely on its discussion about how it complies with comparable CFTC requirements pertaining to regulatory reporting and public dissemination of swap transactions.

In the no-action statement in the ANE Adopting Release, the Commission stated that an applicant ''will not need to include materials in its application explaining how it would comply with the provisions [specifically noted as not providing a basis for a Commission enforcement action during the pendency of the statement].'' [179] The applicant ''could instead rely on its discussion about how it complies with comparable CFTC requirements.'' [180] In its application, KOR provided exhibits that adapted its policies and procedures for regulatory reporting and public dissemination of swaps for use in the SBS market. With respect to its role in the regulatory reporting and public dissemination of SBS transactions, KOR has satisfied the approach described by the Commission in the no-action statement regarding the information and representations sufficient to support its approval for registration as an SDR and SIP,[181] and that registering KOR as an SDR may improve the quality of SBS data that is publicly disseminated by promoting competition among SDRs as to the collection and public dissemination of SBS data.[182]

IV. Evaluation of KOR's Application and Commission Findings

Consistent with the standard for registration previously described in Part

[167] *See* KOR SEC SBSDR Disclosure Document v1.2, Ex. GG–2.

[168] *See id.*

[169] 17 CFR 240.13n–10.

[170] *See id.*

[171] *See supra* Part III.B (describing policies and procedures with respect to access and information security).

[172] *See supra* Part III.C (describing policies and procedures with respect to acceptance and use of SBS data).

[173] *See supra* Part III.D (describing policies and procedures with respect to fees).

[174] *See supra* Part III.A (describing policies and procedures with respect to governance arrangements, the duties of the CCO, and conflicts of interest).

[175] *See* KOR SEC SBSDR Disclosure Document v1.2, Ex. GG–2.

[176] *See, e.g., https://www.korfinancial.com/documents/KOR-SDR-Disclosure-Document.pdf* (publishing a disclosure document pursuant to CFTC requirements).

[177] *See supra* note 25 and accompanying text.

[178] However, the KOR application includes provisions explaining how KOR would require users to identify SBS, as required by Rule 901(c)(1) of Regulation SBSR. *See* Exhibit HH2, sec. 4.4 (regarding Unique Product Identifiers). The KOR Application also includes a provision explaining how KOR would comply with a condition to the no-action statement included in the ANE Adopting Release. *See* KOR Rulebook, Ex. HH, sec. 10.6.1 (providing, in the case of an SBS based on a single credit instrument or a narrow-based index of credit instruments, for dissemination of a capped notional size of $5 million if the true notional size of the transaction is $5 million or greater).

[179] ANE Adopting Release, *supra* note 13, at 6348.

[180] *Id.*

[181] Because KOR has elected to rely on the no-action statement, *see supra* note 29, the Commission has not evaluated the KOR Application against any provisions of Regulation SBSR specifically noted as not providing a basis for a Commission enforcement action during the pendency of the statement.

[182] *See* Report on Security-Based Swaps Pursuant to Section 13(m)(2) of the Securities Exchange Act of 1934, at p. 13 (June 20, 2024), *https://www.sec.gov/files/report-security-based-swaps-062024.pdf* (identifying non-exhaustive sample of potential security-based swap data quality issues identified in security-based swap transactions reported to SDRs registered with the Commission).

II.B,[183] the Commission has considered whether KOR is so organized, and has the capacity, to be able to assure the prompt, accurate, and reliable performance of its functions as an SDR, comply with any applicable provisions of the securities laws and the rules and regulations thereunder, and carry out its functions in a manner consistent with the purposes of section 13(n) of the Exchange Act and the rules and regulations thereunder. The Commission finds that KOR meets these criteria for registration as an SDR for the reasons described throughout this order.

To evaluate KOR's application to register as a SIP, and consistent with the standard for registration previously described in Part II.B,[184] the Commission has considered whether KOR is so organized, and has the capacity, to be able to assure the prompt, accurate, and reliable performance of its functions as a SIP, comply with the provisions of the Exchange Act and the rules and regulations thereunder, carry out its functions in a manner consistent with the purposes of the Exchange Act, and, insofar as it is acting as an exclusive processor, operate fairly and efficiently. The Commission finds that KOR meets these criteria for registration as a SIP for the reasons described throughout this order.

V. Conclusion

For the reasons discussed above, the Commission finds that KOR meets the applicable requirements for registration as an SDR, including those standards set forth in section 13(n) of the Exchange Act and Commission rules and regulations thereunder,[185] and the applicable requirements for registration as a SIP under section 11A(b) of the Exchange Act.[186]

It is hereby ordered that the application for registration as a security-based swap data repository and a securities information processor filed by KOR Reporting, Inc. (File No. SBSDR–2023–01) pursuant to sections 13(n) and 11A(b) of the Exchange Act be, and hereby is, *approved*.

By the Commission.

Vanessa A. Countryman,

Secretary.

[FR Doc. 2024–25961 Filed 11–7–24; 8:45 am]

BILLING CODE 8011–01–P

[183] *See supra* notes 16–18 and accompanying text.

[184] *See supra* note 19 and accompanying text.

[185] 15 U.S.C. 78m(n).

[186] 15 U.S.C. 78k–1(b).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–101510; File No. SR–CboeBZX–2024–105]

Self-Regulatory Organizations; Cboe BZX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change to Amend its Fee Schedule

November 4, 2024.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on October 22, 2024, Cboe BZX Exchange, Inc. (the ''Exchange'' or ''BZX'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Cboe BZX Exchange, Inc. (the ''Exchange'' or ''BZX Options'') proposes to amend its Fee Schedule. The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Exchange's website (*http://markets.cboe.com/us/equities/regulation/rule_filings/BZX/*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to update its Fee Schedule to provide a temporary 20% discount on fees assessed to Exchange Members [3] and non-Members that purchase $20,000 or more of ad hoc purchases of historical Open-Close Data, effective October 10, 2024 through December 31, 2024.[4]

By way of background, the Exchange currently offers End-of-Day (''EOD'') and Intraday Open-Close Data (collectively, ''Open-Close Data''). EOD Open-Close Data is an end-of-day volume summary of trading activity on the Exchange at the option level by origin (customer, professional customer, broker-dealer, and market maker), side of the market (buy or sell), price, and transaction type (opening or closing). The customer and professional customer volume is further broken down into trade size buckets (less than 100 contracts, 100–199 contracts, greater than 199 contracts). The EOD Open-Close Data is proprietary Exchange trade data and does not include trade data from any other exchange. It is also a historical data product and not a real-time data feed. The Exchange also offers Intraday Open-Close Data, which provides similar information to that of EOD Open-Close Data but is produced and updated every 10 minutes during the trading day. Data is captured in ''snapshots'' taken every 10 minutes throughout the trading day and is available to subscribers within five minutes of the conclusion of each 10-minute period.[5] The Intraday Open-Close Data provides a volume summary of trading activity on the Exchange at the option level by origin (customer,

[3] *See* Rule 1.5(n) (''Member''). The term ''Member'' shall mean any registered broker or dealer that has been admitted to membership in the Exchange. A Member will have the status of a ''member'' of the Exchange as that term is defined in Section 3(a)(3) of the Act. Membership may be granted to a sole proprietor, partnership, corporation, limited liability company or other organization which is a registered broker or dealer pursuant to Section 15 of the Act, and which has been approved by the Exchange.

[4] The Exchange initially filed the proposed change on October 10, 2024 (SR–BZX–2024–099). On October 22, 2024, the Exchange withdrew that filing and submitted this filing.

[5] For example, subscribers to the intraday product will receive the first calculation of intraday data by approximately 9:42 a.m. ET, which represents data captured from 9:30 a.m. to 9:40 a.m. Subscribers will receive the next update at 9:52 a.m., representing the data previously provided together with data captured from 9:40 a.m. through 9:50 a.m., and so forth. Each update will represent the aggregate data captured from the current ''snapshot'' and all previous ''snapshots.''

professional customer, broker-dealer, and market maker), side of the market (buy or sell), and transaction type (opening or closing). The customer and professional customer volume are further broken down into trade size buckets (less than 100 contracts, 100–199 contracts, greater than 199 contracts). The Intraday Open-Close Data is proprietary Exchange trade data and does not include trade data from any other exchange. All Open-Close Data products are completely voluntary products, in that the Exchange is not required by any rule or regulation to make this data available and that potential customers may purchase it on an ad-hoc basis only if they voluntarily choose to do so.

Cboe LiveVol, LLC (''LiveVol''), a wholly owned subsidiary of the Exchange's parent company, Cboe Global Markets, Inc., makes the Open-Close Data available for purchase to Members and non-Members on the LiveVol DataShop website (*datashop.cboe.com*). Customers may currently purchase Open-Close Data on a subscription basis (monthly or annually) or by ad hoc request for a specified month (historical file, *e.g.,* request for Intraday Open-Close Data for month of December 2023 or End-of-Day Open-Close Data for month of December 2023). An ad-hoc request can be for any number of months for which the data is available.

Open-Close Data is subject to direct competition from similar end-of-day and intraday options trading summaries offered by several other options exchanges.[6] All of these exchanges offer essentially the same end-of-day and intraday options trading summary information.

The Exchange proposes to provide a temporary pricing incentive program in which Members or Non-Members that purchase historical Open-Close Data will receive a percentage fee discount where specific purchase thresholds are met. Specifically, the Exchange proposes to provide a temporary 20% discount for ad-hoc purchases of historical Open-Close Data of $20,000 or more.[7] The proposed program will apply to all market participants irrespective of whether the market participant is a new or current purchaser; however, the discount cannot be combined with any other discounts offered by the Exchange, including the academic discount provided for Qualifying Academic Purchasers of historical Open-Close Data. The Exchange intends to introduce the discount program beginning October 10, 2024, with the program remaining in effect through December 31, 2024. The Exchange also notes that it previously adopted the same temporary discount program and proposes to update the Fees Schedule with the new program dates accordingly.[8]

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the ''Act'') and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[9] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[10] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[11] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In adopting Regulation NMS, the Commission granted self-regulatory organizations (''SROs'') and broker-dealers increased authority and flexibility to offer new and unique market data to the public. It was believed that this authority would expand the amount of data available to consumers, and also spur innovation and competition for the provision of market data. The Exchange believes the proposed fee changes will further broaden the availability of U.S. option market data to investors consistent with the principles of Regulation NMS. Open-Close Data is designed to help investors understand underlying market trends to improve the quality of investment decisions. Indeed, purchasers of the data may be able to enhance their ability to analyze option trade and volume data and create and test trading models and analytical strategies. The Exchange believes Open-Close Data provides a valuable tool that purchasers can use to gain comprehensive insight into the trading activity in a particular series, but also emphasizes such data is not necessary for trading and as noted above, is entirely optional. Moreover, several other exchanges offer a similar data product which offer same type of data content through end-of-day or intraday reports.[12]

The Exchange also operates in a highly competitive environment. Indeed, there are currently 17 registered options exchanges that trade options. Based on publicly available information, no single options exchange has more than 18% of the market share.[13] The Commission has repeatedly expressed its preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. Particularly, in Regulation NMS, the Commission highlighted the importance of market forces in determining prices and SRO revenues and, also, recognized that current regulation of the market system ''has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies.''[14] Making similar data products available to market participants fosters competition in the marketplace, and constrains the ability of exchanges to charge supracompetitive fees. In the event that a market participant views one exchange's data product as more or less attractive than the competition they can and do switch between similar products. The proposed fees are a result of the competitive environment, as the Exchange seeks to adopt fees to attract

[6] These substitute products are: Nasdaq PHLX Options Trade Outline, Nasdaq Options Trade Outline, ISE Profile, GEMX Trade Profile data; open-close data from C2, Cboe Options, and EDGX; Open Close Reports from MIAX Options, Pearl, and Emerald; and NYSE Options Open-Close Volume Summary.

[7] The discount will apply on an order-by-order basis. To qualify for the discount, an order must contain End-of-Day Ad-hoc Requests (historical data) and/or Intraday Ad-hoc Requests (historical data) and must total $20,000 or more; the Exchange will not aggregate purchases made throughout a billing cycle for purposes of the incentive program. The discount will apply to the total purchase price, once the $20,000 minimum purchase is satisfied (for example, a qualifying order of $25,000 would be discounted to $20,000, *i.e.* receive a 20% discount of $5,000).

[8] *See* Securities Exchange Act Release No. 99027 (November 28, 2023), 88 FR 84028 (December 1, 2023) (SR–CboeBZX–2023–094) and Securities Exchange Act Release No. 100371 (June 18, 2024), 89 FR 53140 (June 25, 2024) (SR–CboeBZX–2024–047).

[9] 15 U.S.C. 78f(b).

[10] 15 U.S.C. 78f(b)(5).

[11] *Id.*

[12] *See* supra note 4.

[13] *See* Cboe Global Markets U.S. Options Market Month-to-Date Volume Summary (September 30, 2024), available at *https://markets.cboe.com/us/options/market_statistics/*.

[14] *See* Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005) (''Regulation NMS Adopting Release'').

purchasers of historical Open-Close Data.

The Exchange believes that the proposed incentive program for any Member or non-Member who purchases historical Open-Close Data is reasonable because such purchasers would receive a 20% discount for purchasing $20,000 or more worth of historical Open-Close Data. The Exchange believes the proposed discount is reasonable as it will give purchasers the ability to use and test the historical Open-Close Data at a discounted rate, prior to purchasing additional months or a monthly subscription, and will therefore encourage and promote users to purchase the historical Open-Close Data. Further, the proposed discount is intended to promote increased use of the Exchange's historical Open-Close Data by defraying some of the costs a purchaser would ordinarily have to expend before using the data product. The Exchange believes that the proposed discount is equitable and not unfairly discriminatory because it will apply equally to all Members and non-Members who purchase historical Open-Close Data. Lastly, the purchase of this data product is discretionary and not compulsory. Indeed, no market participant is required to purchase the historical Open-Close Data, and the Exchange is not required to make the historical Open-Close Data available to all investors. Potential purchasers may request the data at any time if they believe it to be valuable or may decline to purchase such data. As noted above, the Exchange has previously adopted this discount program at other times.[15]

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange operates in a highly competitive environment in which the Exchange must continually adjust its fees to remain competitive. Because competitors are free to modify their own fees in response, including the adoption of similar discounts to those fees, the Exchange believes that the degree to which fee changes (including discounts and rebates) in this market may impose any burden on competition is extremely limited. As discussed above, Open-Close Data is subject to direct competition from several other options exchanges that offer substitutes to Open-Close Data. Moreover, purchase of Open-Close Data is optional. It is designed to help investors understand underlying market trends to improve the quality of investment decisions, but is not necessary to execute a trade.

The proposed rule changes are grounded in the Exchange's efforts to compete more effectively. In this competitive environment, potential purchasers are free to choose which, if any, similar product to purchase to satisfy their need for market information. As a result, the Exchange believes this proposed rule change permits fair competition among national securities exchanges. Further, the Exchange believes that these changes will not cause any unnecessary or inappropriate burden on intermarket competition, as the proposed incentive program applies uniformly to any purchaser of historical Open-Close Data.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act[16] and paragraph (f) of Rule 19b–4[17] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include file number SR–CboeBZX–2024–105 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to file number SR–CboeBZX–2024–105. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*https://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR–CboeBZX–2024–105 and should be submitted on or before November 29, 2024.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[18]

Vanessa A. Countryman,

Secretary.

[FR Doc. 2024–25929 Filed 11–7–24; 8:45 am]

BILLING CODE 8011–01–P

[15] *See* Securities Exchange Act Release No. 99027 (November 28, 2023), 88 FR 84028 (December 1, 2023) (SR–CboeBZX–2023–094) and Securities Exchange Act Release No. 100371 (June 18, 2024), 89 FR 53140 (June 25, 2024) (SR–CboeBZX–2024–047).

[16] 15 U.S.C. 78s(b)(3)(A).

[17] 17 CFR 240.19b–4(f).

[18] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270–034, OMB Control No. 3235–0034]

Submission for OMB Review; Comment Request; Extension: Rule 17f–2(a)

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) (''PRA''), the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget (''OMB'') a request for approval of extension of the previously approved collection of information provided for in Rule 17f–2(a) (17 CFR 240.17f–2(a)), under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*).

Rule 17f–2(a) (Fingerprinting Requirements for Securities Professionals) requires that securities professionals be fingerprinted. This requirement serves to identify security-risk personnel, to allow an employer to make fully informed employment decisions, and to deter possible wrongdoers from seeking employment in the securities industry. Partners, directors, officers, and employees of exchanges, brokers, dealers, transfer agents, and clearing agencies are included.

The Commission staff estimates that approximately 4,480 respondents will submit an aggregate total of 289,780 new fingerprint cards each year or approximately 65 fingerprint cards per year per registrant. The staff estimates that the average number of hours necessary to complete a fingerprint card is one-half hour. Thus, the total estimated annual burden is 144,890 hours for all respondents (289,780 times one-half hour). The average internal cost of compliance per hour is approximately $310. Therefore, the total estimated annual internal cost of compliance for all respondents is $44,915,900 (144,890 times $310).

This rule does not involve the collection of confidential information.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information under the PRA unless it displays a currently valid OMB control number.

The public may view background documentation for this information collection at the following website: *www.reginfo.gov.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function. Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice by December 9, 2024 to (i) *www.reginfo.gov/public/do/PRAMain* or *MBX.OMB.OIRA.SEC_desk_officer@omb.eop.gov,* and (ii) Austin Gerig, Director/Chief Data Officer, Securities and Exchange Commission, c/o Tanya Ruttenberg, 100 F Street NE, Washington, DC 20549, or by sending an email to: *PRA_Mailbox@sec.gov.*

Dated: November 4, 2024.

Vanessa A. Countryman,

Secretary.

[FR Doc. 2024–25920 Filed 11–7–24; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270–199, OMB Control No. 3235–0199]

Submission for OMB Review; Comment Request Extension: Rule 17a–5(c)

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'') has submitted to the Office of Management and Budget (''OMB'') a request for approval of extension of the previously approved collection of information provided for in Rule 17a–5(c), (17 CFR 240.17a–5(c)), under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*).

Rule 17a–5(c) generally requires broker-dealers who carry customer accounts to provide statements of the broker-dealer's financial condition to their customers. Paragraph (c)(5) of Rule 17a–5 provides a conditional exemption from this requirement. A broker-dealer that elects to take advantage of the exemption must publish its statements on its website in a prescribed manner, and must maintain a toll-free number that customers can call to request a copy of the statements.

The purpose of the Rule is to ensure that customers of broker-dealers are provided with information concerning the financial condition of the firm that may be holding the customers' cash and securities. The Commission, when adopting the Rule in 1972, stated that the goal was to ''directly'' send a customer essential information so that the customer could ''judge whether his broker or dealer is financially sound.'' The Commission adopted the Rule in response to the failure of several broker-dealers holding customer funds and securities in the period between 1968 and 1971.

The Commission estimates that approximately 153 broker-dealer respondents carrying approximately 272 million public customer accounts incur a burden of approximately 327,444 hours per year to comply with the Rule.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information under the PRA unless it displays a currently valid OMB control number.

The public may view background documentation for this information collection at the following website: *www.reginfo.gov.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function. Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice by December 9, 2024 to (i) *www.reginfo.gov/public/do/PRAMain* or *MBX.OMB.OIRA.SEC_desk_officer@omb.eop.gov,* and (ii) Austin Gerig, Director/Chief Data Officer, Securities and Exchange Commission, c/o Tanya Ruttenberg, 100 F Street NE, Washington, DC 20549, or by sending an email to: *PRA_Mailbox@sec.gov.*

Dated: November 4, 2024.

Vanessa A. Countryman,

Secretary.

[FR Doc. 2024–25921 Filed 11–7–24; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270–489, OMB Control No. 3235–0541]

Proposed Collection; Comment Request; Extension: Rule 606 of Regulation NMS

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) (''PRA''), the Securities and Exchange Commission (''Commission'') is soliciting comments on the existing collection of information

provided for in Rule 606 of Regulation NMS (''Rule 606'') (17 CFR 242.606), 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 606 (formerly known as Rule 11Ac1–6) requires require disclosure by broker-dealers of, (1) pursuant to Rule 606(a)(1), a quarterly aggregated public report on the handling of orders in NMS stocks that are submitted on a held basis and orders in NMS securities that are option contracts with a market value less than $50,000; (2) pursuant to Rule 606(b)(1), a report, upon request of a customer, on the routing of that customer's orders in NMS stocks that are submitted on a held basis; orders in NMS stocks that are submitted on a not held basis and do not qualify for two de minimis exceptions; and orders in NMS securities that are option contracts, containing certain information on the broker-dealer's routing of such orders for that customer for the prior six months; and (3) pursuant to Rule 606(b)(3), a report, upon request of a customer that places with the broker-dealer, directly or indirectly, NMS stock orders of any size that are submitted on a not held basis (subject to two de minimis exceptions), containing certain information on the broker-dealer's handling of such orders for that customer for the prior six months.

The Commission estimates that out of the currently 3,399 broker-dealers that are subject to the collection of information obligations of Rule 606(a)(1), clearing brokers bear a substantial portion of the burden of complying with the reporting and recordkeeping requirements of Rule 606 on behalf of small to mid-sized introducing firms. There currently are approximately 179 clearing brokers. In addition, there are approximately 61 introducing brokers that receive funds or securities from their customers. Because at least some of these firms also may have greater involvement in determining where customer orders are routed for execution, they have been included, along with clearing brokers, in estimating the total burden of Rule 606(a)(1).

As described in more detail, below, the total annual time burden associated with rule 606 is approximately 183,000 hours per year and the total annual cost burden is approximately $1,300,000 per year.

The Commission staff estimates that each firm significantly involved in order routing practices incurs an average burden of 40 hours to prepare and disseminate the quarterly report required by Rule 606(a)(1), or a burden of 160 hours per year. With an estimated 240 broker-dealers significantly involved in order routing practices, the total industry-wide burden per year to comply with the quarterly reporting requirement in Rule 606 is estimated to be 38,400 hours (160 × 240). Additionally, for each of the 240 broker-dealers subject to disclosure requirements of Rule 606(a)(1), the Commission estimates the annual burden under Rule 606(a)(1)(iv) to monitor payment for order flow and profit-sharing relationships and potential self-regulatory organization rule changes that could impact their order routing decisions and incorporate any new information into their reports to be 10 hours and the annual burden for each broker-dealers to describe and update any terms of payment for order flow arrangements and profit-sharing relationships with a Specified Venue that may influence their order routing decisions to be 15 hours, for a total annual burden of 6,000 hours (25 × 240). Therefore, the estimated total annual burden to comply with Rule 606(a)(1) is 44,400 hours.

Clearing brokers generally bear the burden of responding to individual customer requests under Rule 606(b)(1) for order handling information. The Commission staff estimates that an average clearing broker incurs an annual burden of 400 hours (2000 responses × 0.2 hours/response) to prepare, disseminate, and retain responses to customers required by Rule 606. With an estimated 179 clearing brokers subject to Rule 606(b)(1), the total industry-wide burden per year to comply with the customer response requirement in Rule 606 is estimated to be 71,600 hours (179 × 400).

The Commission estimates that approximately 200 broker-dealers are involved in routing orders subject to the disclosure requirements of Rule 606(b)(3). The Commission believes that some such broker-dealers will respond to requests for customer-specific reports in house, while others will engage a third-party service provider to do so. The Commission estimates that approximately 135 broker-dealers will respond in-house to individual customer requests for information on order handling under Rule 606(b)(3), and that for each, the individual annual burden will be 400 hours (200 responses × 2 hours/response), with a total annual burden of 54,000 hours (400 × 135).

The Commission estimates that approximately 65 broker-dealers will engage a third party to respond to individual customer requests, and that for each, the individual annual burden will be 200 hours (200 responses × 1 hour/response), with a total annual burden of 13,000 hours (200 × 65). The total annual cost burden associated with engaging such third parties is approximately $1,300,000 (65 × 200 annual requests × $100 per request to engage a third-party service provider). Therefore, the estimated total annual burden to comply with Rule 606(b)(3) is 67,000 hours and $1,300,000.

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 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 January 7, 2025.

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: November 4, 2024.

Vanessa A. Countryman,

Secretary.

[FR Doc. 2024–25924 Filed 11–7–24; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270–098, OMB Control No. 3235–0081]

Submission for OMB Review; Comment Request; Extension: Rule 12d2–1

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (''PRA'') (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission

(''Commission'') has submitted to the Office of Management and Budget (''OMB'') a request for approval of extension of the previously approved collection of information provided for in Rule 12d2–1 (17 CFR 240.12d2–1), under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*) (''Act'').

On February 12, 1935, the Commission adopted Rule 12d2–1 [1] (''Suspension of Trading'') which sets forth the conditions and procedures under which a security may be suspended from trading under Section 12(d) of the Act.[2] Rule 12d2–1 provides the procedures by which a national securities exchange may suspend from trading a security that is listed and registered on the exchange. Under Rule 12d2–1, an exchange is permitted to suspend from trading a listed security in accordance with its rules and must promptly notify the Commission of any such suspension, along with the effective date and the reasons for the suspension.

Any such suspension may be continued until such time as the Commission may determine that the suspension is designed to evade the provisions of Section 12(d) of the Act and Rule 12d2–2 thereunder.[3] During the continuance of such suspension under Rule 12d2–1, the exchange is required to notify the Commission promptly of any change in the reasons for the suspension. Upon the restoration to trading of any security suspended under Rule 12d2–1, the exchange must notify the Commission promptly of the effective date of such restoration.

The trading suspension notices serve a number of purposes. First, they inform the Commission that an exchange has suspended from trading a listed security or reintroduced trading in a previously suspended security. They also provide the Commission with information necessary for it to determine that the suspension has been accomplished in accordance with the rules of the exchange, and to verify that the exchange has not evaded the requirements of Section 12(d) of the Act and Rule 12d2–2 thereunder by improperly employing a trading suspension. Without Rule 12d2–1, the Commission would be unable to fully implement these statutory responsibilities.

There are 24 national securities exchanges [4] that are subject to Rule 12d2–1. The burden of complying with Rule 12d2–1 is not evenly distributed among the exchanges, however, since there are many more securities listed on the New York Stock Exchange, Inc., the NASDAQ Stock Exchange, and the NYSE American LLC than on the other exchanges.[5] There are approximately 658 responses [6] under Rule 12d2–1 for the purpose of suspension of trading from the national securities exchanges each year, and the resultant aggregate annual reporting hour burden would be, assuming on average one-half reporting hour per response, 329 annual burden hours for all exchanges. The related internal compliance costs associated with these burden hours are $79,618 per year.

The collection of information obligations imposed by Rule 12d2–1 is mandatory. The response will be available to the public and will not be kept confidential.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information under the PRA unless it displays a currently valid OMB control number.

The public may view background documentation for this information collection at the following website: *www.reginfo.gov.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function. Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice by December 9, 2024 to (i) *www.reginfo.gov/public/do/PRAMain* or *MBX.OMB.OIRA.SEC_desk_officer@omb.eop.gov,* and (ii) Austin Gerig, Director/Chief Data Officer, Securities and Exchange Commission, c/o Tanya Ruttenberg, 100 F Street NE, Washington, DC 20549, or by sending an email to: *PRA_Mailbox@sec.gov.*

Dated: November 4, 2024.

Vanessa A. Countryman,

Secretary.

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[1] *See* Securities Exchange Act Release No. 98 (February 12, 1935).

[2] *See* Securities Exchange Act Release No. 7011 (February 5, 1963), 28 FR 1506 (February 16, 1963).

[3] Rule 12d2–2 prescribes the circumstances under which a security may be delisted from an exchange and withdrawn from registration under Section 12(b) of the Act and provides the procedures for taking such action.

[4] The Exchanges are BOX Exchange LLC, Cboe BYX Exchange, Inc., Cboe BZX Exchange, Inc., Cboe C2 Exchange, Inc., Cboe EDGA Exchange, Inc., Cboe EDGX Exchange, Inc., Cboe Exchange, Inc., Investors Exchange LLC, Long Term Stock Exchange, Inc., MEMX, LLC, Miami International Securities Exchange, MIAX Emerald, LLC, MIAX PEARL, LLC, Nasdaq BX, Inc., Nasdaq GEMX, LLC, Nasdaq ISE, LLC, Nasdaq MRX, LLC, Nasdaq PHLX LLC, The Nasdaq Stock Market, New York Stock Exchange LLC, NYSE Arca, Inc., NYSE Chicago, Inc., NYSE American LLC, NYSE National, Inc.

[5] In fact, some exchanges do not file any trading suspension reports in a given year.

[6] The 658 figure was calculated by averaging the numbers for compliance in 2021, 2022 and 2023, which are 538, 622 and 814, respectively.

SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270–330, OMB Control No. 3235–0372]

Proposed Collection; Comment Request; Extension: Municipal Securities Disclosure (Exchange Act Rule 15c2–12)

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 existing collection of information provided for in Rule 15c2–12—Municipal Securities Disclosure (17 CFR 240.15c2–12) under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*) (''Exchange Act''). The Commission plans to submit this existing collection of information to the Office of Management and Budget (''OMB'') for extension and approval.

In connection with offerings of municipal securities, paragraph (b) of Rule 15c2–12 [1] requires Participating Underwriters: [2] (1) to obtain and review an official statement ''deemed final'' by an issuer of the securities, except for the omission of specified information, prior to making a bid, purchase, offer, or sale of municipal securities; [3] (2) in non-competitively bid offerings, to send, upon request, a copy of the most recent preliminary official statement (if one exists) to potential customers; [4] (3) to contract with the issuer to receive, within a specified time, sufficient copies of the final official statement to comply with Rule 15c2–12's delivery requirement and the rules of the Municipal Securities Rulemaking Board (''MSRB''); [5] (4) to send, upon request, a

[1] 17 CFR 240.15c2–12(b).

[2] The term ''Participating Underwriter'' means any broker, dealer, or municipal securities dealer that acts as an underwriter in connection with an ''Offering,'' *i.e.,* a primary offering of municipal securities with an aggregate principal amount of $1,000,000 or more. 17 CFR 240.15c2–12(a) (defining ''Participating Underwriter'' and ''Offering'').

[3] 17 CFR 240.15c2–12(b)(1).

[4] 17 CFR 240.15c2–12(b)(2).

[5] 17 CFR 240.15c2–12(b)(3).

copy of the final official statement to potential customers for a specified period of time;[6] and (5) before purchasing or selling municipal securities in connection with an offering, to reasonably determine that the issuer or the obligated person has undertaken, in a written agreement or contract, for the benefit of holders of such municipal securities, to provide certain information on a continuing basis to the MSRB in an electronic format as prescribed by the MSRB.[7] The information to be provided consists of: (1) certain annual financial and operating information and audited financial statements (''annual filings'');[8] (2) notices of the occurrence of any of certain specific events (''event notices'');[9] and (3) notices of the failure of an issuer or obligated person to make a submission required by a continuing disclosure agreement (''failure to file notices'').[10] Annual filings, event notices, and failure to file notices may be collectively referred to as ''continuing disclosure documents.''

Rule 15c2–12 is intended to enhance disclosure, and thereby reduce fraud, in the municipal securities market by establishing standards for obtaining, reviewing, and disseminating information about municipal securities by their underwriters.[11]

Municipal offerings of less than $1 million are exempt from the rule,[12] as are offerings of municipal securities issued in large denominations that are sold to no more than 35 sophisticated investors or have short-term maturities.[13]

With respect to hour burdens, the Commission estimates that approximately 28,000 issuers, 205 broker-dealers, and the MSRB will spend a total of 786,220 hours per year complying with Rule 15c2–12 over the next three years.[14] Rule 15c2–12 indirectly imposes ongoing third-party disclosure burdens on issuers that determine to engage a broker-dealer to act as a Participating Underwriter in an offering of municipal securities. The Commission estimates that the total annual burden on issuers to comply with Rule 15c2–12 is 662,766 hours.[15] Based on public MSRB data, issuers annually submitted an average of approximately 65,082 annual filings to the MSRB over the past three years. The Commission estimates that an issuer will require approximately seven hours to prepare and submit each annual filing to the MSRB. Therefore, the Commission estimates that the total annual burden on issuers to prepare and submit 65,082 annual filings to the MSRB is 455,574 hours.[16] Based on public MSRB data, issuers annually submitted an average of approximately 49,958 event notices to the MSRB over the past three years. The Commission estimates that an issuer will require approximately four hours to prepare and submit each event notice to the MSRB. Therefore, the Commission estimates that the total annual burden on issuers to prepare and submit 49,958 event notices to the MSRB is 199,832 hours.[17] Based on public MSRB data, issuers annually submitted an average of approximately 3,680 failure to file notices to the MSRB over the past three years. The Commission estimates that an issuer will require approximately two hours to prepare and submit failure to file notices to the MSRB. Therefore, the total annual burden on issuers to prepare and submit 3,680 failure to file notices to the MSRB is estimated to be 7,360 hours.[18]

Rule 15c2–12 imposes ongoing third-party disclosure burdens on broker-dealers that act as Participating Underwriters in offerings of municipal securities. The Commission estimates that the total annual burden on broker-dealers to comply with Rule 15c2–12 is 101,454 hours.[19] Based on public MSRB data, the Commission estimates that an average of 10,968 offerings of municipal securities occurred annually over the past three years. Further, based on estimates provided by the MSRB, the Commission estimates that, over the past three years, an average of 205 broker-dealers served as a Participating Underwriter in municipal securities offerings. Accordingly, the Commission estimates that approximately 205 broker-dealers could serve as a Participating Underwriter in 10,968 municipal securities offerings in each of the next three years. The Commission estimates that broker-dealers will incur a 15 minute (0.25 hour) burden per issuance of municipal securities to reasonably determine that the issuer or obligated person has undertaken, in a written agreement or contract, for the benefit of holders of municipal securities, to provide continuing disclosure documents to the MSRB,[20] resulting in an annual burden on all broker-dealers of approximately 2,742 hours.[21] The Commission further estimates that broker-dealers will incur 9 hours of burden per issuance of municipal securities to determine whether issuers or obligated persons have failed to comply, in all material respects, with any previous undertakings in a written contract or agreement specified in paragraph (b)(5)(i) of Rule 15c2–12, resulting in an annual burden on broker-dealers of 98,712 hours.[22]

Finally, Rule 15c2–12 imposes ongoing recordkeeping burdens on the MSRB. The Commission estimates that the total annual burden on the MSRB to comply with Rule 15c2–12 is 22,000

[6] 17 CFR 240.15c2–12(b)(4).

[7] 17 CFR 240.15c2–12(b)(5)(i).

[8] 17 CFR 240.15c2–12(b)(5)(i)(A)–(B).

[9] 17 CFR 240.15c2–12(b)(5)(i)(C).

[10] 17 CFR 240.15c2–12(b)(5)(i)(D).

[11] *See generally Municipal Securities Disclosure,* Exchange Act Release No. 26985 (June 28, 1989), 54 FR 28799 (July 10, 1989); *Municipal Securities Disclosure,* Exchange Act Release No. 34961 (November 10, 1994), 59 FR 59590 (November 17, 1994); *Amendment to Municipal Securities Disclosure,* Exchange Act Release No. 59062 (December 5, 2008), 73 FR 76104 (December 15, 2008); *Amendments to Municipal Securities Disclosure,* Exchange Act Release No. 62184A (May 26, 2010), 75 FR 33100 (June 10, 2010); *Amendments to Municipal Securities Disclosure,* Exchange Act Release No. 83885 (August 20, 2018), 83 FR 44700 (August 31, 2018).

[12] 17 CFR 240.15c2–12(a).

[13] 17 CFR 240.15c2–12(d)(1).

[14] 662,766 hours (estimated total annual burden on issuers) + 101,454 hours (estimated total annual burden on broker-dealers) + 22,000 hours (estimated total annual burden on the MSRB) = 786,220 hours.

[15] 65,082 (estimated average number of annual filings submitted by issuers annually in each of the next three years) × 7 (estimated average number of hours needed to prepare and submit each) = 455,574 hours. 49,958 (estimated average number of event notices submitted by issuers annually in each of the next three years) × 4 (estimated average number of hours needed to prepare and submit each) = 199,832 hours. 3,680 (estimated average number of failure to file notices submitted by issuers annually in each of the next three years) × 2 (estimated average number of hours needed to prepare and submit each) = 7,360 hours. 455,574 hours + 199,832 hours + 7,360 hours = 662,766 hours.

[16] *See supra* note 15.

[17] *See supra* note 15.

[18] *See supra* note 15.

[19] 10,968 (estimated annual issuances) × 0.25 (hourly burden for broker-dealers to reasonably determine that the issuer or obligated person has undertaken, in a written agreement or contract, for the benefit of holders of such municipal securities, to provide continuing disclosure documents to the MSRB) = 2,742 hours. 10,968 (estimated annual issuances) × 9 (average burden estimate per issuance for broker-dealers to determine whether issuers or obligated persons have failed to comply, in all material respects, with any previous undertakings in a written contract or agreement specified in paragraph (b)(5)(i) of the Rule) = 98,712 hours. 2,742 hours + 98,712 hours = 101,454 hours.

[20] The Commission understands that most continuing disclosure agreements are provided to the broker-dealer by the issuer or obligated person and that most of these agreements are standard form agreements of limited length. Further, the Commission believes that the determination required to be made—that the issuer or obligated person has undertaken to provide continuing disclosure documents to the MSRB—is a narrow one that does not require a substantial time commitment from the broker-dealer. For these reasons, the Commission believes the estimate of a 15 minute burden per issuance is appropriate.

[21] *See supra* note 19.

[22] *See supra* note 19.

hours. Based on estimates provided by the MSRB, the Commission estimates that, over the last three years, the MSRB has incurred an annual burden of approximately 22,000 hours to collect, index, store, retrieve, and make available the pertinent continuing disclosure documents under Rule 15c2–12. Accordingly, the Commission estimates that the MSRB will incur an annual burden of 22,000 hours to collect, index, store, retrieve and make available the pertinent documents under Rule 15c2–12 each year over the next three years.

With respect to cost burdens, the Commission estimates that 18,200 issuers and the MSRB will spend a total of $20,492,000 complying with Rule 15c2–12 over the next three years.[23] The Commission estimates that, over the next three years, up to 65% of issuers subject to continuing disclosure agreements—approximately 18,200 issuers—may use the services of designated agents to submit some or all of their continuing disclosure documents to the MSRB. The Commission estimates that the average annual cost for an issuer's use of a designated agent is $970 each year. Therefore, the Commission estimates that the average total annual cost that may be incurred by issuers that use the services of a designated agent will be $17,654,000.[24] In addition, the Commission estimates that issuers will retain outside counsel to assist with filing approximately 1,000 event notices in each of the next three years. The Commission further believes that, for those 1,000 complex event notices in which issuers and obligated persons seek assistance from outside counsel, one-half of the burden of preparation of the event notices will be carried by issuers internally (four hours), and the other half of the burden will be carried by outside professionals retained by the issuer (four hours). The Commission further estimates that the average hourly cost for an issuer's use of outside counsel is $400 per hour. Therefore, the Commission estimates the average total annual cost incurred by issuers to retain outside counsel to assist in the evaluation and preparation of certain event notices will be $1,600,000.[25] Thus, the total estimated cost to issuers to comply with the rule is $19,254,000.[26]

Finally, based on recently obtained data provided by the MSRB, the Commission estimates that the MSRB will incur total annual costs of approximately $1,238,000 to operate the continuing disclosure service for the MSRB's Electronic Municipal Market Access (''EMMA'') system, including hardware, software, and external third-party costs such as cloud service provider costs.

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 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 January 7, 2025.

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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: November 4, 2024.

Vanessa A. Countryman,

Secretary.

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[23] $19,254,000 (estimated total annual cost burden for issuers) + $1,238,000 (estimated total annual cost burden for the MSRB) = $20,492,000.

[24] 28,000 (number of issuers subject to continuing disclosure agreements) × 0.65 (percentage of issuers that may use designated agents) = 18,200 issuers that may use designated agents. 18,200 × $970 (estimated average annual cost for issuer's use of designated agent under Rule 15c2–12) = $17,654,000.

[25] 1,000 (estimated number of event notices requiring outside counsel) × 4 (estimated number of hours for outside attorney to assist in the preparation of such event notice) x $400 (hourly wage for an outside attorney) = $1,600,000. The Commission recognizes that the costs of retaining outside professionals may vary depending on the nature of the professional services, but for purposes of this PRA analysis we estimate that costs of outside counsel would be an average of $400 per hour.

[26] $17,654,000 (estimated annual cost for issuer's use of designated agent to submit filings) + $1,600,000 (estimated annual cost for issuers to employ outside counsel in the examination, preparation, and filing of certain event notices) = $19,254,000.

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–101509; File No. SR–CBOE–2024–049]

Self-Regulatory Organizations; Cboe Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Its Fee Schedule

November 4, 2024.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on October 22, 2024, Cboe Exchange, Inc. (the ''Exchange'' or ''Cboe Options'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Cboe Exchange, Inc. (the ''Exchange'' or ''Cboe Options'') proposes to amend its Fee Schedule. The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Exchange's website (*http://www.cboe.com/AboutCBOE/CBOELegalRegulatoryHome.aspx*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to update its Fee Schedule to provide a temporary 20% discount on fees assessed to Exchange Trading Permit Holders and non-Trading Permit Holders that purchase $20,000 or more of ad hoc purchases of historical Open-Close Data, effective October 10, 2024 through December 31, 2024.[3]

By way of background, the Exchange currently offers End-of-Day (''EOD'') and Intraday Open-Close Data (collectively, ''Open-Close Data''). EOD Open-Close Data is an end-of-day volume summary of trading activity on the Exchange at the option level by origin (customer, professional customer, broker-dealer, and market maker), side of the market (buy or sell), price, and transaction type (opening or closing). The customer and professional customer volume is further broken down into trade size buckets (less than 100 contracts, 100–199 contracts, greater than 199 contracts). The EOD Open-Close Data is proprietary Exchange trade data and does not include trade data from any other exchange. It is also a historical data product and not a real-time data feed. The Exchange also offers Intraday Open-Close Data, which provides similar information to that of EOD Open-Close Data but is produced and updated every 10 minutes during the trading day. Data is captured in ''snapshots'' taken every 10 minutes throughout the trading day and is available to subscribers within five minutes of the conclusion of each 10-minute period.[4] The Intraday Open-Close Data provides a volume summary of trading activity on the Exchange at the option level by origin (customer, professional customer, broker-dealer, and market maker), side of the market (buy or sell), and transaction type (opening or closing). The customer and professional customer volume are further broken down into trade size buckets (less than 100 contracts, 100–199 contracts, greater than 199 contracts). The Intraday Open-Close Data is proprietary Exchange trade data and does not include trade data from any other exchange. All Open-Close Data products are completely voluntary products, in that the Exchange is not required by any rule or regulation to make this data available and that potential customers may purchase it on an ad-hoc basis only if they voluntarily choose to do so.

Cboe LiveVol, LLC (''LiveVol''), a wholly owned subsidiary of the Exchange's parent company, Cboe Global Markets, Inc., makes the Open-Close Data available for purchase to Trading Permit Holders and non-Trading Permit Holders on the LiveVol DataShop website (*datashop.cboe.com*). Customers may currently purchase Open-Close Data on a subscription basis (monthly or annually) or by ad hoc request for a specified month (historical file, *e.g.,* request for Intraday Open-Close Data for month of June 2024 or End-of-Day Open-Close Data for month of June 2024). An ad-hoc request can be for any number of months for which the data is available.

Open-Close Data is subject to direct competition from similar end-of-day and intraday options trading summaries offered by several other options exchanges.[5] All of these exchanges offer essentially the same end-of-day and intraday options trading summary information.

The Exchange proposes to provide a temporary pricing incentive program in which Trading Permit Holders or non-Trading Permit Holders that purchase historical Open-Close Data will receive a percentage fee discount where specific purchase thresholds are met. Specifically, the Exchange proposes to provide a temporary 20% discount for ad-hoc purchases of historical Open-Close Data of $20,000 or more.[6] The proposed program will apply to all market participants irrespective of whether the market participant is a new or current purchaser; however, the discount cannot be combined with any other discounts offered by the Exchange, including the academic discount provided for Qualifying Academic Purchasers of historical Open-Close Data. The Exchange intends to introduce the discount program beginning October 10, 2024, with the program remaining in effect through December 31, 2024. The Exchange also notes that it previously adopted the same temporary discount program and proposes to update the Fees Schedule with the new program dates accordingly.[7]

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the ''Act'') and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[8] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[9] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[10] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In adopting Regulation NMS, the Commission granted self-regulatory organizations (''SROs'') and broker-dealers increased authority and flexibility to offer new and unique market data to the public. It was believed that this authority would expand the amount of data available to consumers, and also spur innovation and competition for the provision of market data. The Exchange believes the proposed fee changes will further broaden the availability of U.S. option market data to investors consistent with the principles of Regulation NMS.

[3] The Exchange initially filed the proposed change on October 10, 2024 (SR–CBOE–2024–045). On October 11, 2024, the Exchange withdrew that filing and submitted SR–CBOE–2024–046. On October 22, 2024, the Exchange withdrew that filing and submitted this filing.

[4] For example, subscribers to the intraday product will receive the first calculation of intraday data by approximately 9:42 a.m. ET, which represents data captured from 9:30 a.m. to 9:40 a.m. Subscribers will receive the next update at 9:52 a.m., representing the data previously provided together with data captured from 9:40 a.m. through 9:50 a.m., and so forth. Each update will represent the aggregate data captured from the current ''snapshot'' and all previous ''snapshots.''

[5] These substitute products are: Nasdaq PHLX Options Trade Outline, Nasdaq Options Trade Outline, ISE Profile, GEMX Trade Profile data; open-close data from C2, EDGX, and BZX; Open Close Reports from MIAX Options, Pearl, and Emerald; and NYSE Options Open-Close Volume Summary.

[6] The discount will apply on an order-by-order basis. To qualify for the discount, an order must contain End-of-Day Ad-hoc Requests (historical data) and/or Intraday Ad-hoc Requests (historical data) and must total $20,000 or more; the Exchange will not aggregate purchases made throughout a billing cycle for purposes of the incentive program. The discount will apply to the total purchase price, once the $20,000 minimum purchase is satisfied (for example, a qualifying order of $25,000 would be discounted to $20,000, *i.e.,* receive a 20% discount of $5,000).

[7] *See* Securities Exchange Act Release No. 99028 (November 28, 2023), 88 FR 84002 (December 1, 2023) (SR–CBOE–2023–061) and Securities Exchange Act Release No. 100370 (June 18, 2024), 89 FR 53148 (June 25, 2024) (SR–CBOE–2024–025).

[8] 15 U.S.C. 78f(b).

[9] 15 U.S.C. 78f(b)(5).

[10] *Id.*

Open-Close Data is designed to help investors understand underlying market trends to improve the quality of investment decisions. Indeed, purchasers of the data may be able to enhance their ability to analyze option trade and volume data and create and test trading models and analytical strategies. The Exchange believes Open-Close Data provides a valuable tool that purchasers can use to gain comprehensive insight into the trading activity in a particular series, but also emphasizes such data is not necessary for trading and as noted above, is entirely optional. Moreover, several other exchanges offer a similar data product which offer same type of data content through end-of-day or intraday reports.[11]

The Exchange also operates in a highly competitive environment. Indeed, there are currently 17 registered options exchanges that trade options. Based on publicly available information, no single options exchange has more than 18% of the market share.[12] The Commission has repeatedly expressed its preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. Particularly, in Regulation NMS, the Commission highlighted the importance of market forces in determining prices and SRO revenues and, also, recognized that current regulation of the market system ''has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies.'' [13] Making similar data products available to market participants fosters competition in the marketplace, and constrains the ability of exchanges to charge supracompetitive fees. In the event that a market participant views one exchange's data product as more or less attractive than the competition they can and do switch between similar products. The proposed fees are a result of the competitive environment, as the Exchange seeks to adopt fees to attract purchasers of historical Open-Close Data.

The Exchange believes that the proposed incentive program for any Trading Permit Holder or non-Trading Permit Holder who purchases historical Open-Close Data is reasonable because such purchasers would receive a 20% discount for purchasing $20,000 or more worth of historical Open-Close Data. The Exchange believes the proposed discount is reasonable as it will give purchasers the ability to use and test the historical Open-Close Data at a discounted rate, prior to purchasing additional months or a monthly subscription, and will therefore encourage and promote users to purchase the historical Open-Close Data. Further, the proposed discount is intended to promote increased use of the Exchange's historical Open-Close Data by defraying some of the costs a purchaser would ordinarily have to expend before using the data product. The Exchange believes that the proposed discount is equitable and not unfairly discriminatory because it will apply equally to all Trading Permit Holders and non-Trading Permit Holders who purchase historical Open-Close Data. Lastly, the purchase of this data product is discretionary and not compulsory. Indeed, no market participant is required to purchase the historical Open-Close Data, and the Exchange is not required to make the historical Open-Close Data available to all investors. Potential purchasers may request the data at any time if they believe it to be valuable or may decline to purchase such data. As noted above, the Exchange has previously adopted this discount program at other times.[14]

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange operates in a highly competitive environment in which the Exchange must continually adjust its fees to remain competitive. Because competitors are free to modify their own fees in response, including the adoption of similar discounts to those fees, the Exchange believes that the degree to which fee changes (including discounts and rebates) in this market may impose any burden on competition is extremely limited. As discussed above, Open-Close Data is subject to direct competition from several other options exchanges that offer substitutes to Open-Close Data. Moreover, purchase of Open-Close Data is optional. It is designed to help investors understand underlying market trends to improve the quality of investment decisions, but is not necessary to execute a trade.

The proposed rule changes are grounded in the Exchange's efforts to compete more effectively. In this competitive environment, potential purchasers are free to choose which, if any, similar product to purchase to satisfy their need for market information. As a result, the Exchange believes this proposed rule change permits fair competition among national securities exchanges. Further, the Exchange believes that these changes will not cause any unnecessary or inappropriate burden on intermarket competition, as the proposed incentive program applies uniformly to any purchaser of historical Open-Close Data.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [15] and paragraph (f) of Rule 19b–4 [16] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include file number SR–CBOE–2024–049 on the subject line.

[11] *See* supra note 5.

[12] *See* Cboe Global Markets U.S. Options Market Month-to-Date Volume Summary (September 30, 2024), available at *https://markets.cboe.com/us/options/market_statistics/.*

[13] *See* Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005) (''Regulation NMS Adopting Release'').

[14] *See* Securities Exchange Act Release No. 99028 (November 28, 2023), 88 FR 84002 (December 1, 2023) (SR–CBOE–2023–061) and Securities Exchange Act Release No. 100370 (June 18, 2024), 89 FR 53148 (June 25, 2024) (SR–CBOE–2024–025).

[15] 15 U.S.C. 78s(b)(3)(A).

[16] 17 CFR 240.19b–4(f).

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to file number SR–CBOE–2024–049. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*https://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR–CBOE–2024–049 and should be submitted on or before November 29, 2024.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[17]

Vanessa A. Countryman,

Secretary.

[FR Doc. 2024–25928 Filed 11–7–24; 8:45 am]

BILLING CODE 8011–01–P

[17] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270–517, OMB Control No. 3235–0575]

Submission for OMB Review; Comment Request; Extension: Regulation AC

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'') has submitted to the Office of Management and Budget (''OMB'') a request for approval of extension of the previously approved collection of information provided for in Regulation Analyst Certification (''Regulation AC'') (17 CFR 242.500–505), under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*).

Regulation AC requires that research reports published, circulated, or provided by a broker or dealer or covered person contain a statement attesting that the views expressed in each research report accurately reflect the analyst's personal views and whether or not the research analyst received or will receive any compensation in connection with the views or recommendations expressed in the research report. Regulation AC also requires broker-dealers to, on a quarterly basis, make, keep, and maintain records of research analyst statements regarding whether the views expressed in public appearances accurately reflected the analyst's personal views, and whether any part of the analyst's compensation is related to the specific recommendations or views expressed in the public appearance. Regulation AC also requires that research prepared by foreign persons be presented to U.S. persons pursuant to Securities Exchange Act Rule 15a–6 and that broker-dealers notify associated persons if they would be covered by the regulation. Regulation AC excludes the news media from its coverage.

The collections of information under Regulation AC are necessary to provide investors with information with which to determine the value of the research available to them. It is important for an investor to know whether an analyst may be biased with respect to securities or issuers that are the subject of a research report. Further, in evaluating a research report, it is reasonable for an investor to want to know about an analyst's compensation. Without the information collection, the purposes of Regulation AC could not be met. This regulation does not involve the collection of confidential information.

The Commission estimates that Regulation AC imposes an aggregate annual time burden of approximately 41,384 hours. The Commission estimates that the total annual internal cost of compliance for the 41,384 hours is approximately $22,891,896.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information under the PRA unless it displays a currently valid OMB control number.

The public may view background documentation for this information collection at the following website: *www.reginfo.gov.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function. Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice by December 9, 2024 to (i) *www.reginfo.gov/public/do/PRAMain* or *MBX.OMB.OIRA.SEC_desk_officer@omb.eop.gov,* and (ii) Austin Gerig, Director/Chief Data Officer, Securities and Exchange Commission, c/o Tanya Ruttenberg, 100 F Street NE, Washington, DC 20549, or by sending an email to: *PRA_Mailbox@sec.gov.*

Dated: November 4, 2024.

Vanessa A. Countryman,

Secretary.

[FR Doc. 2024–25922 Filed 11–7–24; 8:45 am]

BILLING CODE 8011–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #20759 and #20760; FLORIDA Disaster Number FL–20015]

Presidential Declaration Amendment of a Major Disaster for the State of Florida

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 Florida (FEMA–4834–DR), dated October 11, 2024.

Incident: Hurricane Milton.

DATES: Issued on November 4, 2024.

Incident Period: October 5, 2024 through November 2, 2024.

Physical Loan Application Deadline Date: December 10, 2024.

Economic Injury (EIDL) Loan Application Deadline Date: July 11, 2025.

ADDRESSES: *Visit the MySBA Loan Portal at https://lending.sba.gov* to apply for a disaster assistance loan.

FOR FURTHER INFORMATION CONTACT: Alan Escobar, Office of Disaster Recovery & Resilience, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: The notice of the President's major disaster declaration for the State of Florida, dated October 11, 2024, is hereby amended to update the incident period for this disaster as beginning October 5, 2024 and continuing through November 2, 2024.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Number 59008)

Alejandro Contreras,

Acting Deputy Associate Administrator, Office of Disaster Recovery & Resilience.

[FR Doc. 2024–26041 Filed 11–7–24; 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 8.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for the State of Georgia (FEMA–4830–DR), dated September 30, 2024.

Incident: Hurricane Helene.

DATES: Issued on November 4, 2024.

Incident Period: September 24, 2024 through October 30, 2024.

Physical Loan Application Deadline Date: November 29, 2024.

Economic Injury (EIDL) Loan Application Deadline Date: June 30, 2025.

ADDRESSES: *Visit the MySBA Loan Portal at https://lending.sba.gov* to apply for a disaster assistance loan.

FOR FURTHER INFORMATION CONTACT: 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 September 30, 2024, is hereby amended to update the incident period for this disaster as beginning September 24, 2024 and continuing through October 30, 2024.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Number 59008)

Alejandro Contreras,

Acting Deputy Associate Administrator, Office of Disaster Recovery & Resilience.

[FR Doc. 2024–26033 Filed 11–7–24; 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 6.

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 October 9, 2024.

Incident: Hurricane Helene.

DATES: Issued on November 4, 2024.

Incident Period: September 24, 2024 through October 30, 2024.

Physical Loan Application Deadline Date: December 9, 2024.

Economic Injury (EIDL) Loan Application Deadline Date: July 9, 2025.

ADDRESSES: *Visit the MySBA Loan Portal at https://lending.sba.gov* to apply for a disaster assistance loan.

FOR FURTHER INFORMATION CONTACT: 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 October 9, 2024 is hereby amended to update the incident period for this disaster as beginning September 24, 2024 and continuing through October 30, 2024.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Number 59008)

Alejandro Contreras,

Acting Deputy Associate Administrator, Office of Disaster Recovery & Resilience.

[FR Doc. 2024–26034 Filed 11–7–24; 8:45 am]

BILLING CODE 8026–09–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #20854 and #20855; NEW MEXICO Disaster Number NM–20010]

Presidential Declaration of a Major Disaster for Public Assistance Only for the State of New Mexico

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 New Mexico (FEMA–4843–DR), dated November 1, 2024.

Incident: Severe Storm and Flooding.

DATES: Issued on November 1, 2024.

Incident Period: October 19, 2024 through October 20, 2024.

Physical Loan Application Deadline Date: December 31, 2024.

Economic Injury (EIDL) Loan Application Deadline Date: August 1, 2025.

ADDRESSES: *Visit the MySBA Loan Portal at https://lending.sba.gov* to apply for a disaster assistance loan.

FOR FURTHER INFORMATION CONTACT: Vanessa Morgan, Office of Disaster Recovery & Resilience, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the President's major disaster declaration on November 1, 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 County: Chaves.

The Interest Rates are:

	Percent
For Physical Damage:	
Non-Profit Organizations with Credit Available Elsewhere ...	3.250
Non-Profit Organizations without Credit Available Elsewhere	3.250
For Economic Injury:	
Non-Profit Organizations without Credit Available Elsewhere	3.250

The number assigned to this disaster for physical damage is 208546 and for economic injury is 208550.

(Catalog of Federal Domestic Assistance Number 59008)

Alejandro Contreras,

Acting Deputy Associate Administrator, Office of Disaster Recovery & Resilience.

[FR Doc. 2024–26031 Filed 11–7–24; 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 5.

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 October 9, 2024.

Incident: Hurricane Helene.

DATES: Issued on November 4, 2024.

Incident Period: September 24, 2024, and continuing.

Physical Loan Application Deadline Date: December 9, 2024.

Economic Injury (EIDL) Loan Application Deadline Date: July 9, 2025.

ADDRESSES: *Visit the MySBA Loan Portal at https://lending.sba.gov* to apply for a disaster assistance loan.

FOR FURTHER INFORMATION CONTACT: 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 October 9, 2024, is hereby amended to include the following areas as adversely affected by the disaster.

Primary Counties: Baldwin, Crisp, Paulding.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Number 59008)

Alejandro Contreras,

Acting Deputy Associate Administrator, Office of Disaster Recovery & Resilience.

[FR Doc. 2024–26009 Filed 11–7–24; 8:45 am]

BILLING CODE 8026–09–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #20610 and #20611; SAINT REGIS MOHAWK TRIBE Disaster Number NY–20016]

Presidential Declaration of a Major Disaster for the Saint Regis Mohawk Tribe

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for the Saint Regis Mohawk Tribe (FEMA–4818–DR), dated November 1, 2024.

Incident: Severe Storm and Flooding.

DATES: Issued on November 1, 2024.

Incident Period: August 8, 2024 through August 10, 2024.

Physical Loan Application Deadline Date: December 31, 2024.

Economic Injury (EIDL) Loan Application Deadline Date: August 1, 2025.

ADDRESSES: *Visit the MySBA Loan Portal at https://lending.sba.gov* to apply for a disaster assistance loan.

FOR FURTHER INFORMATION CONTACT: Vanessa Morgan, Office of Disaster Recovery & Resilience, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the President's major disaster declaration on November 1, 2024, applications for disaster loans may be submitted online using the MySBA Loan Portal *https://lending.sba.gov* or other locally announced locations. Please contact the SBA disaster assistance customer service center by email at *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 Area: (Physical Damage and Economic Injury Loans): Saint Regis Mohawk Tribe.

Contiguous Counties (Economic Injury Loans Only):

New York: Clinton, Essex, Franklin, Hamilton, St. Lawrence.

The Interest Rates are:

	Percent
For Physical Damage:	
Homeowners with Credit Available Elsewhere	5.625
Homeowners without Credit Available Elsewhere	2.813
Businesses with Credit Available Elsewhere	8.000
Businesses without Credit Available Elsewhere	4.000
Non-Profit Organizations with Credit Available Elsewhere	3.250
Non-Profit Organizations without Credit Available Elsewhere	3.250
For Economic Injury:	
Business and Small Agricultural Cooperatives without Credit Available Elsewhere	4.000
Non-Profit Organizations without Credit Available Elsewhere	3.250

The number assigned to this disaster for physical damage is 206106 and for economic injury is 206110.

(Catalog of Federal Domestic Assistance Number 59008)

Alejandro Contreras,

Acting Deputy Associate Administrator, Office of Disaster Recovery & Resilience.

[FR Doc. 2024–26032 Filed 11–7–24; 8:45 am]

BILLING CODE 8026–09–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #20778 and #20779; FLORIDA Disaster Number FL–20016]

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–4834–DR), dated October 16, 2024.

Incident: Hurricane Milton.

DATES: Issued on November 4, 2024.

Incident Period: October 5, 2024 through November 2, 2024.

Physical Loan Application Deadline Date: December 16, 2024.

Economic Injury (EIDL) Loan Application Deadline Date: July 16, 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 October 16, 2024 is hereby amended to update the incident period for this disaster as beginning October 5, 2024 and continuing through November 2, 2024.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Number 59008)

Alejandro Contreras,

Acting Deputy Associate Administrator, Office of Disaster Recovery & Resilience.

[FR Doc. 2024–26038 Filed 11–7–24; 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 9.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for the State of Georgia (FEMA–4830–DR), dated September 30, 2024.

Incident: Hurricane Helene.

DATES: Issued on November 4, 2024.

Incident Period: September 24, 2024, through October 30, 2024.

Physical Loan Application Deadline Date: November 29, 2024.

Economic Injury (EIDL) Loan Application Deadline Date: June 30, 2025.

ADDRESSES: *Visit the MySBA Loan Portal at https://lending.sba.gov* to apply for a disaster assistance loan.

FOR FURTHER INFORMATION CONTACT: 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 September 30, 2024, is hereby amended to include the following areas as adversely affected by the disaster:

Primary Counties (Physical Damage and Economic Injury Loans): Stephens, Wilkes.

Contiguous Counties (Economic Injury Loans Only):

Georgia: Banks, Franklin.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Number 59008)

Alejandro Contreras,

Acting Deputy Associate Administrator, Office of Disaster Recovery & Resilience.

[FR Doc. 2024–26008 Filed 11–7–24; 8:45 am]

BILLING CODE 8026–09–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #20811 and #20812; NEW MEXICO Disaster Number NM–20009]

Presidential Declaration of a Major Disaster for the State of New Mexico

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for the State of New Mexico (FEMA–4843–DR), dated November 1, 2024.

Incident: Severe Storm and Flooding.

DATES: Issued on November 1, 2024.

Incident Period: October 19, 2024 through October 20, 2024.

Physical Loan Application Deadline Date: December 31, 2024.

Economic Injury (EIDL) Loan Application Deadline Date: August 1, 2025.

ADDRESSES: *Visit the MySBA Loan Portal at https://lending.sba.gov* to apply for a disaster assistance loan.

FOR FURTHER INFORMATION CONTACT: Vanessa Morgan, Office of Disaster Recovery & Resilience, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the President's major disaster declaration on November 1, 2024, applications for disaster loans may be submitted online using the MySBA Loan Portal *https://lending.sba.gov* or other locally announced locations. Please contact the SBA disaster assistance customer service center by email at *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 County (Physical Damage and Economic Injury Loans): Chaves.

Contiguous Counties (Economic Injury Loans Only):

New Mexico: De Baca, Eddy, Lea, Lincoln, Otero, Roosevelt

The Interest Rates are:

	Percent
For Physical Damage:	
Homeowners with Credit Available Elsewhere	5.625
Homeowners without Credit Available Elsewhere	2.813
Businesses with Credit Available Elsewhere	8.000
Businesses without Credit Available Elsewhere	4.000
Non-Profit Organizations with Credit Available Elsewhere	3.250
Non-Profit Organizations without Credit Available Elsewhere	3.250
For Economic Injury:	
Business and Small Agricultural Cooperatives without Credit Available Elsewhere	4.000
Non-Profit Organizations without Credit Available Elsewhere	3.250

The number assigned to this disaster for physical damage is 208116 and for economic injury is 208120.

(Catalog of Federal Domestic Assistance Number 59008)

Alejandro Contreras,

Acting Deputy Associate Administrator, Office of Disaster Recovery & Resilience.

[FR Doc. 2024–26035 Filed 11–7–24; 8:45 am]

BILLING CODE 8026–09–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #20751 and #20752; TENNESSEE Disaster Number TN–20019]

Presidential Declaration Amendment of a Major Disaster for Public Assistance Only for the State of Tennessee

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 Tennessee (FEMA–4832–DR), dated October 9, 2024.

Incident: Tropical Storm Helene.

DATES: Issued on November 4, 2024.

Incident Period: September 26, 2024, through September 30, 2024.

Physical Loan Application Deadline Date: December 9, 2024.

Economic Injury (EIDL) Loan Application Deadline Date: July 9, 2025.

ADDRESSES: *Visit the MySBA Loan Portal at https://lending.sba.gov* to apply for a disaster assistance loan.

FOR FURTHER INFORMATION CONTACT: 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 Tennessee, dated October 9, 2024, is hereby amended to include the following areas as adversely affected by the disaster.

Primary Counties: Hancock, Sevier.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Number 59008)

Alejandro Contreras,

Acting Deputy Associate Administrator, Office of Disaster Recovery & Resilience.

[FR Doc. 2024–25973 Filed 11–7–24; 8:45 am]

BILLING CODE 8026–09–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #20613 and #20614; CHEYENNE RIVER SIOUX TRIBE Disaster Number SD–20004]

Presidential Declaration of a Major Disaster for the Cheyenne River Sioux Tribe

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for the Cheyenne River Sioux Tribe (FEMA–4842–DR), dated November 1, 2024.

Incident: Severe Storm, Straight-line Winds, and Flooding.

DATES: Issued on November 1, 2024.

Incident Period: July 13, 2024 through July 14, 2024.

Physical Loan Application Deadline Date: December 31, 2024.

Economic Injury (EIDL) Loan Application Deadline Date: August 1, 2025.

ADDRESSES: *Visit the MySBA Loan Portal at https://lending.sba.gov* to apply for a disaster assistance loan.

FOR FURTHER INFORMATION CONTACT: Vanessa Morgan, Office of Disaster Recovery & Resilience, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the President's major disaster declaration on November 1, 2024, applications for disaster loans may be submitted online using the MySBA Loan Portal *https://lending.sba.gov* or other locally announced locations. Please contact the SBA disaster assistance customer service center by email at *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 Area (Physical Damage and Economic Injury Loans): Cheyenne River Sioux Tribe.

Contiguous Counties (Economic Injury Loans Only):

South Dakota: Corson, Dewey, Haakon, Meade, Pennington, Perkins, Potter, Stanley, Sully, Walworth, Ziebach.

The Interest Rates are:

	Percent
For Physical Damage:	
Homeowners with Credit Available Elsewhere	5.375
Homeowners without Credit Available Elsewhere	2.688
Businesses with Credit Available Elsewhere	8.000
Businesses without Credit Available Elsewhere	4.000
Non-Profit Organizations with Credit Available Elsewhere	3.250
Non-Profit Organizations without Credit Available Elsewhere	3.250
For Economic Injury:	
Business and Small Agricultural Cooperatives without Credit Available Elsewhere	4.000
Non-Profit Organizations without Credit Available Elsewhere	3.250

The number assigned to this disaster for physical damage is 20613B and for economic injury is 206140.

(Catalog of Federal Domestic Assistance Number 59008)

Alejandro Contreras,

Acting Deputy Associate Administrator, Office of Disaster Recovery & Resilience.

[FR Doc. 2024–26029 Filed 11–7–24; 8:45 am]

BILLING CODE 8026–09–P

SURFACE TRANSPORTATION BOARD

[Docket No. FD 36816]

Paul Didelius, CWW LLC, and KET LLC—Intra-Corporate Family Transaction Exemption—CWW LLC and KET LLC

Paul Didelius (Didelius), CWW LLC (CWW), and KET LLC (KET) (collectively, Applicants), have filed a verified notice of exemption for an intra-corporate family transaction under 49 CFR 1180.2(d)(3). CWW and KET, both Class III rail carriers, are controlled by Didelius, a noncarrier individual, along with other Class III rail carriers.[1] The verified notice seeks authority for an intra-corporate family transaction pursuant to which CWW and KET will merge, with CWW the surviving carrier.

Applicants state that the proposed merger of CWW and KET will promote efficiencies within the Didelius corporate family of short line railroads by reducing duplicative corporate and administrative functions and related overhead costs. According to the verified notice, CWW and KET are proposed to be merged under an ''Articles of Merger'' that is not yet finalized.[2]

Applicants state that the Articles of Merger that will govern the proposed transaction do not include an interchange commitment under 49 CFR 1180.4(g).

The verified notice states that the proposed transaction will not result in adverse changes in service levels, significant operational changes, or a change in the competitive balance with carriers outside the corporate family. Therefore, the transaction is exempt from the prior approval requirements of 49 U.S.C. 11323. *See* 49 CFR 1180.2(d)(3).

Unless stayed, the exemption will be effective on November 23, 2024 (30 days after the verified notice was filed). The verified notice states that CWW and KET intend to consummate the proposed transaction on or after the effective date of the exemption.

Under 49 U.S.C. 10502(g), the Board may not use its exemption authority to relieve a rail carrier of its statutory obligation to protect the interests of its employees. However, 49 U.S.C. 11326(c) does not provide for labor protection for transactions under 49 U.S.C. 11324 and 11325 that involve only Class III rail carriers. Accordingly, the Board may not impose labor protective conditions here because all the carriers involved are Class III rail carriers.

If the verified notice contains false or misleading information, the exemption is void ab initio. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the exemption. Petitions for stay must be filed no later than November 15, 2024 (at least seven days before the exemption becomes effective).

All pleadings, referring to Docket No. FD 36816, must be filed with the

[1] *Paul Didelius—Continuance in Control Exemption—Rainier Rail LLC,* FD 36659 et al. (STB served May 1, 2023).

[2] A draft copy of the Articles of Merger was included with the verified notice.

Surface Transportation Board via e-filing on the Board's website or in writing addressed to 395 E Street SW, Washington, DC 20423–0001. In addition, one copy of each pleading must be served on Applicants' representative, Robert A. Wimbish, Fletcher & Sippel LLC, 29 North Wacker Drive, Suite 800, Chicago, IL 60606–3208.

According to Applicants, this action is categorically excluded from environmental review under 49 CFR 1105.6(c) and historic reporting under 49 CFR 1105.8(b).

Board decisions and notices are available at *www.stb.gov.*

Decided: November 5, 2024.

By the Board, Scott M. Zimmerman, Acting Director, Office of Proceedings.

Tammy Lowery,

Clearance Clerk.

[FR Doc. 2024–26019 Filed 11–7–24; 8:45 am]

BILLING CODE 4915–01–P

SURFACE TRANSPORTATION BOARD

[Docket No. FD 36777]

First Coast Railroad Inc.—Lease and Operation Exemption—CSX Transportation, Inc.

First Coast Railroad Inc. (FCRD), a Class III railroad, has filed a verified notice of exemption pursuant to 49 CFR 1150.41 to enter into an amendment to extend the term of, and to make other minor changes to, a lease with CSX Transportation, Inc. (CSXT), for a line of railroad extending from Yulee, Fla., at milepost S 611.95, to the end of track at Seals, Ga., milepost S 593.4, on the Kingsland Subdivision; and from Yulee, milepost SMA 35.1, to the end of track at Fernandina, Fla., milepost SMA 48.38, on the Fernandina Subdivision, a distance of approximately 31.83 miles (the Line).

According to the verified notice, FCRD entered into an agreement to lease from CSXT and operate the Line in 2005. *First Coast R.R.—Lease & Operation Exemption—CSX Transp., Inc.,* FD 34670 (STB served Apr. 25, 2005). FCRD and CSXT have now agreed to amend the agreement, extending it through April 30, 2029. According to the verified notice, FCRD is currently operating the Line and will continue to do so after the lease amendment becomes effective. FCRD certifies that the amended lease does not include an interchange commitment.

FCRD certifies that its projected annual revenues as a result of this transaction will not exceed those that would qualify it as a Class III rail carrier and that its annual revenues currently exceed $5,000,000. Pursuant to 49 CFR 1150.42(e), if a carrier's projected annual revenues will exceed $5 million, it must, at least 60 days before the exemption becomes effective, post a notice of its intent to undertake the proposed transaction at the workplace of the employees on the affected lines, serve a copy of the notice on the national offices of the labor unions with employees on the affected lines, and certify to the Board that it has done so. However, FCRD has requested waiver of the 60-day advance labor notice requirement. FCRD's waiver request will be addressed in a separate decision. The Board will establish the effective date of the exemption in its separate decision on the waiver request.

If the verified notice contains false or misleading information, the exemption is void ab initio. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the exemption. Petitions for stay must be filed no later than November 15, 2024.

All pleadings, referring to Docket No. FD 36777, must be filed with the Surface Transportation Board either via e-filing on the Board's website or in writing addressed to 395 E Street SW, Washington, DC 20423–0001. In addition, one copy of each pleading must be served on FCRD's representative, Eric M. Hocky, Clark Hill PLC, Two Commerce Square, 2001 Market St., Suite 2620, Philadelphia, PA 19103.

According to FCRD, this action is categorically excluded from environmental review under 49 CFR 1105.6(c) and from historic reporting requirements under 49 CFR 1105.8(b).

Board decisions and notices are available at *www.stb.gov.*

Decided: November 5, 2024.

By the Board, Scott M. Zimmerman, Acting Director, Office of Proceedings.

Regena Smith-Bernard,

Clearance Clerk.

[FR Doc. 2024–26070 Filed 11–7–24; 8:45 am]

BILLING CODE 4915–01–P

SURFACE TRANSPORTATION BOARD

[Docket No. FD 36778]

East Tennessee Railway, L.P.—Lease and Operation Exemption—CSX Transportation, Inc.

East Tennessee Railway, L.P. (ETRY), a Class III rail carrier, has filed a verified notice of exemption under 49 CFR 1150.41 to amend its lease with CSX Transportation, Inc. (CSXT) for a 4.05-mile rail line that extends from milepost ZJ 0.05 to milepost ZJ 4.10 near Johnson City, Tenn., and two short spurs, known as Johnson City Lead and Carnegie Spur, in Washington County, Tenn. (the Line). ETRY states that it first received authority to lease and operate the Line in 2003,[1] and it is currently the operator of the Line. According to ETRY, the amended lease will extend the term of the current lease an additional six years, through September 30, 2030, as well as make other minor changes.

ETRY certifies that its projected annual revenues as a result of the proposed transaction will not result in ETRY's becoming a Class I or Class II rail carrier and will not exceed $5 million. ETRY also certifies that the amended lease does not include an interchange commitment.

The transaction may be consummated on or after November 24, 2024, the effective date of the exemption (30 days after the verified notice of exemption was filed). If the verified notice contains false or misleading information, the exemption is void ab initio. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the exemption. Petitions for stay must be filed by November 15, 2024 (at least seven days before the exemption becomes effective).

All pleadings, referring to Docket No. FD 36778, must be filed with the Surface Transportation Board either via e-filing or in writing addressed to 395 E Street SW, Washington, DC 20423–0001. In addition, a copy of each pleading must be served on ETRY's representative, Justin J. Marks, Clark Hill PLC, 1001 Pennsylvania Ave. NW, Suite 1300 South, Washington, DC 20004.

According to ETRY, this action is categorically excluded from environmental review under 49 CFR 1105.6(c) and from historic preservation reporting requirements under 49 CFR 1105.8(b).

Board decisions and notices are available at *www.stb.gov.*

Decided: November 5, 2024.

By the Board, Scott M. Zimmerman, Acting Director, Office of Proceedings.

Eden Besera,

Clearance Clerk.

[FR Doc. 2024–26052 Filed 11–7–24; 8:45 am]

BILLING CODE 4915–01–P

[1] *See East Tenn. Ry.—Lease & Operation Exemption—CSX Transp., Inc.,* FD 34404 (STB served Sept. 26, 2003).

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2024–0142]

Request for Comments on the Renewal of a Previously Approved Collection: Voluntary Intermodal Sealift Agreement

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Maritime Administration (MARAD) invites public comments on our intention to request the Office of Management and Budget (OMB) approval to renew an information collection in accordance with the Paperwork Reduction Act of 1995. The proposed collection OMB 2133–0532 (Voluntary Intermodal Sealift Agreement (VISA)) is used by MARAD and United States Transportation Command (USTRANSCOM) to assess an applicant's eligibility for participation in VISA. The form is being updated to reflect changes in statute and to better align with current program operations. We are required to publish this notice in the **Federal Register** to obtain comments from the public and affected agencies.

ADDRESSES: Written comments and recommendations for the proposed information collections 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: David Hatcher, (202) 366–0688, Director, Office of Sealift Support, Maritime Administration, U.S. Department of Transportation, 1200 New Jersey Avenue SE, Room W–25–310, Mail Stop 1, Washington, DC 20590, *David.Hatcher1@dot.gov*.

SUPPLEMENTARY INFORMATION:

Title: Voluntary Intermodal Sealift Agreement (VISA).

OMB Control Number: 2133–0532.

Type of Request: Revision of a Currently Approved Collection.

Abstract: The collection supports the operation of VISA, a voluntary agreement and plan of action established under section 708 of the Defense Production Act, 1950, as amended (50 U.S.C. 4558), under which participants agree to provide commercial sealift capacity and associated intermodal shipping services and systems necessary to meet national defense requirements in times of armed conflict or national emergency. To meet national defense requirements, the Government must assure the continued availability of commercial sealift resources for logistics planning in contingencies. The information collection is needed by MARAD and the Department of Defense, including representatives from USTRANSCOM, to evaluate and assess the applicants' eligibility for participation in the VISA program.

Respondents: Owners and operators of qualified U.S.-Flag dry cargo vessels.

Affected Public: Business or other for-profit entities.

Estimated Number of Respondents: 40.

Estimated Number of Responses: 1.

Estimated Hours per Response: 5.

Annual Estimated Total Annual Burden Hours: 200.

Frequency of Response: Once annually.

A 60-day **Federal Register** Notice soliciting comments on this information collection was published on August 9, 2024 (89 FR 65486).

(Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1.49.)

By Order of the Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2024–26003 Filed 11–7–24; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket Number MARAD–2024–0143]

Aquaculture Support Operations Waiver Request for the Vessels Colby Perce, Ronja Carrier, Sadie Jane, Miss Mildred 1, KC Commander

AGENCY: Maritime Administration (MARAD), Department of Transportation (DOT).

ACTION: Notice and request for comments.

SUMMARY: Pursuant to a delegation of authority from the Secretary of Transportation, the Maritime Administrator is authorized to issue Aquaculture Support Operations Waivers to U.S. documented vessels with registry endorsements or foreign flag vessels in operations that treat aquaculture fish or protect aquaculture fish from disease, parasitic infestation, or other threats to their health upon a finding that suitable vessels of the United States are not available that could perform those operations. MARAD has received an Aquaculture Support Operations waiver request and is publishing this notice to solicit comments that may assist MARAD in determining whether suitable vessels of the United States are available that could perform the proposed aquaculture support operations set forth in the request. A brief description of the proposed aquaculture support operations is in the **SUPPLEMENTARY INFORMATION** section below.

DATES: Submit comments on or before December 9, 2024.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2024–0143 by any of the following methods:

- *On-line via the Federal Electronic Portal: http://www.regulations.gov.* Search using ''MARAD–2024–0143'' and follow the instructions for submitting comments.
- *Mail/Hand-Delivery/Courier:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE, Room W12–140, Washington, DC 20590. Submit comments in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing.

Reference Materials and Docket Information: The complete application, including the aquaculture support technical service requirements, and all public comments may be viewed on the DOT Docket on-line via *http://www.regulations.gov* using the search ''MARAD–2024–0143.'' All comments received will be posted without change to the docket, including any personal information provided. The Docket Management Facility is open 9 a.m. to 5 p.m., Monday through Friday, except on Federal holidays.

FOR FURTHER INFORMATION CONTACT: Patricia Hagerty, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–461, Washington, DC 20590. Email: *Patricia.Hagerty@dot.gov*. Phone: 202–366–0903.

If you have questions on viewing the Docket, call Docket Operations, telephone: (800) 647–5527.

SUPPLEMENTARY INFORMATION: Pursuant to 46 CFR 106.115, vessel owners, operators, or charterers of U.S. documented vessels with registry endorsements or foreign flag vessels are required to provide prior notification to the United States Coast Guard (USCG) of aquaculture support operations in U.S. waters. The notification, in part, must include a copy of a MARAD-issued Aquaculture Support Operations Waiver. Pursuant to 46 U.S.C. 12102(d),

the Secretary of Transportation has the authority to issue Aquaculture Support Operations Waivers to U.S. documented vessels with registry endorsements or foreign flag vessels engaged in operations that treat aquaculture fish or protect aquaculture fish from disease, parasitic infestation, or other threats to their health after a finding that suitable vessels of the United States are not available that could perform those operations. The Secretary has delegated this authority to the Maritime Administrator.

MARAD has received an Aquaculture Support Operations Waiver request from Cooke Aquaculture USA, Inc. (Cooke) for the operations of the Canadian-flag vessels Colby Perce, Ronja Carrier, Sadie Jane, Miss Mildred 1, KC Commander. Cooke proposes, in part, ''to use highly-specialized foreign-flag vessels referred to as a ''wellboat'' (or ''live fish carrier'') to treat Cooke's swimming inventory of farmed Atlantic salmon in the company's salt-water grow-out pens off Maine's North Atlantic Coast. This treatment prevents against parasitic infestation by sea lice that is highly destructive to the salmon's health.'' Cooke proposes to operate the vessels off Maine's North Atlantic Coast during the 2025 calendar year, from January 1 to December 31, 2025. Further details of Cooke's proposed operations may be found in the waiver request posted in the docket.

The public may submit comments providing detailed information relating to the availability of U.S.-flag vessels to perform the proposed aquaculture support operations set forth in Cooke's waiver request. Comments should reference the docket number of this notice, the vessel names, the commenter's interest in the application, and address whether there are suitable U.S. vessels available to conduct the proposed aquaculture support operations.

Privacy Act

In accordance with 5 U.S.C. 553(c), MARAD solicits comments from the public to inform its decision determining the availability of suitable U.S.-flag vessels to conduct the aquaculture support operations proposed in this notice. All timely comments will be considered; however, to facilitate comment tracking, commenters should provide their name or the name of their organization. If comments contain proprietary or confidential information, commenters may contact the agency for alternate submission instructions. Anyone can search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). For information on DOT's compliance with the Privacy Act, please visit *https://www.transportation.gov/privacy.*

(Authority: 49 CFR 1.93(w))

By order of the Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2024–26002 Filed 11–7–24; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

U.S. Merchant Marine Academy Board of Visitors; Public Meeting

AGENCY: Maritime Administration, Department of Transportation (DOT).

ACTION: Notice of public meeting.

SUMMARY: The U.S. Department of Transportation, Maritime Administration (MARAD) announces a meeting of the U.S. Merchant Marine Academy (USMMA) Board of Visitors (Board). During the meeting, MARAD and USMMA leadership will provide an update on the State of the Regiment of Midshipmen, Educational Programs, Middle States Accreditation, Sea Year, Infrastructure Projects, Draft Facility Master Plan, Athletics, Admissions, Class of 2029, Midshipmen Reimbursements, Midshipmen Well-Being including Sexual Assault and Sexual Harassment Prevention and Response.

DATES: The USMMA BOV meeting will take place on November 25, 2024, from 12 p.m. to 4 p.m. EST. Request to attend the virtual meeting must be received by November 11, 2024. Written statements to be considered during the meeting must be received via email to *ExternalAffairs@usmma.edu* no later than November 18, 2024. Requests for accommodations for a disability must be received via email to *ExternalAffairs@usmma.edu* no later than November 18, 2024.

ADDRESSES: The meeting is open to the public and will be held through a virtual forum. The USMMA Board of Visitors' web page can be found at: *https://www.usmma.edu/about/leadership/board-visitors.* General information about the Board is available at *https://www.usmma.edu/about/leadership/board-visitors.*

FOR FURTHER INFORMATION CONTACT: The Board's Designated Federal Officer and Point of Contact, Michael O'Hagan, 516–726–6048 or *ExternalAffairs@usmma.edu.*

SUPPLEMENTARY INFORMATION:

Background

The Board is a Federal Advisory Committee originally established as a Congressional Board by section 51312 of title 46, United States Code ''to provide independent advice and recommendations on matters relating to the United States Merchant Marine Academy.'' The Board was originally chartered under the Federal Advisory Committee Act (FACA) on October 24, 2017.

Agenda

The meeting agenda for the November meeting is as follows:

1. Welcome remarks and Board maintenance items.
2. Update on the state of the Regiment of Midshipmen
3. Update on the USMMA Educational Programs and Sea Year, Middle States Accreditation, Facilities and Infrastructure Projects and Draft Facility Master Plan, Admissions—Class of 2029, Athletics Programs, Midshipmen Well Being (incl. Sexual Assault and Sexual Harassment Prevention and Response), Midshipmen Reimbursements, Institutional Culture); and
4. Public comment period (not to exceed 10 minutes).

Public Participation

This meeting is open to the public and will be held through a virtual forum. The U.S. Department of Transportation is committed to providing equal access to this meeting for all participants. If you need alternative formats or services because of a disability, such as sign language, interpretation, or other ancillary aids, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

Any member of the public is permitted to file a written statement with the Board. Written statements should be sent to the Designated Federal Officer listed in the **FOR FURTHER INFORMATION CONTACT** section no later than November 11, 2024.

Only written statements will be considered by the Board; no member of the public will be allowed to present questions or speak during the meeting unless requested to do so by a member of the Board.

(Authority: 46 U.S.C. 51312; 5 U.S.C. 552b; 5 U.S.C. Ch.10; 41 CFR parts 102–3.140 through 102–3.165)

By Order of the Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2024–25962 Filed 11–7–24; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

Decommissioning and Disposition of the National Historic Landmark Nuclear Ship Savannah; Notice of Public Meeting

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Notice.

SUMMARY: The Maritime Administration (MARAD) announces a public meeting of the Peer Review Group (PRG). The PRG was established pursuant to the requirements of the National Historic Preservation Act (NHPA) and its implementing regulations to plan for the decommissioning and disposition of the Nuclear Ship Savannah (NSS). PRG membership is comprised of officials from the U.S. Department of Transportation, MARAD, the U.S. Nuclear Regulatory Commission (NRC), the Advisory Council on Historic Preservation (ACHP), and the Maryland State Historic Preservation Officer (SHPO) and other consulting parties. The public meeting affords the public an opportunity to participate in PRG activities, including reviewing and providing comments on draft deliverables. MARAD encourages public participation and provides the PRG meeting information below.

DATES: The meeting will be held on Tuesday, November 19, 2024, from 2:30 p.m. to 4 p.m. eastern daylight time (EDT). Requests to attend the meeting must be received by 5 p.m. EDT one week before the meeting, Tuesday, November 12, 2024, to facilitate entry or to receive instructions to participate online. Requests for accommodations for a disability must also be received one week before the meeting, Tuesday, November 12, 2024.

ADDRESSES: The meeting will be held onboard the NSS, online, or by phone. The NSS is located at Pier 13 Canton Marine Terminal, 4601 Newgate Avenue, Baltimore, MD 21124.

FOR FURTHER INFORMATION CONTACT: Erhard W. Koehler, (202) 680–2066 or via email at *marad.history@dot.gov.* You may send mail to N.S. Savannah/Savannah Technical Staff, Pier 13 Canton Marine Terminal, 4601 Newgate Avenue, Baltimore, MD 21224, ATTN: Erhard Koehler.

SUPPLEMENTARY INFORMATION:

I. Background

The decommissioning and disposition of the NSS is an Undertaking under Section 106 of the NHPA. Section 106 requires that federal agencies consider views of the public regarding their Undertakings; therefore, in 2020, MARAD established a Federal docket at *https://www.regulations.gov/docket/MARAD-2020-0133* to provide public notice about the NSS Undertaking. The federal docket was also used in 2021 to solicit public comments on the future uses of the NSS. MARAD is continuing to use this same docket to take in public comment, share information, and post agency actions.

The NHPA Programmatic Agreement (PA) for the Decommissioning and Disposition of the NSS is available on the MARAD docket located at *www.regulations.gov* under docket id ''MARAD–2020–0133.'' The PA stipulates a deliberative process by which MARAD will consider the disposition of the NSS. This process requires MARAD to make an affirmative, good-faith effort to preserve the NSS. The PA also establishes the PRG in Stipulation II. The PRG is the mechanism for continuing consultation during the effective period of the PA and its members consist of the signatories and concurring parties to the PA, as well as other consulting parties. The PRG members will provide individual input and guidance to MARAD regarding the implementation of stipulations in the PA. PRG members and members of the public are invited to provide input by attending bi-monthly meetings and reviewing and commenting on deliverables developed as part of the PA.

II. Agenda

The agenda will include (1) welcome and introductions; (2) program update; (3) status of PA stipulations; (4) other business; and (5) date of next meeting. The agenda will also be posted on MARAD's website at *https://www.maritime.dot.gov/outreach/history/maritime-administration-history-program* and on the MARAD docket located at *www.regulations.gov* under docket id ''MARAD–2020–0133.''

III. Public Participation

The meeting will be open to the public. Members of the public who wish to attend in person or online must RSVP to the person listed in the **FOR FURTHER INFORMATION CONTACT** section with your name and affiliation. Members of the public may also call-in using the following number: 312–600–3163 and conference ID: 930 866 814#.

Special services. The NSS is not compliant with the Americans with Disabilities Act (ADA). The ship has some capability to accommodate persons with impaired mobility. If you require accommodations to attend PRG meetings in-person, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. The U.S. Department of Transportation is committed to providing all participants equal access to this meeting. If you need alternative formats or services such as sign language, interpretation, or other ancillary aids, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

(Authority: 5 U.S.C. 552b; 36 CFR part 800; 49 CFR 1.81 and 1.93.)

By Order of the Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2024–26021 Filed 11–7–24; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2024–0067]

HOLON U.S. Inc.—Receipt of Petition for Temporary Exemption From Various Requirements of the Federal Motor Vehicle Safety Standards for an Automated Driving System-Equipped Vehicle

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Notice of receipt of petition for temporary exemption; request for public comment.

SUMMARY: HOLON and HOLON U.S. Inc have petitioned NHTSA for a temporary exemption from certain requirements in seven Federal motor vehicle safety standards (FMVSS) for its ''automated electric bus,'' which is a vehicle equipped with an Automated Driving System (ADS). Specifically, HOLON seeks exemption from portions of FMVSS No. 101, Controls and displays; FMVSS No. 102, Transmission shift position sequence, starter interlock, and transmission braking effect; FMVSS No. 104, Windshield wiping and washing systems; FMVSS No. 105, Windshield wiping and washing systems; FMVSS No. 108, Lamps, reflective devices, and associated equipment; FMVSS No. 111, Rear visibility; and FMVSS No. 208, Occupant crash protection. NHTSA is

publishing this document in accordance with statutory and administrative provisions and seeks comment on the merits of HOLON's exemption petition and on potential terms and conditions that should be applied to a temporary exemption if granted. After receiving and considering public comments, NHTSA will assess the merits of the petition and will publish a notice in the **Federal Register** notice setting forth NHTSA's reasoning for either granting or denying the petition.

DATES: Comments must be received on or before January 7, 2025.

ADDRESSES: NHTSA invites you to submit comments on the petition described herein and the questions posed below. You may submit comments identified by docket number in the heading of this notice by any of the following methods:

- *Fax:* (202) 493–2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.
- *Hand Delivery:* 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.
- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov*. Follow the online instructions for submitting comments.
- *Instructions:* All submissions must include the agency name and docket number. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. Please see the Privacy Act discussion below. NHTSA will consider all comments received before the close of business on the comment closing date indicated above. To the extent possible, NHTSA will also consider comments filed after the closing date.

Docket: For access to the docket to read background documents or comments received, go to *http://www.regulations.gov* at any time or to 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. Telephone: (202) 366–9826.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, to *www.regulations.gov,* as described in the system of records notice, DOT/ALL–14 FDMS, accessible through *www.dot.gov/privacy*. In order to facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered. If you wish to provide comments containing proprietary or confidential information, please contact the agency for alternate submission instructions.

Confidential Business Information: If you wish to submit any information under a claim of confidentiality, you must submit your request directly to NHTSA's Office of the Chief Counsel. Requests for confidentiality are governed by part 512. NHTSA is currently treating electronic submission as an acceptable method for submitting confidential business information to the agency under part 512. If you would like to submit a request for confidential treatment, you may email your submission to Dan Rabinovitz in the Office of the Chief Counsel at *Daniel.Rabinovitz@dot.gov* or you may contact Dan for a secure file transfer link. At this time, you should not send a duplicate hardcopy of your electronic CBI submissions to DOT headquarters. If you claim that any of the information or documents provided to the agency constitute confidential business information within the meaning of 5 U.S.C. 552(b)(4), or are protected from disclosure pursuant to 18 U.S.C. 1905, you must submit supporting information together with the materials that are the subject of the confidentiality request, in accordance with part 512, to the Office of the Chief Counsel. Your request must include a cover letter setting forth the information specified in our confidential business information regulation (49 CFR 512.8) and a certificate, pursuant to § 512.4(b) and part 512, appendix A. In addition, you should submit a copy, from which you have deleted the claimed confidential business information, to the Docket at the address given above.

FOR FURTHER INFORMATION CONTACT: For legal issues: Sara R. Bennett, Office of the Chief Counsel, Telephone: (202) 366–2992; Fax: (202) 366–3820. For technical issues: Andrew Magaletti, Rulemaking Office of Automation Safety at *Andrew.Magaletti@dot.gov,* Telephone: (202) 366–2190; Fax: (202) 366–7002. Mailing address: National Highway Traffic Safety Administration, 1200 New Jersey Avenue SE, Washington, DC 20590.

SUPPLEMENTARY INFORMATION:

I. Introduction
II. Authority and Procedures for Temporary Exemption
III. HOLON's Petition
A. Overview of the HOLON Bus
B. Description of HOLON Petition
C. HOLON's Public Interest Argument
IV. Agency's Review of HOLON's Petition
V. Public Interest Considerations
VI. Statement on Terms
VII. Public Participation

I. Introduction

NHTSA is responsible for promulgating and enforcing Federal motor vehicle safety standards (FMVSS) designed to improve motor vehicle safety. Generally, a manufacturer may not manufacture for sale, sell, offer for sale, or introduce or deliver for introduction into interstate commerce a vehicle that does not comply with all applicable FMVSS.[1] There are limited exceptions to this general prohibition.[2] One path permits manufacturers to petition NHTSA for an exemption for noncompliant vehicles under a specified set of statutory bases.[3] The details of these bases, and on which basis HOLON, described as an international company headquartered in Germany, and HOLON U.S. Inc., the U.S.-based subsidiary (hereinafter referred to collectively as ''HOLON''), petitions, is provided in the sections of this notice that follow.

On August 28, 2024, HOLON submitted a petition for exemption for its HOLON bus vehicle (HOLON Bus), which HOLON states is an SAE Level 4 Automated Driving System-Dedicated Vehicle (ADS–DV).[4] Specifically, HOLON petitioned NHTSA for a temporary exemption from portions of seven FMVSS. HOLON requests a two-year exemption for not more than 2,500 exempted vehicles for each 12-month period covered by the exemption. HOLON does not specify how many vehicles it intends to produce under the exemption. Without this information, NHTSA may assume that HOLON intends to utilize the exemption for up to 2,500 vehicles. NHTSA requests comment on this assumption. The temporary exemption, if granted, will allow HOLON to manufacture for sale, sell, and deploy into interstate commerce vehicles that lack certain safety features required by the FMVSS.

II. Authority and Procedures for Temporary Exemption

The National Traffic and Motor Vehicle Safety Act (Safety Act), codified

[1] 49 U.S.C. 30112(a)(1).

[2] 49 U.S.C. 30112(b); 49 U.S.C. 30113; 49 U.S.C. 30114.

[3] 49 U.S.C. 30113.

[4] Page 4 of the Petition

at 49 U.S.C. chapter 301, authorizes the Secretary of Transportation to exempt motor vehicles, on a temporary basis and under specified circumstances, and on terms the Secretary considers appropriate, from a FMVSS or bumper standard. This authority is set forth at 49 U.S.C. 30113. The Secretary has delegated the authority for implementing this section to NHTSA.[5]

The Safety Act authorizes the Secretary to grant, in whole or in part, a temporary exemption to a vehicle manufacturer if the Secretary makes one of four specified findings.[6] The Secretary must also look comprehensively at the request for exemption and find that the exemption is consistent with the public interest and with the objectives of the Safety Act.[7]

The Secretary must evaluate the petition for exemption under at least one of the following bases:

(i) Compliance would cause substantial economic hardship, and the manufacturer tried to comply in good faith;

(ii) the exemption would make easier the development or field evaluation of a new motor vehicle safety feature, and the safety level is equal to the safety level of the standard;

(iii) the exemption would make the development or field evaluation of a low-emission motor vehicle easier, and the safety level of the vehicle is not unreasonably lowered; or

(iv) compliance would prevent the manufacturer from selling a motor vehicle with an overall safety level at least equal to the overall safety level of nonexempt vehicles.[8]

HOLON seeks temporary exemption under the basis that compliance with the seven FMVSS would prevent it from selling a motor vehicle with an overall safety level at least equal to the overall safety level of nonexempt (*i.e.,* compliant) vehicles.[9]

NHTSA established 49 CFR part 555, *Temporary Exemption from Motor Vehicle Safety and Bumper Standards,* to implement the statutory provisions concerning temporary exemptions. The requirements in 49 CFR 555.5 state that the petitioner must set forth the basis of the petition and the information required under 49 CFR 555.6, and the reasons why the exemption would be in the public interest and consistent with the objectives of the Safety Act. A petition submitted on the basis that the applicant is otherwise unable to sell (or in this instance, manufacture) a vehicle whose overall level of safety or impact protection is at least equal to that of a nonexempt vehicle must include the information specified in 49 CFR 555.6(d).

III. HOLON's Petition

The following discussion provides: An overview of the HOLON Bus based on information submitted in HOLON's petition; a brief summary of HOLON's safety showing and arguments for exemption from portions of certain FMVSS; and a summary of the petitioner's arguments that granting its petition for exemption would be in the public interest. Additionally, HOLON implies, though does not state explicitly, that it does not intend to comply with the seven standards at the end of the exemption period.[10] Specifically, HOLON states that it intends to work with industry stakeholders on rulemaking efforts during the exemption period. HOLON also states that if new rulemaking is not completed by NHTSA by the end of the requested period, HOLON will apply for an exemption renewal. Because HOLON has sought confidential treatment of some aspects of its petition, a redacted version of HOLON's petition is included in the docket referenced at the beginning of this notice. NHTSA notes that the descriptions in this section are extracted from HOLON's petition and do not necessarily reflect the views of NHTSA.

A. Overview of the HOLON Bus

HOLON describes the HOLON Bus as a purpose-built, highly automated, low-emission vehicle designed specifically for operation by an Automated Driving System rather than a human driver. It is not equipped with manually operated driving controls or features (*e.g.,* steering wheel, pedals, manual turn signals, mirrors) that a human might need if manually driving the vehicle. It also is designed with ''campfire'' seating, meaning a front row of seats that faces backwards, a back row of seats that faces forwards, and a side row of seats that faces towards the doors on the right of the vehicle. It is classified as a bus with a total capacity of 15 passengers (9 seated, 6 standing) and a gross vehicle weight rating of 4,800 kilograms (10,582 lbs.). The HOLON Bus's SAE Level 4 ADS was collaboratively developed by HOLON and Mobileye. HOLON states that while the vehicle is designed to be operated by the ADS under normal operating conditions, it is equipped with limited manual controls should the need for human intervention arise. This limited manual mode is reserved for emergency purposes and is speed limited to approximately 6 kilometers per hour (3.7 miles per hour). HOLON's petition provides some basic information about the ADS and its sensors. For specific FMVSS, HOLON goes into greater detail about how it believes the ADS and the accompanying sensor suite fulfill those FMVSS requirements with which it does not comply and is seeking exemption.

At the time of the submission of HOLON's petition, the HOLON Bus had not yet started regular serial production. It its petition, HOLON provides multiple digital renderings of the interior and exterior of the vehicle.

B. Description of HOLON Petition

HOLON has petitioned NHTSA for a temporary exemption from certain requirements in seven FMVSS for its ADS-equipped vehicle, the HOLON Bus. Specifically, HOLON seeks exemption from portions of:

- FMVSS No. 101, ''Controls and displays''
- FMVSS No. 102, ''Transmission shift position sequence, starter interlock, and transmission braking effect''
- FMVSS No. 104, ''Windshield wiping and washing systems''
- FMVSS No. 105, ''Hydraulic and electric brake systems''
- FMVSS No. 108, ''Lamps, reflective devices, and associated equipment''
- FMVSS No. 111, ''Rear visibility,'' and
- FMVSS No. 208, ''Occupant crash protection''

In its petition for exemption, HOLON asserts that the requirements from which it seeks exemption generally assume the presence of a human driver to maintain visibility or to activate a manual control. Other requirements requiring exemption are related to the HOLON Bus's unconventional campfire seating configuration. HOLON states that the HOLON Bus and its ADS can meet all applicable elements of the FMVSS for which HOLON seeks exemption and that the overall safety in operating the bus will be maintained. A short description of the rationale HOLON provides for how its vehicle establishes an equivalent level of safety for each exemption sought and why it should receive an exemption follows. HOLON's petition includes additional detail and support for its arguments related to each FMVSS.

HOLON petitions for exemption from portions of six of NHTSA's crash avoidance FMVSS:

[5] 49 CFR 1.95.

[6] 49 U.S.C. 30113(b)(3).

[7] 49 U.S.C. 30113(b)(3)(A).

[8] 49 U.S.C. 30113(b)(3)(B).

[9] 49 U.S.C. 30113(b)(3)(B)(iv).

[10] *See* 49 CFR 555.6(d)(3).

• FMVSS No. 101 establishes requirements for vehicle controls, telltales, and indicators. HOLON argues that the ADS is capable of receiving information through the Controller Area Network (CAN) bus, without visual indication, and can initiate controls without a physical means to do so. When operating the vehicle in limited manual mode, HOLON explains that the certified operator will be provided with the same level of information as they would gain through a visual telltale or indicator via the command center.

• If the transmission shift position sequence includes a park position, FMVSS No. 102 requires the identification of gear selection shift positions to be displayed in view of the driver, including the positions in relation to each other and the position selected, when certain conditions exist. HOLON states that the HOLON Bus's ADS can meet all shifting requirements of FMVSS No. 102. Additionally, HOLON states that in limited manual mode, HOLON provides a gear shift device to allow for the human operator to shift gears in a manner consistent with the safety objectives of the standard.

• For HOLON's petition for exemption from portions of FMVSS No. 104 (Windshield Wiping and Washing Systems), HOLON suggests that the purpose and intent of the safety standard is obviated by the vehicle's sensor system design. HOLON states that the HOLON Bus's ADS has a 360-degree view of roadway surroundings with a sensor cleaning system functionally equivalent to a windshield wiping system.

• Requirements in FMVSS No. 105 refer to foot- and hand-operated parking brake systems as well as brake system indicator lamps visible to the driver. HOLON states that the HOLON Bus's ADS activates the parking brake through electrical means and can function properly without a visual indicator or physical activation. When operating the vehicle in limited manual mode, HOLON explains that the certified operator can activate the parking brake and will be provided with information about the vehicle's braking system status through the command center.

• Portions of FMVSS No. 108 contain requirements related to manual controls for use by humans in switching various signals and lights. HOLON argues that an ADS does not need manual devices for signals and lights to function properly, and the HOLON Bus's ADS is capable of activation and control of all lighting and signals through other means.

• FMVSS No. 111 contains requirements for outside mirrors on buses. HOLON states that the HOLON Bus's ADS has a 360-degree view of surroundings and therefore provides clear and reasonably unobstructed view to the rear. When operated in limited manual mode, the certified operator is provided with a camera view that provides an equivalent field of view to that of outside mirrors.

Finally, HOLON petitions for exemption from one portion of one of NHTSA's crashworthiness FMVSS: FMVSS No. 208, ''Occupant Crash Protection.'' S4.4.4.1 of FMVSS No. 208 contains two options for meeting occupant crash protection requirements for buses with a gross vehicle weight rating of more than 4,526 kg (10,000 lb.) but not greater than 11,793 kg (26,000 lb.). One option requires a complete passenger protection system in the driver's seating position only. The other option provides seat belt requirements at the driver's designated seating position and all designated seating positions in the front row of seats in a bus. HOLON argues that the HOLON Bus cannot meet requirements related to a driver's designated seating position because it does not have a driver's designated seating position and proposes to interpret the forward-facing seats in its campfire seating configuration as the conventional front row of seats referenced in in the second option in the standard.

NHTSA requests comment on the strength and persuasiveness of these arguments and the support for each provided by HOLON.

C. HOLON's Public Interest Argument

HOLON argues that granting its petition for exemption for the HOLON Bus furthers the Safety Act's objectives and advances other public interests, including:

1. Saving lives and protecting vulnerable road users

2. Creating jobs and developing the public transit workforce

3. Reducing greenhouse gas emissions

4. Reducing traffic congestion

5. Accelerating equitable economic development

6. Promoting inclusivity, accessibility, and freedom of mobility

7. Supporting flexible and more equitable mobility planning

NHTSA requests comment on the strength and persuasiveness of these arguments and the support for each provided by HOLON.

IV. Agency's Review of HOLON's Petition

NHTSA has not yet made any judgment on the merits of HOLON's petition, the adequacy of the information submitted, or the safety of the HOLON Bus. NHTSA will assess the merits of the petition and consider public comments on the petition, as well as any additional information that the agency receives from HOLON. NHTSA is placing a non-confidential copy of the petition in the docket in accordance with statutory and administrative provisions.

V. Public Interest Considerations

NHTSA is seeking comment on the agency's consideration of specific matters of public interest in both deciding whether granting the exemption is consistent with the public interest and in developing terms and conditions with which the petitioner must comply if its petition is granted. Section 30113 authorizes NHTSA to grant exemptions that are consistent with the public interest and the Safety Act and authorizes NHTSA to apply appropriate terms to any such grant. Whether granting the exemption is consistent with the public interest and the objectives of the Safety Act are required findings that are no less critical than a discussion of the particular statutory basis on which the exemption is sought (*e.g.,* whether the subject vehicle provides an equivalent level of safety to a nonexempt vehicle). Although NHTSA's mission is primarily a safety mission, NHTSA's authority under section 30113 requires the agency to extend its consideration to issues beyond traffic safety.[11]

As the Federal regulatory agency governing automotive safety in the U.S. and the interpretation of its existing standards, NHTSA has significant discretion in making the safety findings required under these provisions. Further, the broad authority to determine whether the public interest and general goals of the Safety Act will be served by granting the exemption allows the agency to consider many diverse effects of the temporary exemption.

[11] NHTSA stated, in the notice granting Nuro the first exemption for an ADS-equipped vehicle, that the broad authority to determine whether the public interest and general goals of the Vehicle Safety Act will be served by granting the exemption allows the Secretary to consider many diverse effects of the exemption, including: The overall safety of the transportation system beyond the analysis required in the safety determination; how an exemption will further technological innovation; economic impacts, such as consumer benefits; and environmental effects. 85 FR 7826, 7828 (Feb. 11, 2020).

ADS-equipped vehicles have the potential to benefit our transportation system significantly beyond the analysis required in the safety determination. As NHTSA considers the potentially transformative impact of ADS technology, it is also considering its role in encouraging the use of ADS-equipped vehicles in ways that maximize their benefit to society. NHTSA will also continue to consider how exemptions affect the development of advanced vehicle technologies.

NHTSA seeks comments on whether the agency should consider additional matters of public interest in developing terms and conditions with which a part 555 petitioner must comply if its petition were granted. NHTSA is seeking comment on whether other areas of public interest should be considered, and how the agency can best promote the public interest through the exercise of our discretion in granting exemptions and establishing terms and conditions to such exemptions.

VI. Statement on Terms

Section 30113 authorizes the Secretary, NHTSA by delegation, to condition the grant of a temporary exemption ''on terms [NHTSA] considers appropriate.'' [12] The agency's authority to set terms is broad. It is not limited solely to terms and conditions relevant to its specific determination. Instead, this provision allows the agency to set terms that would allow NHTSA to collect information about the exempted vehicles that would service the public interest, such as information concerning the safety performance of the ADS.[13]

If a manufacturer receives a temporary exemption, NHTSA can issue terms that can limit or change the permitted use of those vehicles produced pursuant to the exemption. NHTSA may also effectively limit the use of the exempted vehicles as it exercises its enforcement authority (*e.g.,* its safety defect authority). The agency would carefully consider whether and what terms to establish if it were to grant a temporary exemption. The manufacturer would need to agree to abide by the terms set for that exemption before it may begin and continue producing vehicles pursuant to that temporary exemption.

Due to the novel nature of ADS technology and NHTSA's interest in better understanding the safety and utility of ADS-equipped vehicles, if the petition were granted in whole or in part, the agency anticipates applying conditions to the grant.

NHTSA exercised its authority to apply a variety of terms when it granted Nuro's petition for the first ADS-equipped vehicle exempted under part 555.[14] The terms NHTSA chose were designed to enhance the public interest and included post-crash reporting, periodic reporting, terms concerning cybersecurity, and certain general requirements.

If HOLON's petition is granted, HOLON will need to agree to abide by the terms set for that temporary exemption before it may begin and continue producing vehicles pursuant to that temporary exemption. Nothing in either the statute or implementing regulations limits the application of these terms to the period during which the exempted vehicles are produced. NHTSA could set terms that continue to apply to the vehicles throughout their normal service life if it determines that doing so is necessary to be consistent with the Safety Act.

Thus, if NHTSA grants a temporary exemption, it could establish, for example, reporting terms to ensure a continuing flow of information to the agency throughout the normal service life of the exempted vehicles, not just during the two-year period of exemption. Since only a portion of the total mileage that the vehicles, if exempted, could be expected to travel during their normal service life would have been driven by the end of the exemption period, the data would need to be reported over a longer period of time to enable the agency to make sufficiently reliable judgments. Such judgments might include those made in a retrospective review of the agency's determination about the anticipated safety effects of the exemption. For example, when NHTSA granted Nuro's exemption, NHTSA stated that the terms would apply throughout the useful life of the vehicles. Beyond the two-year exemption period, HOLON, like Nuro, could be subject to civil penalties for failure to comply with the terms established as a condition for granting the part 555 temporary exemption.

Other potential terms could include limitations on vehicle operations (based upon location, speed, weather, identified Operational Design Domains, road types, ownership, and management, etc.). Conceivably, some conditions could be graduated, *i.e.,* restrictions could be progressively relaxed after a period of demonstrated driving performance. Further, as with data-sharing, it may be necessary to specify that these terms would apply to the exempted vehicles beyond the two-year exemption period.

NHTSA notes that its regulations at 49 CFR part 555 provide that the agency can revoke a part 555 exemption if a manufacturer fails to satisfy the terms of the exemption. NHTSA could also seek injunctive relief.[15]

NHTSA seeks comment on whether the agency should apply the same types of conditions that it applied to Nuro's exemption for ADS-equipped low-speed occupantless vehicles. NHTSA seeks comment not only on whether these conditions are appropriate to apply to HOLON's exemption, if granted, but also whether there are additional terms that NHTSA should apply. HOLON's exemption request differs significantly from Nuro's in that the request is for a passenger vehicle, and it is not limited to 25 mph, as was the case of the Nuro vehicle. As such, there are likely additional terms that would be appropriate to apply to HOLON's exemption, if granted.

VII. Public Participation

A. Request for Comment and Comment Period

The agency seeks comment from the public on the merits of HOLON's petition for a temporary exemption. NHTSA is also seeking comment on the potential types of terms the agency should set if the agency decides to grant the petition.

NHTSA is providing a 60-day comment period. After considering public comments and other available information, NHTSA will publish a notice of final action on the petition in the **Federal Register**.

B. Instructions for Submitting Comments

How long do I have to submit comments?

Please see **DATES** section at the beginning of this document.

How do I prepare and submit comments?

- Your comments must be written in English.
- To ensure that your comments are correctly filed in the Docket, please include the Docket Number shown at the beginning of this document in your comments.
- If you are submitting comments electronically as a PDF (Adobe) File, NHTSA asks that the documents be submitted using the Optical Character Recognition (OCR) process, thus

[12] 49 U.S.C. 30113(b)(1) (delegation of authority at 49 CFR 1.95).

[13] 85 FR 7826, 7840 (Feb. 11, 2020).

[14] *Id.*

[15] 49 U.S.C. 30163(a).

allowing NHTSA to search and copy certain portions of your submissions. Comments may be submitted to the docket electronically by logging onto the Docket Management System website at *http://www.regulations.gov.* Follow the online instructions for submitting comments.

• You may also submit two copies of your comments, including the attachments, to Docket Management at the address given above under **ADDRESSES**.

Please note that pursuant to the Data Quality Act, in order for substantive data to be relied upon and used by the agency, it must meet the information quality standards set forth in the OMB and DOT Data Quality Act guidelines. Accordingly, we encourage you to consult the guidelines in preparing your comments. OMB's guidelines may be accessed at *http://www.whitehouse.gov/omb/fedreg/reproducible.html.* DOT's guidelines may be accessed at *http://www.bts.gov/programs/statistical_policy_and_research/data_quality_guidelines.*

Will the Agency consider late comments?

We will consider all comments that Docket Management receives before the close of business on the comment closing date indicated above under **DATES**. To the extent possible, we will also consider comments that Docket Management receives after that date.

How can I read the comments submitted by other people?

You may see the comments on the internet. To read the comments on the internet, go to *http://www.regulations.gov.* Follow the online instructions for accessing the dockets.

Please note that, even after the comment closing date, we will continue to file relevant information in the Docket as it becomes available. Further, some people may submit late comments. Accordingly, we recommend that you periodically check the Docket for new material.

(Authority: 49 U.S.C. 30113 and 49 U.S.C. 30166; delegations of authority at 49 CFR 1.95 and 501.5.)

Issued in Washington, DC, under authority delegated in 49 CFR 1.95 and 501.5.

Sophie Shulman,

Deputy Administrator.

[FR Doc. 2024–25990 Filed 11–7–24; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

Transportation Statistics Bureau

[Docket ID Number: DOT–OST–2014–0031]

Notice of Submission of Proposed Information Collection to OMB; Agency Request for Renewal of a Previously Approved Collection: Airline Service Quality Performance—Part 234

AGENCY: Office of the Assistant Secretary for Research and Technology (OST–R), Bureau of Transportation Statistics (BTS), Department of Transportation (DOT).

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces DOT's intention to renew Office of Management and Budget (OMB) Control Number 2138–0041 covering Airline Service Quality Performance On-time Performance and Mishandled Baggage reports that the largest U.S. air carriers file with DOT.

DATES: Comments on this notice must be received by January 7, 2025. Interested persons are invited to submit comments regarding this proposal.

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

• *Federal eRulemaking Portal:* Go to *https://www.regulations.gov* and follow the online instructions for submitting comments. (You may access comments received for this notice at *http://www.regulations.gov* by searching docket DOT–OST–2014–0031.)

• *Mail:* Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Ave. SE, West Building Ground Floor Room W12–140, Washington, DC 20590–0001.

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

Privacy Act: Anyone is able to search the electronic form of all comments received into any of DOT's dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78).

FOR FURTHER INFORMATION CONTACT: Cecelia Robinson, Office of Airline Information, RTS–42, OST–R, BTS, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, telephone number (202) 893–0515 (voice), fax number (202) 366–3383 or email *cecelia.robinson@dot.gov.*

SUPPLEMENTARY INFORMATION: DOT collects information regarding flight performance and mishandled baggage, wheelchairs, and scooters from the largest U.S. air carriers under 14 CFR part 234. The air carriers required to provide this information to DOT consist of the U.S. air carriers that accounted for at least half of one percent of domestic scheduled-passenger revenues (Reporting Carriers) as most recently determined by the DOT's Office of Airline Information. An air carrier that is not a Reporting Carrier may voluntarily submit the flight performance and mishandled baggage, wheelchairs, and scooters information to the Department pursuant to 14 CFR 234.7.

Specifically, Reporting Carriers must submit Part 234 On-time Performance reports to DOT with information on domestic flight operations and performance as described in 14 CFR 234.4.[1] In addition, under 14 CFR 234.6, Reporting Carriers must submit Part 234 Mishandled Baggage reports to DOT that include the following information for covered domestic flights: (1) the number of bags mishandled in its custody, (2) the number of bags enplaned into the aircraft cargo compartment, (3) the number of mishandled wheelchairs and scooters mishandled in its custody, and (4) the number of wheelchairs and scooters enplaned into the aircraft cargo compartment.[2] Each Reporting Carrier is required to report the flight performance and mishandled baggage, wheelchair, and scooter information to DOT on a monthly basis for the covered flights it operates and for any covered flights held out under the Reporting Carrier's code (as the only U.S. carrier code) and operated by a codeshare partner of the Reporting Carrier.

DOT uses the information reported by airlines to provide airline performance information and statistics on the BTS

[1] The format and instructions for reporting this information are in Technical Reporting Directive #27—On-Time Performance, effective January 1, 2018, available at: *https://cms7.bts.dot.gov/sites/bts.dot.gov/files/docs/explore-topics-and-geography/topics/airlines-and-airports/207741/technical-directive-no-27-time-2018.pdf.*

[2] The format and instructions for reporting mishandled baggage and wheelchair and scooter information to DOT are in Technical Reporting Directive #30A—Mishandled Baggage and Wheelchairs and Scooters (Amended), effective January 1, 2019, available at: *https://www.bts.dot.gov/sites/bts.dot.gov/files/docs/explore-topics-and-geography/topics/airlines-and-airports/224606/technicaldirective30abaggage2019amended.pdf.*

website and in the Air Travel Consumer Report (ATCR), a monthly publication of DOT's Office of Aviation Consumer Protection (OACP). Air transportation consumers and other stakeholders use the information DOT publishes to understand and compare airlines' service quality performance, including airlines' rates of on-time performance and cancellation and rates of baggage and wheelchair and scooter mishandling.

DOT's Federal Aviation Administration (FAA) uses data reported by airlines in Part 234 On-time Performance reports to analyze air traffic delays. Wheels-up and wheels-down times are used by the FAA in conjunction with departure and arrival times to show the extent of ground delays. Actual elapsed flight time (wheels-down minus wheels-up time) is compared by the FAA to scheduled elapsed flight time to identify airborne delays. The reporting of the aircraft tail number allows the FAA to track an aircraft through the air network, which enables the FAA to study the ripple effects of delays at hub airports. The data can be analyzed by the FAA for airport design changes, new equipment purchases, and the planning of new runways or airports based on current and projected airport delays and traffic levels. The identification of the reason for delays allows the FAA, airport operators, and air carriers to pinpoint delays under their control.

DOT is publishing this notice to announce its intent to request extension of the previously approved information collections described above under OMB Control Number 2138–0041. Without further action, OMB authorization of the information collections would expire March 25, 2025.

The Paperwork Reduction Act of 1995 (PRA) and its implementing regulations, 5 CFR part 1320, require Federal agencies to issue two notices seeking public comment on information collection activities before OMB may approve paperwork packages. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by the OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to monetary penalty for failing to comply with a collection of information if the collection of information does not display a valid OMB Control Number. See 5 CFR 1320.5(a) and 1320.6.

For each of these information collections, the title, a description of the respondents, and an estimate of the annual recordkeeping and periodic reporting burden are set forth below.

1. Airline Service Quality Performance Reports—Part 234 On-Time Performance

Respondents: Certificated air carriers that account for at least half of one percent of the domestic scheduled-service passenger revenues are required to report flight performance data for flights that they operate as described in 14 CFR 234.4; Certificated air carriers that account for at least half of one percent of domestic scheduled-service passenger revenues that market code-share flights carrying the carrier's code as the only U.S. carrier code are required to report flight performance data for these code-share flights as described in 14 CFR 234.4; Air carriers may voluntarily report flight performance data pursuant to 14 CFR 234.7.

Estimated Number of Respondents: 15 air carriers (4 of which market codeshare flights).

Frequency: Monthly.

Estimated Average Burden per Response: 10 hours for each respondent to report for the flights operated by the respondent plus an additional 16 hours if the respondent reports for flights operated by code-share partners.

Estimated Total Annual Burden: 2,568 hours (15 air carriers reporting the flight performance information for the flights they operate × 10 hours per response × 12 months = 1,800 hours) + (4 air carriers reporting the flight performance information for flights operated by their codeshare partners × 16 hours per response × 12 months = 768 hours). This estimate is based on the following information: 15 carriers reported the flight performance data for the flights they operated to DOT in calendar year 2019, 2020, and 2021, 2022, 2023, 2024. Currently, 4 carriers report flight performance data to DOT for their codeshare operations.

DOT estimates that respondents will encounter on average a 10-hour burden per month to report flight performance data to DOT for the flights they operate. DOT estimates the respondents that market codeshare flights will encounter on average an additional burden of 16 hours per month to report flight performance data to DOT for their codeshare operations. The burden estimates include staff time to manage and process the data and to submit the report through DOT's electronic submission system.

2. Airline Service Quality Performance Reports—Part 234 Mishandled Baggage

Respondents: Certificated air carriers that account for at least half of one percent of the domestic scheduled-service passenger revenues are required to report mishandled baggage and wheelchairs and scooters data for flights that they operate as described in 14 CFR 234.6; Certificated air carriers that account for at least half of one percent of domestic scheduled-service passenger revenues that market code-share flights carrying the carrier's code as the only U.S. carrier code are required to report mishandled baggage and wheelchairs and scooters data for these code-share flights as described in 14 CFR 234.6; Air carriers may voluntarily report mishandled baggage and wheelchairs and scooters data pursuant to 14 CFR 234.7.

Estimated Number of Respondents: 15 air carriers (4 that market codeshare flights).

Frequency: Monthly.

Estimated Average Burden per Response: 10 hours for each respondent to report for the flights operated by the respondent plus an additional 16 hours if the respondent reports for flights operated by code-share partners.

Estimated Total Annual Burden: 2,568 hours (15 air carriers reporting the mishandled baggage and mishandled wheelchairs and scooters information for flights they operate × 10 hours per response × 12 months = 1,800 hours) + (4 air carriers reporting the mishandled baggage and mishandled wheelchairs and scooters information for flights operated by their codeshare partners × 16 hours per response × 12 months = 768 hours) + (.00138 hours for manual data entry related to wheelchair or scooters × 12,000 manual entries = 17 hours). This estimate is based on the following information: 17 carriers reported mishandled baggage and wheelchair and scooter information to DOT in calendar year 2019, 2020, and 2021, 2022, 2023, 2024. Currently, 4 carriers report mishandled baggage and wheelchair and scooter information to DOT for their codeshare operations.

DOT estimates that respondents will encounter on average 10-hours burden per month to report the mishandled baggage and wheelchair and scooter data to DOT for the flights they operate. DOT estimates that respondents that market codeshare flights will encounter on average an additional burden of 16 hours per month to report the mishandled baggage and wheelchair and scooter data to DOT for their codeshare operations. The burden estimates include staff time to manage and

process the data and to submit the report through DOT's electronic submission system.

In addition, the estimated total annual burden is based on the assumption that most respondents employ automated processes to record that an item enplaned is a wheelchair or scooter for the purposes of reporting data on wheelchairs and scooters to DOT. For a carrier that manually records this information, such as by having their agent type information describing a wheelchair or scooter into the airline's system, DOT estimates that the airline would spend approximately 5 seconds (.00138 hours) per item to manually enter the data.[3] DOT estimates that 12,000 Wheelchairs and scooters total are recorded manually per year.

Administrative Issues

The *Confidential Information Protection and Statistical Efficiency Act of 2002* (44 U.S.C. 3501) requires a statistical agency to clearly identify information it collects for non-statistical purposes. BTS hereby notifies the respondents and the public that BTS uses the information it collects under this OMB approval for non-statistical purposes including, but not limited to, publication of both respondent's identity and its data, submission of the information to agencies outside BTS for review, analysis and possible use in regulatory and other administrative matters.

Comments Invited

We invite comments on: (a) Whether the collection of information is necessary for the proper performance of the functions of DOT, including whether the information will have practical utility; (b) the accuracy of DOT's estimate of the burden of the proposed information collection; (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.

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record on the docket.

[3] The Final Rule to Amend Rules Requiring Reporting of Mishandled Baggage, Regulatory Impact Analysis, October 18, 2016, estimated a data entry burden of 5 seconds per wheelchair or scooter recorded manually. See Docket No. RITA–2011–0001.

Issued this 4th day of November 2024 at Washington, DC.

Rolf Schmitt,

Acting Director, Office of Airline Information, Bureau of Transportation Statistics, Office of the Assistant Secretary for Research and Technology.

[FR Doc. 2024–25927 Filed 11–7–24; 8:45 am]

BILLING CODE 4910–9X–P

DEPARTMENT OF TRANSPORTATION

Bureau of Transportation Statistics

[Docket ID Number DOT–OST–2014–0031]

Agency Information Collection; Activity Under OMB Review; Report of Financial and Operating Statistics for Small Aircraft Operators

AGENCY: Bureau of Transportation Statistics (BTS), DOT.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the Bureau of Transportation Statistics invites the general public, industry and other governmental parties to comment on the continuing need for and usefulness of BTS collecting financial, traffic and operating statistics from small certificated and commuter air carriers. Small certificated air carriers (operate aircraft with 60 seats or less or with 18,000 pounds of payload capacity or less) currently must file the two quarterly schedules: F–1 ''Report of Financial Data'', F–2 ''Report of Aircraft Operating Expenses and Related Statistics'', and Commuter air carriers must file the Schedule F–1 ''Report of Financial Data''. Commenters should address whether BTS accurately estimated the reporting burden and if there are other ways to enhance the quality, utility, and clarity of the information collected.

DATES: Written comments should be submitted by January 7, 2025.

FOR FURTHER INFORMATION CONTACT:

Cecelia Robinson, Office of Airline Information, RTS–42, Room E34–110, OST–R, BTS, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, telephone number (202) 893–0515, fax number (202) 366–3383 or email *cecelia.robinson@dot.gov.*

Jennifer Rodes, Office of Airline Information, RTS–42, Room E32–103, OST–R, BTS, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, telephone number (202) 366–8513, fax number (202) 366–3383 or email *Jennifer.rodes@dot.gov*.

ADDRESSES: You may submit comments identified by DOT Docket ID Number DOT–OST–2014–0031 by any of the following methods:

Federal eRulemaking Portal: Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.

Mail: Docket Services: U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.

Hand Delivery or Courier: West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays.

Fax: 202–366–3383.

Instructions: Identify docket number, DOT–OST–2014–0031, at the beginning of your comments, and send two copies. To receive confirmation that DOT received your comments, include a self-addressed stamped postcard. Internet users may access all comments received by DOT at *http://www.regulations.gov.* All comments are posted electronically without charge or edits, including any personal information provided.

Comments: Comments should identify the associated OMB approval #2138–0009 and Docket ID Number DOT–OST–2014–0031. Persons wishing the Department to acknowledge receipt of their comments must submit with those comments a self-addressed stamped postcard on which the following statement is made: Comments on OMB #2138–0009, Docket—DOT–OST–2014–0031. The postcard will be date/time stamped and returned.

Privacy Act: Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78).

Docket: For access to the docket to read background documents or comments received, go to *http://www.regulations.gov* or the street address listed above. Follow the online instructions for accessing the dockets.

Electronic Access: You may access comments received for this notice at *http://www.regulations.gov,* by searching docket DOT–OST–2014–0031.

SUPPLEMENTARY INFORMATION:

OMB Approval No.: 2138–0009.

Title: Report of Financial and Operating Statistics for Small Aircraft Operators.

Form No.: BTS Form 298–C.

Type of Review: Extension of a currently approved collection for the financial data.

Respondents: Small certificated (28) and commuter air carriers (33).

Schedule F1

Number of Respondents: 61.
Number of Annual responses: 244.
Total Burden per Response: 4 hours.
Total Annual Burden: 976 hours.

Schedule F2

Number of Respondents: 28.
Number of Annual responses: 112.
Total Burden per Response: 12 hours.
Total Annual Burden: 1,344 hours.
Needs and Uses: Program uses for Form 298–C financial data are as follows:

Mail Rates

The Department of Transportation sets and updates the Intra-Alaska Bush mail rates based on carrier aircraft operating expense, traffic, and operational data. Form 298–C cost data, especially fuel costs, terminal expenses, and line haul expenses are used in arriving at rate levels. DOT revises the established rates based on the percentage of unit cost changes in the carriers' operations. These updating procedures have resulted in the carrier's receiving rates of compensation that more closely parallel their costs of providing mail service and contribute to the carriers' economic well-being.

Essential Air Service

DOT often has to select a carrier to provide a community's essential air service. The selection criteria include historic presence in the community, reliability of service, financial stability and cost structure of the air carrier.

Carrier Fitness

Fitness determinations are made for both new entrants and established U.S. domestic carriers proposing a substantial change in operations. A portion of these applications consists of an operating plan for the first year (14 CFR part 204) and an associated projection of revenues and expenses. The carrier's operating costs, included in these projections, are compared against the cost data in Form 298–C for a carrier or carriers with the same aircraft type and similar operating characteristics. Such a review validates the reasonableness of the carrier's operating plan.

The quarterly financial submissions by commuter and small certificated air carriers are used in determining each carrier's continuing fitness to operate. Section 41738 of title 49 of the United States Code requires DOT to find all commuter and small certificated air carriers fit, willing, and able to conduct passenger service as a prerequisite to providing such service to an eligible essential air service point. In making a fitness determination, DOT reviews three areas of a carrier's operation: (1) the qualifications of its management team, (2) its disposition to comply with laws and regulations, and (3) its financial posture. DOT must determine whether or not a carrier has sufficient financial resources to conduct its operations without imposing undue risk on the traveling public. Moreover, once a carrier begins conducting flight operations, DOT is required to monitor its continuing fitness.

Senior DOT officials must be kept fully informed and advised of all current and developing economic issues affecting the airline industry. In preparing financial condition reports or status reports on a particular airline, financial and traffic data are analyzed. Briefing papers prepared for senior DOT officials may use the same information.

The *Confidential Information Protection and Statistical Efficiency Act of 2002* (44 U.S.C. 3501 note), requires a statistical agency to clearly identify information it collects for non-statistical purposes. BTS hereby notifies the respondents and the public that BTS uses the information it collects under this OMB approval for non-statistical purposes including, but not limited to, publication of both Respondent's identity and its data, submission of the information to agencies outside BTS for review, analysis and possible use in regulatory and other administrative matters.

Issued in Washington, DC, November 4, 2024.

Rolf Schmitt,

Acting Director, Office of Airline Information, Bureau of Transportation Statistics.

[FR Doc. 2024–25926 Filed 11–7–24; 8:45 am]

BILLING CODE 4910–9X–P

FEDERAL REGISTER

Vol. 89 Friday,

No. 217 November 8, 2024

Part II

The President

Notice of November 7, 2024—Continuation of the National Emergency With Respect to the Proliferation of Weapons of Mass Destruction

Notice of November 7, 2024—Continuation of the National Emergency With Respect to the Threat From Securities Investments That Finance Certain Companies of the People's Republic of China

Federal Register
Vol. 89, No. 217
Friday, November 8, 2024

Presidential Documents

Title 3—

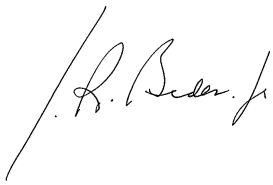
The President

Notice of November 7, 2024

Continuation of the National Emergency With Respect to the Proliferation of Weapons of Mass Destruction

On November 14, 1994, by Executive Order 12938, the President declared a national emergency with respect to the unusual and extraordinary threat to the national security, foreign policy, and economy of the United States posed by the proliferation of nuclear, biological, and chemical weapons (weapons of mass destruction) and the means of delivering such weapons. On July 28, 1998, by Executive Order 13094, the President amended Executive Order 12938 to respond more effectively to the worldwide threat of weapons of mass destruction proliferation activities. On June 28, 2005, by Executive Order 13382, the President, among other things, further amended Executive Order 12938 to improve our ability to combat proliferation. The proliferation of weapons of mass destruction and the means of delivering them continues to pose an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. For this reason, the national emergency declared in Executive Order 12938 of November 14, 1994, with respect to the proliferation of weapons of mass destruction and the means of delivering such weapons must continue beyond November 14, 2024. Therefore, in accordance with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing for 1 year the national emergency declared in Executive Order 12938, as amended.

This notice shall be published in the *Federal Register* and transmitted to the Congress.



THE WHITE HOUSE,
November 7, 2024.

[FR Doc. 2024–26226
Filed 11–7–24; 11:15 am]
Billing code 3395–F4–P

Presidential Documents

Notice of November 7, 2024

Continuation of the National Emergency With Respect to the Threat From Securities Investments That Finance Certain Companies of the People's Republic of China

On November 12, 2020, by Executive Order 13959, the President declared a national emergency pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*) to deal with the unusual and extraordinary threat to the national security, foreign policy, and economy of the United States constituted by the threat from securities investments that finance certain companies of the People's Republic of China (PRC).

The President found that the PRC is exploiting United States capital to resource and enable the development and modernization of its military, intelligence, and other security apparatuses, which continues to allow the PRC to directly threaten the United States homeland and United States forces overseas. Through the national strategy of Military-Civil Fusion, the PRC increases the size of the country's military-industrial complex by compelling civilian Chinese companies to support its military and intelligence activities. Those companies, though remaining ostensibly private and civilian, directly support the PRC's military, intelligence, and security apparatuses and aid in their development and modernization. At the same time, those companies raise capital by selling securities to United States investors that trade on public exchanges both here and abroad, lobbying United States index providers and funds to include these securities in market offerings, and engaging in other acts to ensure access to United States capital.

The President further found that the PRC's military-industrial complex, by directly supporting the efforts of the PRC's military, intelligence, and other security apparatuses, constituted an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States.

On January 13, 2021, the President signed Executive Order 13974 amending Executive Order 13959.

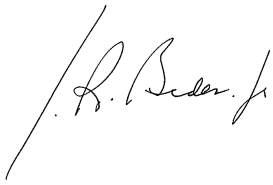
On June 3, 2021, I signed Executive Order 14032, which expanded the scope of the national emergency declared in Executive Order 13959. I found that additional steps are necessary to address that national emergency, including the threat posed by the military-industrial complex of the PRC and its involvement in military, intelligence, and security research and development programs, and weapons and related equipment production under the PRC's Military-Civil Fusion strategy. In addition, I found that the use of Chinese surveillance technology outside the PRC and the development or use of Chinese surveillance technology to facilitate repression or serious human rights abuse constituted unusual and extraordinary threats to the national security, foreign policy, and economy of the United States, and I expanded the national emergency to address these threats. Executive Order 14032 amended Executive Order 13959 and revoked Executive Order 13974 in its entirety.

The threat from securities investments that finance certain companies of the PRC and certain uses and development of Chinese surveillance technology continue to pose an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States.

For this reason, the national emergency declared in Executive Order 13959 of November 12, 2020, expanded in scope by Executive Order 14032 of

June 3, 2021, must continue in effect beyond November 12, 2024. Therefore, in accordance with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing for 1 year the national emergency declared in Executive Order 13959 with respect to the threat from securities investments that finance certain companies of the PRC and expanded in Executive Order 14032.

This notice shall be published in the *Federal Register* and transmitted to the Congress.



THE WHITE HOUSE,
November 7, 2024.

[FR Doc. 2024–26227
Filed 11–7–24; 11:15 am]
Billing code 3395–F4–P

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1586 88488

50 CFR

32 88147
648 87309
665 88170
679 ....87798, 87799

Proposed Rules:
18 88216
229 87322
665 87838

LIST OF PUBLIC LAWS

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws**.

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